

Council of the Isles of Scilly

Delegated Planning Report

Householder application

Application Number: P/25/040/HH

UPRN: 000192001444

Received on: 06 February 2025

Valid on: 1 April 2025

Application Expiry date: 6 May 2025

Consultation expiry date: 2 May 2025

Site notice posted: 18 February 2025

Site notice expiry: 2 May 2025

Case Officer: Stella New

Applicant: Mr and Mrs Rigby

Site Address: Colossus
2 Pilots Retreat
St Mary's
Isles of Scilly
TR21 0PB

Proposal: External alterations to dwelling house comprising of replacement of rear bedroom window, blocking in north side door and render to match, adding obscure-glazed windows to front elevation, installing additional picture window, cladding upper floor gable end to the wing, installing decking to facilitate level access to southern side of house, installing solar PV array to roof.

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. 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 ✓

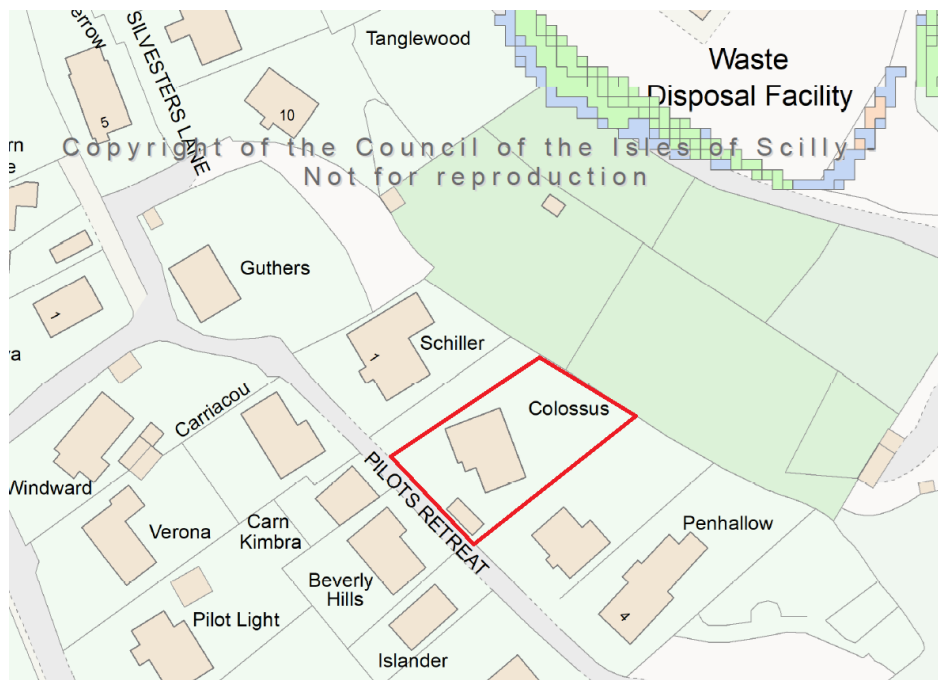
Lead Member Planning Agreed

Name: Cllr Dan Marcus

Date: 28/04/2025

Site Description and Proposed Development

The application site comprises a detached and relatively modern construction dormer bungalow, with detached garage to the front. The property has a sloping front garden which slopes down from the road in a north east direction. The plot, originally generous, relative to neighbouring plots, has subsequently been subdivided and the land to the north of the property is in separate ownership.



The proposal seeks a number of external alterations including:

- Tile hung cladding to the eastern and western gable elevations
- Solar photovoltaic arrays to the eastern and western roof elevations
- Replacement of ground floor picture window with three panel patio doors and first floor window with picture window on eastern elevation
- Replacement of side door with (shower room) window on western elevation
- External amenity deck to rear and side.

The application also includes a re-configuration of the internal floor space, converting one of the downstairs bedrooms to a lounge with kitchenette to provide internal 'annexe' accommodation.

As these are internal amendments that are reversible, and do not create a separate unit of accommodation, explicit planning permission is not required for this element.

Certificate: A

Consultations and Publicity

The application has had a site notice on display for 21 days (09/04/2025 – 30/04/2025). The application appeared on the weekly list on 9 April 2025.

