

# Council of the Isles of Scilly Delegated Planning Report Householder application

**Application Number:** P/24/097/HH  
**UPRN:** 000192001300  
**Received on:** 20 December 2024  
**Valid on:** 05 February 2025  
**Application Expiry date:** 02 April 2025  
**Neighbour expiry date:** 04 March 2025  
**Consultation expiry date:** 04 March 2025  
**Site notice posted:** 11 February 2025  
**Site notice expiry:** 04 March 2025  
**Case Officer:** SWHITE

**Applicant:** Mr and Mrs Manning

**Site Address:** 5 Branksea Close,  
Hugh Town,  
St Mary's,  
Isles Of Scilly,  
TR21 0ND

**Proposal:** *Replacement single storey rear extension, including insertion of replacement external doors.*

**Application Type:** Householder

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**Recommendation: APPROVAL**

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## Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Materials as per application
4. External lighting
5. Hours of Construction

## 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: 3<sup>rd</sup> March 2025

## Site Description and Proposed Development

The application site is 5 Branksea Close, a residential dwelling to the east of Hugh Town on the island of St Mary's. The dwelling is semi-detached with a modest single storey extension to the rear.

Permission is sought to replace the existing rear extension with a new extension on a slightly larger footprint. The replacement extension would be approximately 0.7m wider than existing and would be of the same design with a lean-to tile roof, white render, white UPVC window and white UPVC door.

In addition, the proposal seeks to replace an existing rear window with double doors which would also be white UPVC.

**Certificate: A**

## Consultations and Publicity

The application has had a site notice on display for 21 days. The application appeared on the weekly list on 10<sup>th</sup> February 2025. Due to the nature and location of the application the following external consultations have been carried out.

Consultee	Date Responded	Comments
South West Water	12/02/2025	South West Water raised no objection to proposal, however, have provided asset protection advice which can be read in full at:  <a href="#">P-24-097 Consultation Response SWW.pdf</a>

## Representations from Residents:

[0] letters of objection have been received.

[0] letter of support has been received.

### Relevant Planning History:

No relevant planning history.

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

### 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 prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	Y
Is the parking and turning provision on site acceptable?	Y
Would the proposal generally appear to be secondary or subservient to the main building?	Y
Is the scale proposed in accordance with NDSS	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?	Y

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	N

architectural or historic interest of the building?	
b) Will the development preserve the setting of the building?	
Within an Archaeological Constraint Area	N
<b>Other Impacts</b>	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
Impact on protected trees Will this be acceptable 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?	N/A
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?	N/A
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/A
Are there external lights	N

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

<b>Waste Management</b>	<b>YES OR NO</b>
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	Y

Is a condition required to secure a Site Waste Management Plan	N
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<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	N
Does the proposal include any site specific sustainable design measures	N
Is a condition required to secure a Sustainable Design Measures	N

### **Analysis:**

**Principal of Development:** Isles of Scilly (IoS) Local Plan Policy LC8 provides support for the enlargement, replacement or substantial rebuilding of lawful dwellings. LC8 1), aims to prevent an imbalance of house types and sizes, and to help retain affordable homes. In order to achieve this, policy LC8 1) b) sets out that proposals for extensions should not increase the Gross Internal Area (GIA) of the dwelling by more than 30% of the Nationally Described Space Standards (NDSS) as a maximum.

As existing, the dwelling is 2 storey, with 3 bedrooms and 4 bed spaces. The NDSS for a dwelling of this type sets a minimum GIA of 84 sqm. The existing dwelling has a GIA of approximately 82 sqm and is therefore below the NDSS.

In this instance, the proposal seeks to increase the habitable floor space by approximately 2 sqm. This increase in habitable space is considered minor and would not materially alter / increase the habitable space of the dwelling. In summary, the proposal is considered to accord with LC8 and is acceptable in principle.

**Design and Siting:** Policies OE1 and SS2 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty. SS2 and LC8 also requires proposals to demonstrate an appropriate scale, density, layout, height, mass and use of materials. In addition, Policy OE7 requires that great weight is given to the conservation of the islands irreplaceable heritage assets and LC8 requires proposals to demonstrate that they do not result in the overdevelopment of the site.

The proposed works would add a minor increase in scale to the rear of the dwelling and would amend a rear ground floor window to double doors. All materials are proposed to reflect those existing including UPVC windows, render and a mono-pitched tile roof.

It is additionally noted that the proposed works would not be visible from the public realm and are not considered to detract from the dwelling or its setting. The proposal would therefore conserve the visual appearance of the existing dwelling and is considered sympathetic to the landscape, seascape and historic environment in accordance with OE1, OE7, SS2 and LC8.

**Residential Amenity:** Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposal is not considered to give rise to any unacceptable adverse overbearing, overshadowing or overlooking impacts to residential amenity and is therefore considered to accord with policies SS2 and LC8.

**Ecology Impacts:** Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured. The proposal is accompanied by an Ecology letter of assessment which outlines the extension proposed to be removed has no access points for bats and therefore the proposed works would not impact upon roosting bats. This is considered acceptable.

Furthermore, due to the minor scale of the works/increase in the scale of the replacement extension, the proposal is not considered to result in any additional ecological harm. The proposal is therefore considered to accord with OE2.

**Biodiversity Net Gain (BNG):** As the application is a householder application, it is exempted from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure a further biodiversity net-gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

**Dark Skies:** Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution. To protect Dark Skies, harmful upward light spill should be avoided, and proximity or automated timers used to reduce unnecessary lighting during hours of darkness.

The proposal would result in a minor increase in glazing which is not considered to materially increase upward light pollution. The proposal is therefore considered to accord with Policy OE4.

**Site waste management:** The applicant has provided a Site Waste Management Plan (SWMP) as required by the Local Plan. The SWMP outlines that materials will be re-used and recycled where possible and disposed of on the mainland.

**Water and Wastewater:** The proposal does not seek to increase the size of the dwelling in terms of number of occupants. The property is already connected to

existing wastewater drainage and surface water management. The proposal does not interact with the SWW asset that runs through the grounds of this property. Given the neutral impact on water usage it is considered that the slightly larger size of the porch will not give rise to a significant increase in surface water drainage to require further details to be provided in this case.

**Conclusion:** The proposed development is acceptable in principle and would not harm the appearance of the site or the wider area. It would not result in significant amenity impacts and is considered to accord with all relevant development plan policies. It is recommended for approval subject to the conditions below.

**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 permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 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 Conditions:**

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

- **Plan 1 Location Plan, drawing number TQRQM24352152002718, received 20.12.2024**
- **Plan 2 Block Plan, drawing number TQRQM24355152953437, received 05.02.2025**
- **Plan 3 Existing Dwelling, drawing number BS-ED-1a, received 20.12.2024**
- **Plan 4 Proposed Layout Alterations, drawing number BS-PP-2a, received 20.12.2024**
- **Plan 5 Planning Statement, received 20.12.2024**
- **Plan 6 Ecology Assessment Letter, received 05.02.2025**
- **Site Waste Management Plan received 25.03.2025**

**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).

- C3 The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

- C4 No external lighting shall be installed to the dwelling or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

- C5 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

#### **Further Information**

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and creative way, in accordance with paragraph 39 of the National Planning Policy Framework 2024.
2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer. There is a fee to apply for a non-material amendment and the most up to date fee will be charged which can be checked here:  
[https://ecab.planningportal.co.uk/uploads/english\\_application\\_fees.pdf](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)
3. This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: [buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk).
4. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
  - (a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Planning Department at the Council of the Isles of Scilly.

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**Job Title:** Chief Planning Officer

**Signed:**

A handwritten signature in black ink, appearing to read "Hulton", is written over the "Signed:" label.

Authorised Officer with Delegated Authority to determine Planning Applications

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