

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/23/042/HH and P/23/043/LBC

UPRN: 000192000310

Received on: 27 June 2023

Valid on: 21 August 2023

Application Expiry date: 16 October 2023

Neighbour expiry date: **24 October 2023**

Consultation expiry date:

Site notice posted: 22 August 2023

Site notice expiry: 12 September 2023

Applicant: Mr Miles Brooks

Site Address: St Eia
Hugh Street
Hugh Town
St Mary's
Isles Of Scilly
TR21 0LL

Proposal: Proposed alterations including new lean-to extension, renovation of existing rear porch, alterations to existing layout, re-wiring, removal of existing coal store and greenhouse (Listed Building) (Amended Plans/Title)

Application Type: Householder/LBC

Recommendation: Permit

Summary Conditions:

1. Standard time limit (3 years) (both)
2. Timber windows and doors on the conservatory (both)
3. Photographic record of interior elevations (both)
4. Conservation style rooflights only(both)
5. Hours of Construction (HH only)
6. In accordance with the approved plans (HH only)

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: 16/10/2023

Site Description and Proposed Development

St Eia is a modest mid-terraced house located on the south west side of Hugh Street in Hugh Town, St Mary's. The row (1-8 Hugh Street) from Mumfords paper shop down to the Post Office are all Grade II listed. The row of properties were added to the National Heritage List for England in 1992. They are described as:

Terrace of 8 houses including shop. c 1926 by Richardson and Gill for the Duchy of Cornwall. Coursed and dressed granite; flat concrete roof behind parapet. Double-depth plan, with single and double-fronted houses all originally provided with kitchen, parlour and scullery. Neo-Georgian style. 2 storeys; 24-window range to Hugh Street and 2-window return to Mumfords facing Garrison Lane. Each house has granite lintels and cills to one ground-floor tripartite sash with margin lights and horned 6/6-pane first-floor sashes. Keyed segmental arches over 6-panelled doors with fanlights. Mumfords has tripartite shop front on canted angle: articulated by 2 Doric half-columns to central half-glazed door with flanking sidelights and terminal Doric pilasters framing two 24-pane fixed shop windows; 6/6-pane sashes on canted corner above and to return. Whole terrace set on raised plinth with pilaster divisions between each house, plat band, cornice, parapet with coping and recessed stacks. Flat roofs chosen to resist Scilly windstorms. Included as a fine example of Richardson and Gill's work for the Duchy of Cornwall estate on Scilly. Interiors not inspected.

The proposal is to construct a rear extension, renovation of existing rear porch and removal of coal store, outbuilding and greenhouse. The proposal did previously include a new garage and vehicular access through the rear boundary wall. This has now been removed from the proposal.

During the course of consideration the rear conservatory, originally shown as a modern white upvc construction, has been amended to a more simple lean-to timber structure with a solid roof with rooflights.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (22/08/2023 –

12/09/2023). The application appeared on the weekly list on 29th August 2023. Due to the nature of the proposal a number of consultations have been carried out:

Consultee	Comments
South West Water	<p>We note that they propose to handle the surface water generated privately via infiltration. This fits with the SuDs hierarchy.</p> <p>As they are not looking to connect the proposal to the public clean or foul network South West Water has no further comments to make</p>
Cornwall Fire and Rescue	<p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.</p> <p>Adequate water supplies for firefighting purposes will be achieved by complying with the requirements of Part B5 of Approved Document B.</p> <p>The fire authority would remind the applicant a Building Regulations consultation with the local authority, or an Approved Inspector will be required for this development should planning permission be granted.</p>
CIOS Infrastructure/Highways	<p>Photos of the Highways surface condition (maintained at public expense) outside the property are required before works commence to evidence whether damage has occurred (or not) during the build/alterations. (the surface should be protected by boards of some description for the access/egress of plant and material deliveries) On inspection by the Highways Dept any repairs and their associated costs will need to be completed/covered by the applicant.</p> <p>Care should be taken during the construction of the garage and access/egress of plant and machinery into the site as there is a surface water drainage gully for the surrounding area located outside the entrance, the outlet pipework from the gully crosses through the properties yard under the house and on into Hugh Street. Inspection and approval by the Highways Dept will be required before any repairs/alterations are made to the drainage gully system with any associated costs covered by the applicant.</p>
Environment Agency	-
Lead Local Flood Authority	<p>The planning application for development at St Eia on St Mary's is partly within Flood Zone 3.</p> <p>Mapping for the flood extents in 2067 indicates a substantial proportion of the site might be at risk of flooding.</p> <p>I suggest the applicant is requested to complete a flood risk assessment for their proposals.</p> <p>FRA Submitted</p> <p>The smaller volumes make the drainage issues less of a concern. The smaller additional volume (which for a design 81 mm event would be 1154 litres in 24 hours) will partially (450 litres) be accommodated in the planters' 250 mm ponding depth. The remainder would be conveyed off the property to Council's stormwater system in the area adjacent to the Wesleyan Chapel. The average flow rates are negligible, and if the peak flow rate is</p>

	less than 0.1 L/s, there should be no issue for the stormwater system.
Cornwall Archaeological Unit	We have reviewed the amended supporting documents and have no further advice to provide on this application.

