

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/21/009/FUL

**Received on:** 21 January 2021

**UPRN:** 000192000960

**Application Expiry date:** 24 March 2021

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:**

**Site notice posted:** 28 January 2021

**Site notice expiry:** 18 February 2021

**Applicant:** Warleggan Management Ltd

**Site Address:** Warleggan Flats  
Church Street  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0JT

**Proposal:** Remove defective scantle tiling from front elevation and replace with dry laid natural slate.

**Application Type:** Planning Permission

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**Recommendation:** PER

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Biodiversity Enhancement Measures
4. Hours of Operation for Construction Works

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## 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: Dan Marcus

Date: 26/05/2021

## Site Description and Proposed Development

Warleggan is located on the south side of Church Road directly opposite the gap between the Methodist Church and Springfield Court. It has a front garden enclosed with traditional railings and a small private rear garden. The property has a roof covered with a traditional 'wet lay' scantle tile roof.

The proposal is to replace the scantle roof tiles on the front facing roof slope with a 'dry lay' natural slate replacement on the basis that the scantle roof has become defective.

**Certificate:** B

**Other owners notified:** Yes

### Consultations and Publicity

The application has had a site notice on display for 21 days (28/01/2021 – 18/02/2021). The application appeared on the weekly list on 1<sup>st</sup> February 2021. Due to the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

Neighbour	Date Responded	Summary
1 and 2 Manilla Flats, Rams Valley	27/01/2021	-
1, 2, 3, 4 Minalto, Church Street	27/01/2021	-
1, 2 and 3 Two Ways, Church Street	27/01/2021	-
Association Warleggan Flats	27/01/2021	-

Colossus, Warleggan Flats	27/01/2021	-
Eagle, Warleggan Flats	27/01/2021	-
Easterhope, Warleggan Flats	27/01/2021	-
Firebrand, Warleggan Flats	27/01/2021	-
Hollandia, Warleggan Flats	27/01/2021	-
Kingston House, Rams Valley	27/01/2021	-
Lyndhurst, Church Street	27/01/2021	-
Phoenix, Warleggan Flats	27/01/2021	-
Romney, Warleggan Flats	27/01/2021	-
Schiller, Warleggan Flats	27/01/2021	-

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

### Relevant Planning History:

No planning history relevant under the 2005 Local Plan or the adopted 2015-2030 Local Plan.

### Constraints:

Historic Landscape Character      Landscape Type: Settlements.

### Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
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?	n/a
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

<b>Amenity</b>	<b>YES OR NO</b>
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	y

overbearing impact?	
Is the proposal acceptable with regard to any significant change or intensification of use?	y

<b>Heritage</b>	<b>YES OR NO</b>
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
<b>Other Impacts</b> Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n/a
Impact on protected trees a) Will this be acceptable b) 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

<b>Protected Species</b>	<b>YES OR NO</b>
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	Y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	Y
Are biodiversity enhancement measures required	Y

Is a condition required to provide biodiversity enhancement measures	Y
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<b>Waste Management</b>	<b>YES OR NO</b>
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

<b>Sustainable Design</b>	<b>YES OR NO</b>
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 a Sustainable Design Measures	N

**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 approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

**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**

<b>Policy</b>	<b>Tick if Used ✓</b>
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 Safeguarding Serviced Accommodation	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	y		
Sustainable Design Measures	y		
Biodiversity Enhancement Measures:	y		

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.

### **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, date stamped Jan 21 2021;**
- **Plan 2, Block Plan, date stamped Jan 21 2021;**
- **Plan 3, Supporting Statement, date stamped Jan 21 2021;**
- **Bat Presence/Absence Survey, Ref: BS38-2020PAS, dated 12<sup>th</sup> May 2021 (avoidance, mitigation and enhancement).**

**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 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 neighbouring properties.

**C4 In the first bat inactive season (October – April) following the completion of the re-roofing works, hereby approved, the biodiversity enhancement measures of one free-standing ‘kent’ style bat boxes, as set out in the Presence/Absence Survey (Ref: BS38-2020PAS) and dated 12<sup>th</sup> May 2021, shall be installed at the apex of one of the north facing dormer windows, which should be erected as high as possible, but below the level of the fascia. The bat box shall be retained as such thereafter.**

Reason: In the interests of securing appropriate and proportionate biodiversity net gains at this site in accordance with Policy OE2, SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

<b>Print Name:</b>	Lisa Walton	10/06/2021
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
<b>Authorised Officer with Delegated Authority to determine Planning Applications</b>		