

# Council of the Isles of Scilly Delegated Planning Report Householder/other application

**Application Number:** P/21/012/HH

**Received on:** 1 February 2021

**UPRN:** 000192000552

**Application Expiry date:** 30 March 2021

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:**

**Site notice posted:** 4 February 2021

**Site notice expiry:** 25 February 2021

**Applicant:** William Hensleigh  
**Site Address:** Carne Tagre  
Higher Town  
St Martin's  
Isles Of Scilly  
TR25 0QL  
**Proposal:** Proposed conservatory and porch.  
**Application Type:** Householder

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**Recommendation:** PERMIT

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## Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Submission of Site Waste Management Plan
4. Submission of Sustainable Design Measures
5. Submission of Biodiversity Enhancement Measures
6. Removal of PD for extensions
7. Hours of Operation for Construction Works

Have any pre-commencement conditions been agreed with the applicant: **YES**  
(01/04/2021)

Date agreed: **01/04/2021**

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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:

- 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: 01/04/2021

## Site Description and Proposed Development

Carn Tagre is a detached single storey 4-bedroom property located above Higher Town on the island of St Martins. The dwelling is situated within a modest sized curtilage with most of the garden to the south and south west side without only small strips of land to the north for access, and a narrow side to the north east, where the conservatory is proposed. To the east boundary is a domestic hedge which separates this property from its nearest neighbour to the east, Menawethan, which is around 24 metres to the east of the proposed conservatory.

The proposal is for a single storey conservatory and porch extension on the north east (side) elevation. The conservatory measures approximately 3.5m x 5.5m with an attached porch of around 2 square metres. The design is timber framed lean-to structure with a glazing.

**Certificate:** A

### Consultations and Publicity

The application has had a site notice on display for 21 days (04/02/2021 – 25/02/2021). The application appeared on the weekly list on 8<sup>th</sup> February 2021. Due to the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

- **Menawethan, High Town**

[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 newly adopted Local Plan 2015-2030

### Constraints:

Archaeological Constraint Areas: Higher Town, St Martin's. Island: St Martin's  
Historic Landscape Character Multiple (Spatial)

## Planning Assessment

Internal Floorspace	No of Storeys/floors	No of Bedrooms	Calculation Provided by applicant	Calculation (Provided or calculated by case officer)	NDSS	%above or below NDSS
Existing	1	4	No	130m <sup>2</sup>	117m <sup>2</sup>	11% above
Proposed	1	4	No	153m <sup>2</sup>	117m <sup>2</sup>	30% above

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	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, <ul style="list-style-type: none"> <li>a) Will the development preserve the character and special architectural or historic interest of the building?</li> <li>b) Will the development preserve the setting of the building?</li> </ul>	n/a

Within an Archaeological Constraint Area	
<b>Other Impacts</b>	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
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?	y
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	n
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	y
Is a condition required to provide biodiversity enhancement measures	y

<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	y

<b>Sustainable Design</b>	<b>YES OR NO</b>
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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	y

**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 as a variation to the approved planning permission. 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 25<sup>th</sup> 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:

#### **Adopted Isles of Scilly Local Plan 2015-2030**

<b>Policy</b>	<b>Tick if Used ✓</b>
<b>Policy SS1 Principles of Sustainable Development</b>	✓
<b>Policy SS2 Sustainable quality design and place-making</b>	✓
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	
<b>Policy OE4 Protecting Scilly's Dark Night Skies</b>	✓
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:	
<b>Policy LC8 Replacement Dwellings and Residential Extensions</b>	✓
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	

<b>Info Requirements</b>	<b>Submitted (LVC)</b>	<b>Not Submitted</b>	<b>Condition Required</b>
Site Waste Management Plan		✓	✓
Sustainable Design Measures		✓	✓
Biodiversity Enhancement Measures:		✓	✓

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 Local Plan**
  - **Plan 2 Proposed Conservatory and Porch**
- These are stamped as APPROVED.**  
Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies OE1 and OE7(5) 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the St Martin's Cricket Pitch and Pool Green Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan 2015-2030.

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions (Class A), alterations to the roof (Class B and C), porches (Class D), ancillary outbuildings (Class E), hard surfaces (Class F) or chimneys or flues (Class G) shall be erected or constructed on the dwelling, here by permitted, without the prior permission, in writing, of the Local Planning Authority through the submission of a further application.**

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality and in the interests of the affordability of the dwelling and the local housing stock. In accordance with Policy LC8 of the Isles of Scilly Local Plan (2015-2030).

- C6 Prior to the commencement of the development, hereby approved, a scheme including details of the disposal of all waste arising from the works shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**


Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure adequate consideration is given to the minimisation of unnecessary waste generation, and adherence to the waste hierarchy, in accordance with the requirements of Policy SS2 (2) and Policy OE5 of the Isles of Scilly Local Plan 2015-2030.

- C7 Prior to the commencement of the development hereby permitted a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and could include water conservation and harvesting measures and renewable energy generation. The sustainable design scheme shall be implemented in accordance with the details as agreed prior to the first use of the development hereby permitted.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required in order to comply with Policy SS2(k) of the Local Plan to improve the efficiency and sustainability of the development. In accordance with Policy SS2(2) of the Isles of Scilly Local Plan 2015-2030.

- C8 Prior to the first use of the extended dwelling, hereby approved, details of additional biodiversity enhancement measures including bird nesting boxes and bat boxes of a type appropriate to species found on St Martins and in a position that is suitable, shall be submitted to and approved in writing by the Local Planning Authority. Once agree the enhancement measures shall be installed as approved, during the first winter season following the completion of the development and 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	01/04/2021
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	<i>Authorised Officer with Delegated Authority to determine Planning Applications</i>	

*Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:  
Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring*