

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/22/066/FUL

UPRN: 000192000653

Received on: 9 September 2022

Valid on: 16 September 2022

Application Expiry date: 11 November 2022

Neighbour expiry date: 11 October 2022

Consultation expiry date: N/A

Site notice posted: 20 September 2022

Site notice expiry: 11 October 2022

Applicant: Elizabeth O'Hara
Site Address: Santa Maria
44 Sally Port
Hugh Town
St Marys
Isles Of Scilly

Proposal: Replacement of white upvc windows with anthracite upvc windows, alterations to fenestration on North elevation, removal of rotten wooden shutters, replace asbestos hanging tiles with composite cladding, replace roof tiles with slate and re-paint building white.

Application Type: Planning Permission

Recommendation: Grant Permission

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Protected Species Mitigation/Enhancement
4. Hours of Operation for Construction Works

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 Dan Marcus

Date: 04/11/2022

Site Description and Proposed Development

This is an application for various works at Santa Maria Guest House, 44 Sally Port. The property is one of a number of large three-story buildings that run along the top of Sally Port the gardens of which back onto and sit below the listed and scheduled Garrison Wall. The property is made up of the guest house, self-catering and staff/owners flats.

- Replacement of white UPVC windows with anthracite UPVC windows
- Removal of 2 windows on North elevation
- Removal of decorative wooden window shutters
- Removal of redundant downpipes on front of property
- Replacement of asbestos tiles with cedar effect composite cladding
- Re-paint the building from pale green to white
- Re-roofing in natural slate

The applicant states that the current buildings architecture and style is outdated and clashes with the surrounding properties. The proposals are intended to enhance the appearance of the building and bring it up to current building regulations.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (20/09/2022–11/10/2022). The application appeared on the weekly list on 20th September 2022. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- 21 (Peninnis View), 23, 25 & 27 Sally Port
- 42 & 46 (Kistvaen), Sally Port

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

Relevant Planning History:

P/10/020/FUL	Application for a new planning permission P5683 (Convert Guesthouse into 6 flats [5x self catering and 1x owners flat]) in order to extend the time limit for implementation. NON MATERIAL AMENDMENT Move doorways to lower ground floor flat to front elevation (Registered: 25.01.2012. Granted 05.03.2012)	APPROVED 26.04.2010
P/11/026/FUL	First floor extension over entrance porch area to provide bed-sitting accommodation for manager of approved flats.	APPROVED 19.05.2011
P/11/062/FUL	Provision of top opening sash UPVC window to lower ground floor bedroom.	APPROVED 10.08.2011
P/21/096/ROV	Variation of conditions C4 (Approved Plans), C5 (Self-Catering Flats) & C6 (Owners Accommodation) of planning permission P/10/020/FUL granted on 26th April 2010 for the conversion of guesthouse into 6 flats [5x self-catering and 1x owners flat] in order to increase the size of the owners accommodation by reducing the number of self-catering flats to 4.	APPROVED 18.01.2022

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Listed Building Grade I – Garrison Walls – Adjacent
- Scheduled Monument – Garrison Walls – Adjacent
- Archaeological Constraint Area – Parsons Field – 20m
- Historic Landscape Character Landscape Type: Settlements.

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
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?	N/A
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?	YES

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

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	YES
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?	YES
Within an Archaeological Constraint Area	NO
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	YES

demonstrated to be unavoidable?	
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	YES
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	NO

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

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

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

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.

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	✓

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		n
Sustainable Design Measures		✓	n
Biodiversity Enhancement Measures:		✓	y

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, received 12th September 2022**
- **Plan 2 Site Plan AMENDED, received 12th September 2022**
- **Plan 3 AMENDED Proposed Elevations, dated August 2022**
- **Design & Access Statement**
- **Site Waste Management Plan**
- **Preliminary Roost Assessment (Ref: 22-9-1 IOS Ecology, 20th September 2022)**

These are stamped as APPROVED

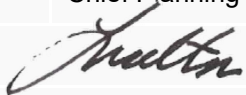
Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

C3 The development, hereby approved, shall be carried out in accordance with Appendix 2 (Bat Mitigation Measures) as set out in the Preliminary Roost Assessment (Ref: 22-9-1 by IOS Ecology, 20th September 2022).

Reason: To promote measures to improve an awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan 2015-2030.

C4 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.

Print Name:	Lisa Walton	25/11/2022
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		