

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/22/069/HH

UPRN: 000192001271

Received on: 26 September 2022

Valid on: 20 January 2023

Application Expiry date: 17 March 2023

Neighbour expiry date: 10 February 2023

Consultation expiry date: 14 February 2023

Site notice posted: 20 January 2023

Site notice expiry: 10 February 2023

Applicant: Mr Delwin & Mrs Victoria Thompson

Site Address: Birds Corner
1 Trench Lane
Old Town
St Marys
Isles Of Scilly
TR21 0PA

Proposal: Demolition of existing conservatory and construction of new sun room in the same location.

Application Type: Householder

Recommendation: Approve

Summary Conditions:

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Hours of Construction
4. No external illumination
5. Biodiversity enhancement

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: 06/02/2023

Date: Cllr D Marcus

Site Description and Proposed Development

Birds Corner is a 5 bedroom dormer bungalow situated at the south west corner of Trench Lane which is on low lying land accessed off the main road at the west end of Old Town. Trench Lane is made up of 9 similar sized bungalows/dormer bungalows and the land runs through to the Lower Moors nature trail. This dwelling sits down adjacent to and down below the main road level with only the roof visible from the public highway crossing Old Town Bay.

The dwelling was constructed in the mid 1980's and is one and a half stories in height with three single dormer windows on the south elevation and two cat slide dormers on the north elevation added in the mid 2000's in order to extend the habitable accommodation. It is most likely block built with a white painted rendered finish, white UPVC windows and doors and grey concrete roof tiles.

The conservatory subject to the proposal was added around 2003 and is of timber construction sat on a rendered concrete plinth with a polycarbonate flat roof. The proposal is to replace the conservatory with an extension of a similar size, consisting of a rendered timber frame building with UPVC windows and door, grey GRP flat roof and rooflights. The flat roof would tie in with the lower level of the roof.

Certificate: B

Other Land Owners: Susan Badcock, Nyanza, Trench Lane
Marlene Nightingale, 3 Trench Lane
Both share the access driveway with the site

Consultations and Publicity

The application has had a site notice on display for 21 days (20/01/2023–10/02/2023). The application appeared on the weekly list on 23rd January 2023.

Due to the nature of the proposal external consultations were required with:

- Historic England
- Cornwall Fire & Rescue Service
- Environment Agency
- Lead Local Flood Authority
- Climate Adaption Scilly

Representations from Residents:

Neighbouring properties written to directly:

- Nyanza & 3 Trench Lane, Old Town

[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:

No planning history relevant under the adopted Local Plan but:

- P5292 - Removal of rear porch and erection of conservatory. GRANTED March 2003
- P5812 - Conversion of roof space into carer's accommodation including raising roof and installation of dormer windows. GRANTED February 2006

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Scheduled Monument – Cats Coffin WWII Pillbox
- Archaeological Constraint Area – Old Town
- Flood Prone Land - St Mary's

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	n/a

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 architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
Within an Archaeological Constraint Area	y
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 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)	y
If Yes is the application accompanied by an acceptable Flood Risk Assessment? If No provide commentary below.	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	Y
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	Y
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

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	Y
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 any site specific sustainable design measures	Y
Is a condition required to secure a Sustainable Design Measures	n

Analysis: This property is within Flood Zone 3 but the development involves the removal of a conservatory, which is not designed to be flood resilient, and its replacement with a solid extension of a similar size. The applicant is aware of the flood risks. On the basis that this extension does include flood resilient measures, and is overall a more flood resilient construction it is an improvement on the current building. It is considered disproportionate in this case to require a full flood risk assessment.

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 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	
Policy OE4 Protecting Scilly's Dark Night Skies	
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	y		n
Sustainable Design Measures	Y		n
Biodiversity Enhancement Measures:	y		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**
- **Plan 2 Site Plan**
- **Plan 3 Proposed Sunroom, drawing number BC-PS-1a**
- **Plan 4 Birds Corner Flood Prevention Measures**
- **Plan 5 Preliminary Roost Assessment (PRA), Ref: 22-12-3 dated 16th January 2023**

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 No construction plant and/or machinery shall be operated on the premises before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**


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

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order) prior to installation, details of external lighting shall be submitted to and approved in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details only.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and preserve the dark night skies of the Isles of Scilly as an Area of Outstanding Natural Beauty and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C5 Following the completion of the development, hereby approved, the applicant shall install one bat box either on the dwelling or within the curtilage, in accordance with the guidance set out in the Preliminary Roost Assessment, Ref: 22-12-3 dated 16th January 2023. The bat box shall be installed, prior to the first breeding season following completion of the development and shall be retained as such thereafter.**

Reason: To promote measures to enhance 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).

Print Name:	Lisa Walton	17/03/2023
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	