Representations from Residents:

Neighbouring properties written to directly:

- Tean, Hugh Street
- Genesta, Hugh Street
- Old Wesleyan Chapel, Garrison Lane

[0] letters of objection have been received

[0] letters of support have been received

[2] letters of representation have been received.

These representations are from the immediate neighbour at Tean. They note the revised conservatory but remain concerned about the ability of the existing porch to retain a water tight roof on this boundary and question the standard of insulation/sound attenuation. They do not wish to have a slate roof on their porch and are concerned about how the roof will function.

This neighbour has been advised that the matter of concern to them is not a planning issue. The agent has been made aware of their concerns and I have made the neighbour aware of the need for the development to comply with building regulations and suggested they request a party wall survey to be appointed and obtain a party wall agreement. This is not a planning matter.

Relevant Planning History:

None

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Grade II Listed Building (1-8 Hugh Street)
- Historic Landscape Character Landscape Type: Settlements.
- ST Mary's Flood Prone Land St Mary's FPL: Mary1

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	y

and be consistent with the general use of materials in the area?	
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	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 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

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
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	n
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
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	n
Is a condition required to secure a Sustainable Design Measures	n
Listed Building Assessment	
Date of First Listing	1992
Grade	II
Link to List Entry: https://historicengland.org.uk/listing/the-list/list-entry/1328825?section=official-list-entry	
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y

Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed works will cause no substantial harm to the significance of the listed building?	Y
Having regard to your answers above, is the application considered to be acceptable?	y

Conclusion: The works to this listed building will result in modifications to the original layout and parts of the original structure. Notably the kitchen window will be enlarged to form a doorway into the conservatory/extension, a wall between the downstairs wc and kitchen will be removed to form a larger kitchen area and a wall between the kitchen and dining room will be removed. The rear elevation will be painted white.

I disagree with the commentary that the interior being of little heritage interest although I do concur that it is plain and undetailed. There appears to be mid-century kitchen cabinetry and period door frames, architraves, skirting boards and doors. These will largely remain although I note the bathroom on the first floor will have the doorway altered. The kitchen will be replaced. A new roof will be constructed above the existing porch. Timber window frames are identified to be 'refurbished' as are slate floor tiles and floorboards. Most of the simple structures from the rear yard will also be removed.

Internally most of the original detailing will be retained. It was evident at my site visit that the property had previously had a new ceiling and there was no coving around this. Doors and internal features however appeared to be original and other than where stated, would be retained. Clearly two internal walls will be removed and in order to record the original interior, I would advise that a photographic record is made of the interior of this building before works commence. This would provide a documented record of the interior ahead of the proposed modernization works. I am however, satisfied that the works would retain the original character of this as a listed building and the significance would be retained.

Externally the plans have been amended to remove the upvc conservatory and replace this with a timber-framed lean-to structure. Although this now has a leaded roof, with roof lights I consider this is an improvement on the modern upvc conservatory originally proposed. Although this will still see the removal of the kitchen window, and its replacement with an opening into the extension, I am satisfied that whilst this results in some harm, it is less than substantial, and the resulting extension improves the overall appearance of this building.

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. This application has been considered in accordance with [Sections 16](#), [17](#), and [18](#) 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	✓		No
Sustainable Design Measures	✓		No
Biodiversity Enhancement Measures:		✓	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 P/23/042/HH:

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 windows and doors of the conservatory on the amended plans, hereby approved, shall be constructed in timber only and shall be painted white and retained as such thereafter.

Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building.

PRE-COMMENCEMENT: Photographic Record of Interior Elevations

C3 Before any works are undertaken photographs of all internal elevations shall be produced and a dated copy record of the photographs deposited with the Local Planning Authority.

Reason: This is a pre-commencement conditions that seeks to ensure appropriate information is secured to enable a record to be maintained of features removed from the interior of this property.

C4 The rooflights to the development hereby approved shall be of the 'conservation type', with a metal frame flush with the roof slope and a central vertical metal glazing bar.

Reason: To ensure that the rooflights are appropriate to the character and appearance of the building in accordance with Policy OE7 the Isles of Scilly Local Plan 2015-2030.

C5 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.

C6 The development hereby permitted shall be carried out in accordance with the approved details only including:

- **Plan 1 Location Plan, date stamped 18/08/2023**
- **Plan 2 Site Plan, date stamped 18/08/2023**
- **Plan 3 AMENDED Proposed Plans and Elevations drawing number SE-PL-8a, date of amendment October 2023, date stamped 09/10/2023**
- **Heritage Statement, Ridgeway Heritage, Project No RHC 2023-46 dated 18/08/2023**
- **Site Waste Management Plan, date stamped 18/08/2023**
- **Floor Risk Assessment and Personal Flood Plan, Innervision Design Ltd, dated September 2023**

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).

Recommended Conditions P/23/043/LBC:

- C1 The development hereby authorised shall be begun not later than three years from the date of this consent.**

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- C2 The windows and doors of the conservatory on the amended plans, hereby approved, shall be constructed in timber only and shall be painted white and retained as such thereafter.**

Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building.

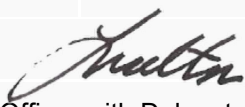
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Print Name:	Lisa Walton	13/11/2023
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	