

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/104/ROV

UPRN: 000192001449

Received on: 12 December 2023

Valid on: 15 December 2023

Application Expiry date: 9 February 2024

Neighbour expiry date: 5 January 2024

Consultation expiry date: 18 January 2024

Site notice posted: 15 December 2023

Site notice expiry: 5 January 2024

Applicant: Ms Kelly Wood

Site Address: Beverly Hills
7 Pilots Retreat
Hugh Town
St Mary's
Isles Of Scilly
TR21 0PB

Proposal: Application to vary condition C2 (Approved Plans) of planning permission P/23/037/FUL (Re-configuration of 2 no. existing dwellings into 2 no. 3 bedroom dwellings including extension and dormer windows at rear) to allow for an additional dormer window at the rear.

Application Type: Removal or Variation of Condition

Recommendation: PER

Summary Conditions

C2 The development hereby permitted shall be carried out in accordance with the approved details only including:

- Plan 1 Location Plan & Block Plan, date stamped: 09/06/2023
- ~~Plan 2 Proposed Elevations, date stamped: 09/06/2023~~
- Plan 2B Elevations as Proposed, date stamped: 18/12/2023
- ~~Plan 3 Proposed Floor Plans, date stamped: 09/06/2023~~
- Plan 3B Ground and Second Floor Plans as Proposed, date stamped: 09/06/2023
- Plan 4 First Floor Plan as Proposed, date stamped: 18/12/2023
- Plan 5 Roof Plan as Proposed, date stamped: 18/12/2023
- Site Waste Management Plan, date stamped: 02/06/2023
- Preliminary Roost Assessment, ref: 23-5-4, report dated 19th June 2023 and date stamped 26/06/2023 (bat and bird mitigation and enhancement)

These are stamped as **APPROVED**

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 10/01/2024

Site Description and Proposed Development

Beverly Hills was a large detached local need home with a converted basement flat. It is currently undergoing a re-configuration under planning permission P/23/037/FUL into 2 dwellings. Both properties are covered by a Section 106 Legal Agreement which restricts occupation of both units to qualifying local persons only.

Pilots Retreat is a small residential cul-de-sac which has a single access road and turning head at its south east end. Beverly Hills is located on the south west side of the road, on a slope, so its garden is level with the first floor at the rear.

The current approved development splits the property into two 3-bedroom properties, with one unit having a kitchen extension on the rear and installation of a rear dormer window.

Planning Officers Delegated Report:

<https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/23/037/ful/P-23-037%20DELEGATED%20REPORT.pdf>

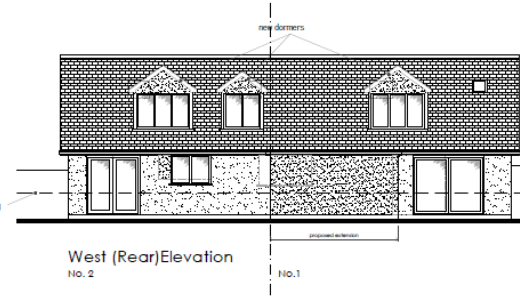
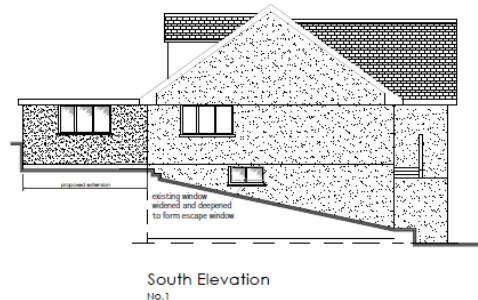
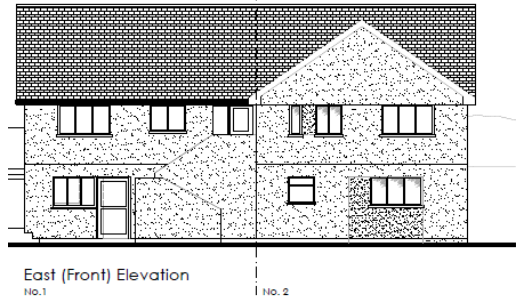
Approved Plans & Documents:

<https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/23/037/ful/P-23-037%20Decision%20Notice%20with%20Notes%2C%20Plans%20and%20S106%20Redacted.pdf>

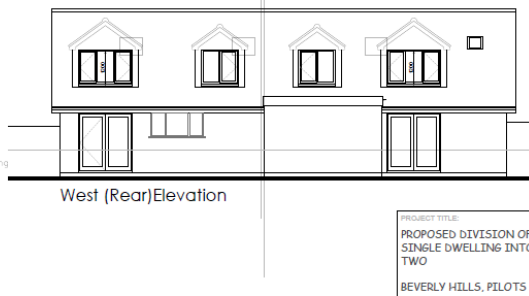
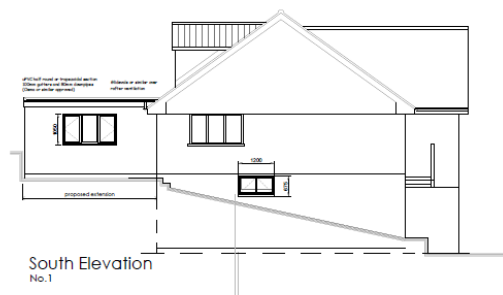
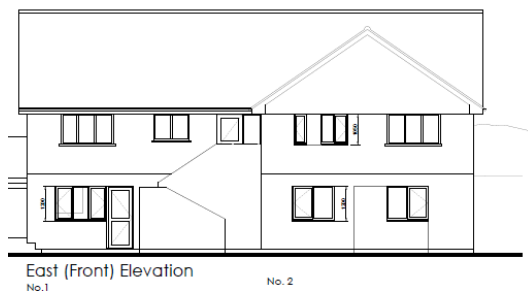
This application is to vary the approved plan condition for a minor material amendment to add one additional dormer window to the rear roof slope to match the centre dormer and for some minor alterations to the fenestration. The proposed dormer creates additional floorspace of 2m² and enables the en-suite bathroom to be moved.

