

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/23/023/HH
UPRN: 000192000631
Received on: 28 March 2023
Valid on: 31 March 2023
Application Expiry date: 26 May 2023
Neighbour expiry date: 21 April 2023
Consultation expiry date: N/A
Site notice posted: 31 March 2023
Site notice expiry: 21 April 2023

Applicant: Mr & Mrs Bradbury
Site Address: 25 Sally Port
Hugh Town
St Mary's
Isles Of Scilly
TR21 0JE

Proposal: Redecoration of external walls pale blue in colour,
replacement of all windows and doors and revisions to
fenestration.

Application Type: Householder

Recommendation:

Summary Conditions:

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Hours of Construction
4. SWMP

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: Dan Marcus

Date: 15/05/2023

Site Description and Proposed Development

The application site is a 3 bedroom, two-storey, mid-terrace dwelling on the south side of the lower row of buildings in the Sally Port area. The dwelling directly overlooks the Little Porth/Porthcressa area and is visible from that area of the coast. The dwelling is of a white painted render finish with UPVC windows, artificial slate roof coverings and has a re-built porch with sunroom projecting from the front and a linked covering to the outbuilding at the rear.

The proposal is for a range of external and internal alterations summarized by the applicant as:

1. External Walls: The white painted external walls are to be cleaned and re-painted in pale blue high-performance external masonry paint.
2. Windows and Doors: All of the existing windows are failing and some do not open at all. They are therefore to be removed and replaced with new marine grade white UPVC units.
3. Relocating Front Door: The door is to be re-positioned from the sun lounge into the gabled lobby, replacing the existing window.
4. Sun-Lounge: The existing door and window combination is to be replaced with a simple sliding patio door.
5. Back Door: One of the redundant back doors serving one of the previous flats is to be replaced with a window

As well as re-configuring and refurbishing the exterior of the property, internal alterations are proposed to improve the layout of the property however this element does not require planning permission.

Certificate: A

Other Land Owners: N/A

Consultations and Publicity

The application has had a site notice on display for 21 days (31/03/2023 – 21/04/2023). The application appeared on the weekly list on 3rd April 2023. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- 23 & 27 Sally Port
- Kistvaen, 46 Sally Port
- Santa Maria Guest House, 44 Sally Port
- 9 Little Porth

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

No planning history relevant under the adopted or emerging Local Plan but:

- P4654 - Rebuild porch and erect conservatory. Granted 23.11.1999
- P5827 - Painting of the exterior of building (white weathershield). Granted 01.03.2006

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Scheduled Monument – Garrison Walls – 35m
- Listed Building – Garrison Outer Walls & Gateway – 35m
- Archaeological Constraint Area – Garrison & Parsons Field – 35m
- Flood Prone Land – St Mary's – 15m

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?	YES
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
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?	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?	N/A
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 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	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	NO
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	NO
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	NO
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	NO
Is a condition required to secure a Site Waste Management Plan	YES

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 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 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 (so far as is relevant to the application) 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	NO		YES
Sustainable Design Measures	NO		NO
Biodiversity Enhancement Measures:	NO		NO

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 2023-P01**
- **Plan 2 Block Plan, drawing number 2023-P07 revA**
- **Plan 3 Proposed Plans, drawing number 2023-P03**
- **Plan 4 Proposed Elevations, drawing number 2023-P05**

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).

PRE-COMMENCEMENT CONDITION: Submission of a Site Waste Management Plan

C3 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.

Reason: This is a pre-commencement condition that requires details, that were not submitted as part of the application but are required to be submitted and agreed by the Local Planning Authority. This is to ensure adequate consideration is given to the minimisation of unnecessary waste generation, and adherence to the waste hierarchy, in accordance with the requirements of Policy SS2 (2) and Policy OE5 of the Isles of Scilly Local Plan 2015-2030.

C4 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, 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.

Print Name:	Lisa Walton	23/05/2023
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		