

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/24/055/HH

UPRN: 000192001331

Received on: 16th July 2024

Valid on: 18th July 2024

Application Expiry date: 15th January 2025

Site notice posted: 19th July 2024

Site notice expiry: 9th August 2024

Case Officer: SWHITE

Applicant: Mr Bob Dawson

Site Address: Tol Tuppens,
Church Street,
Hugh Town,
St Mary's,
Isles Of Scilly,
TR21 0JT

Proposal: *Replacement of conservatory.*

Application Type: Householder

Recommendation: APPROVE

Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Materials as per application
4. Construction hours of operation

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: 01.08.2024

Site Description and Proposed Development

The application site is Tol Tuppens a detached residential dwelling within the established settlement boundary of Hugh Town. The dwelling is to the rear of St Mary's Church on the island of St Mary's can be partially seen from the highway when viewed from the junction between Church Street and Church Road.

As existing the dwelling as a conservatory to southeast of the dwelling. The conservatory has brick lower walls, UPVC window and doors and a plastic sheet roof.

The proposal seeks to replace the conservatory on the same footprint. The lower walls of the conservatory would be retained, whilst the upper portion would be replaced, including replacement UPVC windows and doors and a replacement lean-to mono-pitched roof. The new roof would be of a more substantial construction including insulation and synthetic slate tiles that would raise the total high of the conservatory by approximately 0.5m.

Certificate: A

Other Land Owners: N/A

Consultations and Publicity

The application has had a site notice on display for 21 days (19.07.2024 – 09.08.2024). The application appeared on the weekly list on 22nd July 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

No representations have been received.

Relevant Planning History:

P.3516	Conditional permission granted for the provision of dormer extension for private office and utility room.	03.04.1993
P.4192	Conditional permission granted for an extension to improve accommodation and erect conservatory.	18.03.1997

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?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	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 architectural or historic interest of the building? b) Will the development preserve the setting of the building?	Y
Within an Archaeological Constraint Area	Y
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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?	Y
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/A
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement	N

measures	
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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	N
Is a condition required to secure a Sustainable Design Measures	N

Principal of Development: Isle of Scilly Local Plan Policy LC8 provides support for the enlargement, replacement or substantial rebuilding of lawful dwellings. The proposal seeks to replace the conservatory and conservatory roof of the residential dwelling Tol Tuppens. The proposal seeks to retain the existing brick work and foundations, therefore, the replacement conservatory would occupy the same footprint and would not increase the habitable floorspace of the dwelling. The proposal therefore accords with LC8 and is acceptable in principle. The wider acceptability of the proposal comes down to accordance with other relevant local plan policies.

Design, Visual and Landscape, Seascape, Historic Environment Impacts

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 require 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 application site is prominent within the setting of the Grade II listed Church Of St Mary's and is partially visible from the public realm impacting on the Isle of Scilly Conservation Area.

The proposal seeks to replace the existing conservatory including the white UPVC windows, doors and poly-carbonate sheet roof. The proposed replacement windows and doors would also be white UPVC and would be visually broadly

like-for-like. The replacement roof would retain the existing lean-to roof form, however, would use artificial slate and add approximately 0.5 to the height of structure.

Despite the proposed increase in mass, the use of artificial slate would better reflect the character of the area and improve the visual appearance of the dwelling as seen from The Church of St Mary's and the conservation area. As the proposal seeks to retain the existing brickwork the footprint of the dwelling would remain the same and would remain subservient to the main dwelling. The proposal would therefore accord with OE1, OE7, SS2 and LC8.

Residential Amenity

Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposal would increase the height of the conservatory by approximately 0.5m, however, the proposal would remain a single storey and significantly below the ridge of the existing dwelling. The proposal therefore presents no concerns in terms of overlooking or overshadowing. The proposal is therefore considered to accord with SS2 and LC8.

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.

Whilst the proposal would contain a significant degree of glazing, the proposal does not include any rooflights and introduction of a more substantial roof would result in a net decrease in light pollution. No external lighting is proposed.

The proposal is therefore considered to accord with OE4.

Ecology

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured. The proposed development seeks to replace an existing roof and would not result in a loss of biodiversity.

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.

Archaeological Impacts: Policy OE7 7) outlines that proposal should preserve or enhance the significance of Scheduled Monuments or Archaeological Sites, including their setting. The application site falls within the Archaeological Constraint Area of St Mary's, Hugh Town, however, the proposal makes use of the existing brick work and foundation and therefore no ground works would be required. The proposal is therefore considered to accord with OE7 7).

Site Waste Management: Policy SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP).

The applicant has provided a Site Waste Management Plan (SWMP) within the submitted cover letter which outlines that the existing polycarbonate roof sheets will be utilised within the property, excess materials will be offered to local residents and any remaining materials would be disposed of at the Waste & Recycling Centre. It is considered appropriate to list the cover letter on the decision notice as an approved document to ensure the Site Waste Management is secured. With this in place these details are considered sufficient for the proposal to accord with SS2.

Other Matters

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 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	

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 18.07.2024**
- **Plan 2 Block Plan, Received 18.07.2024**

- **Plan 3 Existing Proposed Design, Received 16.07.2024**
- **Plan 4 Proposed Design with Dimensions & Spec, Received 16.07.2024**
- **Document 5 Planning Statement. Document Number: Pa/23/118 Received 16.07.2024**

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 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

17/09/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
