

Walton,Lisa

From: Dryden, Craig
Sent: 27 April 2015 08:58
To: Walton,Lisa; King, Andrew
Subject: FW: P/14/026/FUL

Suggest we meet to discuss before we respond.

Craig Dryden
Senior Manager for Infrastructure and Planning

Council of the Isles of Scilly, Town Hall, St Mary's, Isles of Scilly, TR21 0LW

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From: David Perry [mailto:David@wmweller.co.uk]
Sent: 27 April 2015 08:22
To: Dryden, Craig
Cc: peter@crha.org.uk; Walton,Lisa
Subject: FW: P/14/026/FUL

Craig,

In response to your email below and Lisa Walton's dated 14 April 2015 I have consulted with my Client, Cornwall Rural Housing Association Ltd, and they are of the opinion the informative merely draws attention to other relevant matters and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes .

From a planning perspective if five of the six rooflights were to be enforced it should have been in the condition (not the informative) or the application to discharge should have been refused.

As such, on the basis of the information submitted, we propose to install the windows in accordance with the scheme approved by the Council on 11 March 2015.

For information a standard Velux conservation recessed top hung rooflight with an EDN flashing <http://www.professional.velux.co.uk/en-GB/Documents/Technical%20drawings/V22%20PDF/1114%20GPL%20single%20recessed%20install%20into%20natural%20slate.pdf> is proposed. This unit does not have a restrictor as standard. To ensure a restricted opening a restrictor will be provided ZZZ 164 <http://installers.velux.co.uk/V-GB/Installers.nsf/V22%20ZZZ%20164%20restrictor%20453228-2012-03.pdf?OpenFileResource> .

Should you wish to discuss the matter further please do not hesitate to contact me or Peter Moore.

Kind regards

David Perry MRICS
Wm G Weller & Son Ltd

From: Dryden, Craig [mailto:cdryden@scilly.gov.uk]
Sent: 16 April 2015 11:50
To: David Perry

Cc: Walton, Lisa; King, Andrew

Subject: P/14/026/FUL

Dear David

Further to our telephone conversation earlier today, I have set out below an extract from the planning committee report in relation to planning application P/14/026/FUL for the conversion of the existing buildings into 2 affordable dwellings. This report and the subsequent conditions and informative on the decision notice granting planning approval for the 2 dwellings were prepared in conjunction with Cornwall Council to ensure that the approach taken by ourselves in dealing with the application were reasonable, sound and justified.

As you will note from the information set out below, the imposition of Condition 9 and the informative associated with this condition on the decision notice granting planning permission makes it clear that 5 of the 6 roof-lights on the southern elevation of the development should be fixed and all 6 roof-lights obscure glazed due to their proximity to a neighbouring property and to protect their residential amenities. You will note from the committee report below that the fixing of 5 of the roof-lights was considered not only to be justified on amenity grounds but also considered reasonable in that they would not result in any impact on the quality of the living space of the occupants of the new homes given that each of the rooms affected would have alternative means of ventilation.

The extract from the committee report is set out below in italics:

5.9 The applicant requests that the south facing roof light windows are not non-opening because this imposition would impair the quality of the internal environment for the occupiers of the properties. There are six roof lights on this elevation; four are situated in kitchens, one is in a bathroom and another is in a bedroom. Out of the six windows, there is more potential for noise creation/overlooking from those using a main habitable living area, such as a kitchen/living room. These spaces already have double doors facing North that could be opened in the warmer summer months. Furthermore and although not necessary given the double doors, mechanical ventilation could also be incorporated into the scheme and is included as part of (previous) planning Condition 19. It is therefore considered reasonable that the four roof lights to be situated in main living areas remain as non-opening windows. This restriction is specifically to protect the residential amenities of occupiers of the closely positioned dwelling known as Lemon Hall.

5.10 The end bedroom already hosts a roof light on the north elevation that has unrestricted opening. With this in mind, and taking into account the potential amenity impact, there is not sufficient justification to warrant the south elevation also having unrestricted opening. With regard to the remaining bathroom, this type of room is not a 'lived in' space that could result in significant levels of noise, or adverse levels of overlooking. A bathroom would also benefit from some level of aeration. Therefore, this bathroom window could have restricted opening instead of being completely non-opening. If the window is restricted so it cannot be fully opened, it is considered that this would not result in significant detrimental harm to the occupiers of nearby residential properties.

5.11 In summary of the above, it is considered reasonable to re-impose a planning condition requiring details of the proposed roof lights to be submitted to the Local Planning Authority for approval. In addition it is recommended that an informative be included to provide guidance on the nature of the roof lights that the Council would expect to see to preserve the character of the listed building, conservation area and neighbours amenities. Both the recommended reworded Condition 9 and informative are set out below:

5.12 Condition 9:

The roof-lights hereby permitted shall be of a conservation style and sit flush to the roof covering with those on the south elevation being permanently obscure glazed and non-opening with the precise details of the obscure glazing to be agreed in writing with the Local Planning Authority prior to the occupation of the dwellings. The agreed details for the obscured glazing of the roof lights shall be implemented in strict accordance with the details as agreed.

5.13 Informative

The details to be submitted in furtherance of condition no. 9 above shall provide for the proposed rooflights to be of a conservation style and sit flush to the roof covering. The details shall also identify the type/specification of obscure

glazing to be used in each rooflight, and the precise nature of the means of opening of any roof lights (other than 5 of the 6 roof lights on the southern boundary that shall be fixed paned and non-opening).

Having regard to the above issues, I do not consider that the roof-lights intended for the development strictly conform to the requirements of the decision notice. As you will appreciate it is important that the development being progressed conforms to the approved plans and decision notice and therefore very much appreciate your co-operation on this matter. I look forward to hearing from you shortly and am sure we can resolve this matter quickly in the spirit of our continuing co-operation partnership working in building much needed affordable homes for our community.

Kind regards

Craig Dryden
Senior Manager for Infrastructure and Planning

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