Representations from Residents:

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

P1049	The development of land in O.S. Field No. 773 for the provision of three houses.	Refused 04.11.1971
P1235	The redevelopment of land in Part O.S. Field No. 773 (at the rear of Pilots Retreat, Old Town Road) St Mary's to provide one house and garage.	Refused 11.09.1973
P/10/010/FUL	Replacement of garage with a new dwelling for local need/key worker and erection of a new garage.	Refused 12.02.2010
P/10/057/FUL	Replacement of garage with a new two bedroom dwelling for specific local need/key worker occupation.	Approved, subject to S.106 18.11.2010
P/10/058/FUL	Erection of garage measuring 7m long by 3m wide by 3.2m high and raising the existing wall fronting the property. Non Material Amendment (Registered 27.03.2012) : Raise concrete base of garage to make level with driveway. Alterations to	Approved 06.08.2010

	fenestration. Re-location of door from East elevation to South elevation. Addition of ramp to North elevation for access.	
P/16/127/FUL	Conversion of out building into a one bedroom holiday let.	Withdrawn 03.01.2017
P/17/083/FUL	Demolition of existing outbuilding and erection of dwelling (Amended Plans).	Approved 05.06.2018
P/18/079/DISCON	Discharge on pre-commencement conditions C3 (Waste Management Plan), C4 (Archaeological Written Scheme of Investigation), and pre-installation condition C5 (Materials Samples) on planning application P/17/083/FUL	Approved 20.12.2018
P/21/070/S106MO	Application for the modification of section 106 planning obligation in relation to planning permission P3870 dated 30th April 1996 to update to most recent obligation wording including mortgagee in possession clause and most recent specific local need criteria.	Withdrawn 20.05.2022

Constraints:

- Conservation Area
- National Landscape (AONB)
- 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
Is the scale proposed in accordance with NDSS	N/A
Amenity	YES OR NO
Is the proposal acceptable with regard to any significant	Y

overlooking/loss of privacy issues?	
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 preserve 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/A

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	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	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 Sustainable Design Measures	N

Analysis:

Principle of Development: The Isle of Scilly Local Plan Policy LC8 provides in-principle support for the alteration of lawful dwellings. The external works set out above are considered minor alterations to a lawful dwelling which would broadly accord with LC8.

Design and Heritage Impacts: Policy SS2 outlines proposals should demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. Policies OE1 and OE7 require development to conserve and enhance the National Landscape, Heritage Coast, and the Conservation Area.

The application is supported by a Planning Statement setting out the proposed amendments and how these will affect the appearance of the dwelling.

The proposal will result in minor changes to the appearance of the dwelling that are not considered to be detrimental to the landscape, seascape and scenic beauty of the area, or the historic significance of the Conservation Area.

The proposal therefore accords with policies OE1 and OE7.

Residential Amenity: Policies SS2 requires proposals to safeguard residential amenities. 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, and that they do not result in the overdevelopment of the site.

The proposed changes to the exterior of the dwelling, including the tile hung cladding, amended glazing and decking are visually acceptable and in keeping with the landscape character of the area, and will not result in any harm to neighbouring amenities as a result of overlooking. The proposal is therefore considered to accord with policies LC8 and SS2.

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.

The proposal will introduce an increased amount of glazing over that existing, however the increase is relatively modest, and no further external lighting is proposed. The proposal is therefore considered to accord with OE4.

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

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.

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.) This document details the strategies for managing waste during the construction project. It includes identifying the types and quantities of waste expected, measures to minimize waste generation, and procedures for handling, reusing, recycling, and disposing of waste. The plan also details the responsibilities of the project team in implementing and monitoring the waste management processes to ensure compliance with environmental regulations and promote sustainability throughout the project. The proposal is therefore adequately addressing the requirements of with policy SS2.

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.

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:**
- Location Plan
 - Existing Block Plan

- **Proposed Block Plan (Amended)**
- **Existing Plan and Elevations**
- **Proposed Plan and Elevations**
- **Solar Panel Detail**

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 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving 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

08/05/2025

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
