**OFFICER REPORT – DELEGATED**

|  |  |
| --- | --- |
| **Application number: P/16/028/ROV** | **Expiry date: 6 June 2016** |
| **Received on: 8 April 2016** | **Neighbour expiry date: 2 May 2016** |
| **UPRN: 000192000033** | **Consultation expiry date:**  |
| **Legal agreement:**  | **Site notice posted: 11 April 2016** |
| **Departure:**  | **Site notice expiry: 2 May 2016** |
| **Complies with Development Plan? Y/NIf not, ensure you cover in the report how material considerations outweigh the plan?** |  |
| **Is this decision contrary to local council recommendation?**  |

|  |  |
| --- | --- |
| **Applicant:** | **Mr A Martin**  |
| **Site Address:** | **The Harbourside Hotel****The Quay****Hugh Town****St Mary's****Isles Of Scilly****TR21 0HU** |
| **Proposal:** | **Variation of condition 8 of planning permission P/12/087/COU to allow the use of staff accommodation by staff of businesses on the Isles of Scilly other than the Duchy of Cornwall on a temporary basis until 01/10/2018 or until the restaurant is tenanted. (Amended Description).** |
| **Application Type:** | **Removal or Variation of Condition** |

|  |
| --- |
| **Description of site and development:** |

This is an application that seeks to temporarily amend condition 8 of Planning Permission P/12/087/COU. Condition 8 restricts the occupation of the residential accommodation approved, to staff accommodation for those persons employed by the Duchy of Cornwall or for staff with any business within the Harbourside Building. The amendment to this condition seeks to allow for a temporary period the use of the staff accommodation for businesses not located within the Harbourside building but businesses elsewhere in the islands. The justification for this is that currently there is no identified operator for the restaurant within the Harbourside Building but there is a high demand for general staff accommodation for businesses on the islands and it is a good opportunity to utilise the accommodation until such time as there is an operator for the restaurant.

The 2012 Change of use permission permitted internal and external alterations and a change of use of the Harbourside building which included A1 retail use, A3 restaurant use and C3 residential accommodation. With the residential accommodation being restricted, as set out above, by condition 8.

The Harbourside Building is not specifically listed in its own right but is protected by virtue of being situated on St Mary's Pier which is a Grade II listed Quay. This structure is locally important as a key defensive, communication and transportation structure dating back to the 17th Century. It is listed for its Group Value and was added to the statutory list in 1975:

GV II

Quay and breakwater. Begun by Francis Godolphin soon after 1601, rebuilt 1740 and 1748; new pier extending north to Rat Island built 1835-8 for Augustus Smith, Lord Proprietor of the Islands; lengthened 1889 for the flower trade. Granite rubble to earlier arm into harbour partly in vertically-coursed dry stonewall technique, and shaped granite blockwork to later arms. Breakwater has canted wall on sea side. Two granite piers at south entrance and cast-iron upturned cannon reused as bollards. The construction of a pier for the new harbour, St. Mary's Port, was associated with the fortification of the Hugh begun by Godolphin which included Star Castle and the Garrison walls (q.v.). (B.H. St.J.O'Neil: Isles of Scilly: London (HMSO): 1950-: 26; Borlase, William: Observations on the .... Islands of Scilly: Oxford: 1754-: 14).

|  |
| --- |
| **Public representations:** |

Neighbouring businesses have been written to directly and a site notice has been placed in a public location on the quay for a period of 21 days. No representations have been recieved in relation to the proposed temporary variation of condition 8. The Chairman and Vice-Chairman of Plannign Committee have discussed this application, as an application identified to be determined under Delegated Authority. The Chairman asked if the temporary 4 seasons change of this condition could be reduced to 2 seasons. The applicant has considered this and proposed a reduction to a 3 season tempoary change to this condition. The applicaiton has therefore been amended accordingly.

|  |
| --- |
| **Consultee representations:** |

None

|  |
| --- |
| **Constraints and designations:** |

Conservation Area, AONB, Heritage Coast, Grade II Listed Building

|  |
| --- |
| **Relevant policies, SPGs and Government guidance:** |

2005 Isles of Scilly Local Plan

Policy 1 Environmental Protection

|  |
| --- |
| **Appraisal/key issues and conclusion:** |

The main consideration is whether the temporary variation of this condition gives rise to any issues not previously considered by its use a permanent staff accommodation in connection with the Harbourside Building or the Duchy of Cornwall as the Harbour Authority. The restriction on the occupation of the residential accommodation was considered necessary in accordance with Policy 3 of the Isles of Scilly Local Plan to ensure the accommodation was restricted to the uses that justified its creation. The temporary variation of this condition will ensure that in the long-term it remains a unit of accommodation in connection with a restaurant within the harbourside building but in the meantime would allow it to be used by other businesses as essential staff accommodation during the next 3 seasons, or until business was established within the building.

There are no neighbouring properties who could be affected in terms of amenity and it is not considered that a variation of this condition would have any impact upon the natural or historic environment in terms of the important designations (heritage and natural environment). Staff occupying this flat, but working elsewhere could give rise to an increase in vehicular movements to and from the quay, however this would not be significant to resist the temporary change of use of the residential accommodation.

Overall it is considered that the temporary variation of this condition is acceptable due to the main C3 use not being occupied and there are known staff accommodation shortages across the islands. The change to condition 8 of P/12/087/COU from:

*C8 That the occupation of the accommodation hereby permitted within the Harbourside building on the approved plans shall be limited to staff accommodation and specifically restricted to persons solely or mainly employed by the Duchy of Cornwall (including any contractors) or in any business within the Harbourside building, including any resident dependents.*

To:

*C8 That the occupation of the accommodation hereby permitted within the Harbourside building on the approved plans shall be limited to staff accommodation and specifically restricted to persons solely or mainly employed by the Duchy of Cornwall (including any contractors) or in any business based within the Isles of Scilly, including any resident dependents.*

Is considered acceptable only until 1st October 2018, at which time this varied condition will revert back to:

*C8 That the occupation of the accommodation hereby permitted within the Harbourside building on the approved plans shall be limited to staff accommodation and specifically restricted to persons solely or mainly employed by the Duchy of Cornwall (including any contractors) or in any business within the Harbourside building, including any resident dependents.*

|  |
| --- |
| **Recommendation:** |

Vary the condition for a temporary period.

|  |  |  |  |
| --- | --- | --- | --- |
| Signed: | Dated: | Signed: | Dated: |
| Planning Officer | Senior Manager |