There are some alterations internally – unit 1 (south unit) replaces a store room with a bedroom on the ground floor (so now a 4 bedroom unit) and unit 2 creates an office on the first floor which could have the potential to be a bedroom.

Approved Elevations:

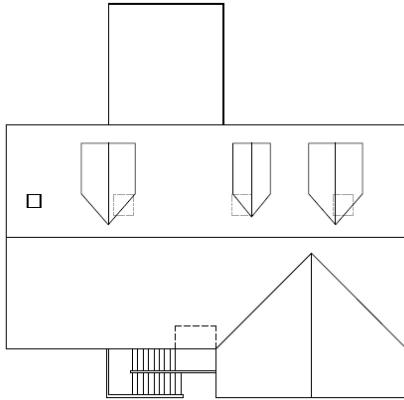


Proposed Elevations:

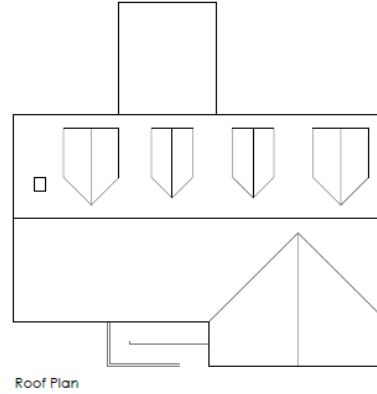


PROJECT TITLE
 PROPOSED DIVISION OF
 SINGLE DWELLING INTO
 TWO
 BEVERLY HILLS, PILOTS

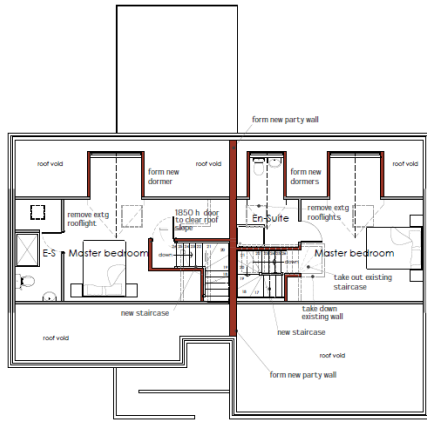
Approved Roof Plan



Proposed Roof Plan



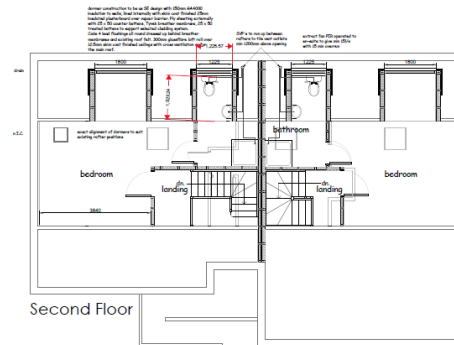
Approved Second Floor Plans



SECOND FLOOR PLAN - No.1
d1e0 29.12.2024

SECOND FLOOR PLAN - No.2
d1e0 28.12.2024

Proposed Second Floor Plans



Second Floor

Consultations and Publicity

The application has had a site notice on display for 21 days (15/12/2023–05/01/2024). The application appeared on the weekly list on 18th December 2023. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Carn Kimbra, Islander, Pilots Retreat
- Basement Flat (3 Pilots Retreat),
- 3 Pilots Retreat
- Schiller, Pilots Retreat
- Colossus, Pilots Retreat
- Buccabu, Church Road
- Carntop, Church Road

[0] letters of objection have been received
 [0] letters of support have been received
 [0] letters of representation have been received.

Relevant Planning History:

P4748 granted planning permission for the dwelling as constructed in 2000 which was followed in 2013 with an application to regularise the lower ground floor as a self-contained flat. P/13/044/ was approved in October 2017 (once the S106 was signed) after initially going to Planning Committee in September 2013.

P/23/037/FUL granted permission for the reconfiguration of the two residential units into two vertically split specific local need dwellings in September 2023.

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Area – King Edwards Road – 90m
- Scheduled Monument – Platform Cairn – 130m
- Listed Building – Chaplaincy (Grade II) – 200m
- SSSI – Lower Moors – 170m
- Flood Prone Land – St Mary’s – 105m
- Historic Landscape Character Settlement

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	Y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Y
Would the proposal leave adequate garden area and green space to	Y

prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	
Is the parking and turning provision on site acceptable?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	Y

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Y
Is the proposal acceptable with regard to any significant change or intensification of use?	N

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
Within an Archaeological Constraint Area	N
Other Impacts	N/A
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	N/A
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	Y
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Y
Are the Water connection/foul or surface water drainage details acceptable?	Y
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	N
Are there external lights	N

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	Y
Does the proposal include any demolition	N
Does the proposal include tree or hedge removal	N
Is an assessment of impact on protected species required	N (see original application)
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

Waste Management	YES OR NO
Does the proposal generate construction waste	Y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N
Does the proposal include a Site Waste Management Plan	N (see original application)
Is a condition required to secure a Site Waste Management Plan	N

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	N
Does the proposal include a any site specific sustainable design measures	N
Is a condition required to secure a Sustainable Design Measures	N

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined

in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	✓
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	✓
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010: The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.


Recommended amended condition C2:

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Print Name:	Lisa Walton	31/01/2024
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	