

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/24/056/HH

UPRN: 000192000862

Received on: 01 August 2024

Valid on: 07 August 2024

Application Expiry date: 02 October 2024

Consultation expiry date: 02 September 2024

Site notice posted: 09 August 2024

Site notice expiry: 30 August 2024

Case Officer: PSMYTH

Applicant: Leonie Jones

Site Address: Busaverne
Buzza Street
Hugh Town,
St Mary's,
Isles Of Scilly,
TR21 0HX

Proposal: Re-roofing of east facing elevation and hip with dry laid natural slate to match west elevation and removal of leaking chimney.

Application Type: Householder

Recommendation: PERMIT

Summary Conditions

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

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: 14.08.2024

Site Description and Proposed Development

The application site comprises a two-storey end of terrace residential dwelling on the corner of Buzza Street and Ram's Valley in Hugh Town, on the island of St Mary's. The dwelling features a two-storey and single-storey projection to the rear and a small, walled courtyard garden. The dwelling has a slate tile roof with a chimney on the northern roof slope.

Permission is sought for the following works:

- Re-roofing of east facing elevation and hip

The existing wet laid scantle roof tiles and old lathes on the eastern elevation would be removed and replaced with dry-laid natural slate tiles to match the western elevation.

- Removal of chimney

The existing chimney on the northern roof slope would be removed. The chimney is understood to be a later addition to the dwelling and its poor construction has resulted in cracks and water egress.

Certificate: B

Other Land Owners: Mrs M Sandford

Consultations and Publicity

The application has had a site notice on display for 21 days (09/08/2024 – 30/08/2024). The application appeared on the weekly list on 12th August 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly: None

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

P/21/083	Replacement of wet laid scantle slate roof covering on the west facing roof slope with dry laid natural slate to match the existing at 1 & 2 Buzza Street.	Granted 23/11/2021
P/22/058/HH	Replacement of four windows to side elevation and three windows plus door to the front elevation with white double glazed UPVC.	Granted 28/10/2022

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?	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	
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?	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	y
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	y – see below
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	y – see below
Are biodiversity enhancement measures required	n
Is a condition required to provide biodiversity enhancement measures	n

Waste Management	YES OR NO
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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

Analysis:

Design

Policy SS2 outlines proposals should demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. Policy LC8 requires proposals to demonstrate an appropriate, scale, density, layout, height, mass and use of materials so as to not be visually intrusive in the landscape. In addition, LC8 requires proposals to demonstrate they do not result in the overdevelopment of the site.

The proposal would see the removal of the existing chimney on the northern roof elevation. Whilst its removal would alter the appearance of the dwelling, it is evident that the chimney was a later addition to the property. Whilst there are examples of chimneys in the area, they are not predominant design feature. As such, the removal of the chimney would not appear out of character in the streetscene.

The proposed replacement roof tiles would ensure that the eastern roof slope would match the western roof slope which was repaired previously.

In summary, the proposal is considered to accord with SS2 and LC8.

Residential Amenity

Policies SS2 and LC8 require proposals to safeguard residential amenities. The proposed development would not give rise to any unacceptable adverse overbearing, overshadowing or overlooking impacts to residential amenity. Consequently, the proposal accords with policies SS2 and LC8.

Historic Environment Impacts

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the conservation areas, listed buildings, Scheduled Monuments and Archaeological Site.

The application site is within the Conservation Area. The proposed works would not materially alter the appearance of the dwelling or affect the character of the area. This proposed development is therefore considered in accord with OE7.

Waste management

Policy OE5 requires that all development proposals demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy and be supported by a waste management plan (SWMP).

A basic SWMP has been submitted which outlines that, where possible, the removed tiles will be saved for use elsewhere or crushed locally and recycled into building aggregate. Removed battens will also be reused elsewhere or recycled locally. The SWMP is considered to be proportionate to the development proposed. The submitted detail is considered to accord with Policy OE5.

Ecology and biodiversity

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

The proposed works impact the existing roof, as such has the potential to impact bats and nesting birds. A Preliminary Roost Assessment (PRA) has been submitted with the application. The PRA recommended that, in line with best practice, a Presence/Absence Survey (PAS) with 1x surveyor and 2x Night Vision Assistance cameras be carried out. A PAS was submitted during the course of the application which did not identify any bats emerging from the property. The survey generally recorded moderate activity levels of common pipistrelle bats in the vicinity of the site. No other bat species were recorded. The PAS concluded that no further surveys are required and that there is no requirement for a European Protected Species Mitigation License (EPSML).

As the application is a householder application, it is exempt from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure further biodiversity net gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

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	
<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	

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 Block Plan**
- **Plan 3 PRA**
- **Plan 4 Site Waste Management Plan**
- **Plan 4 Bat PAS**

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 The development hereby approved shall be undertaken in accordance with the Recommendations and Justification (Birds) contained with the Preliminary Roost Assessment (PAS) (24-7-8) dated 4th August 2024.**

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

- 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.

Print Name: Lisa Walton

01/10/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
