

Application for removal of condition 2 and 3 of Planning Permission P 2459 dated 10th June 1986 relating to Flat 5 Harbour Lights, Thorofare, St Mary's, Isles of Scilly TR21 0LN

Background

Harbour Lights and Smugglers Ride comprise two adjoining three-storey properties, built mainly of granite, with later extensions.

The premises, originally known as Smugglers Ride Guest House, were converted under Planning permission P 2459 into 13 self-contained flats in 1986 and became known as Smugglers Ride/Harbour Lights. These flats were restricted by conditions (2) and (3).

Condition (2) stated that "None of the self catering holiday flats shall be used for permanent occupation with one exception, without prior approval of the local Planning Authority."

The reason for this condition's imposition is given as "In order to comply with the requirements of Policies 6A and 25 of the Approved Isles of Scilly Structure Plan, which require that the layout and design of residential flats are of sufficiently high standard for permanent accommodation."

Condition (3) stated "that any one flat, excluding Flat 3, may be used for supervisory purposes and shall not be occupied by more than one person".

The reason for this condition's imposition is given as "It is also considered that notwithstanding the indicated superficial areas of each flat to be adequate for lesser numbers of occupants, the external requirements such as off street parking and open yard space is insufficient for permanent occupation."

Justification for removal of the conditions

Condition (2). As stated above this condition is imposed because of the requirements of the then Isles of Scilly Structure Plan, which I understand has been superseded and therefore no longer applicable. I believe Policy 6A was related to water consumption and the then concerns that water demand could exceed supply; presumably the assumption was that the flat's permanent occupation would lead to increased water consumption.

Of course the water supply problem has largely been alleviated by subsequent improvements in supply, e.g. the desalination plant and is no longer cited as an issue for more recent planning applications. In any case Flat 5 is available for holiday bookings throughout the year and therefore the argument that water consumption would increase if occupied as a permanent residence is invalid. Arguably, permanent residents would be more careful with their water consumption than short-stay holiday makers.

The other aspect of the Structure Plan which the reason for condition (2) refers to is the standard of accommodation, e.g. layout, design, required for permanent residence. The implication is twofold, firstly that a lower standard is sufficient and acceptable for holiday accommodation, and secondly that Flat 5 Harbour Lights is of a lower standard. On the first point whilst this might have been so thirty years ago, surely it is not today, with ever higher standards being demanded by the public for their holidays in this country. On the second

point, Flat 5 Harbour Lights is evidently of very high standard. An inspection will show that this is a very well positioned, ground floor flat, south facing and with plenty of natural light. The lounge/kitchen/diner, twin bedded bedroom with built-in wardrobes and storage area, and shower/washbasin and toilet area are perfectly suitable for permanent occupation by a single person or couple. There is a spacious lobby outside the front door, part of the common areas for the flat complex, from which easy access is available directly onto the Thorofare. The room sizes, proportions and layout are entirely adequate for permanent occupation, and in my opinion match or exceed equivalent comparable residential flats in today's market. Finally Flat 5 is, and has been for the past 10 years, rated by the independent agency VisitEngland as Four Star. This grading takes into account the overall condition of the flat, fittings and fixtures, decoration, etc, and includes room sizes related to the 2-person occupancy of the flat. To conclude, this flat's layout and design, by any measure, is of sufficiently high standard for permanent occupation.

Condition (3). This condition appears to have met a then need for one "supervisory" flat, perhaps permanently occupied by a caretaker, from the original 13 flats permitted under the original planning permission. It does not specifically apply to Flat 5 Harbour Lights. The wording of the condition and of the associated reason is not precise, and it is unclear exactly how it should be interpreted and applied. In any case Smugglers Ride and Harbour Lights are now two separate entities, and Harbour Lights has no such supervisory flat, nor is it conceivable that one would ever be used as such, the flats being under multiple ownership, all managed and let as self contained holiday accommodation under individual owner arrangements.

In the reasons for this condition there is also a mention of 'external requirements', e.g. off-street parking, being insufficient for permanent occupation. Again, this is out-of-date in today's housing climate, where such restrictions have not been imposed on recent Hugh Town permitted developments. Flat 5 Harbour Lights is located right in the town centre, ideally positioned for anyone employed in the locality without the need for personal motor transport.

Other Aspects. There is a shortage of housing on St Mary's, particularly at the 'starter' home level. Removal of condition (2) would help alleviate this problem by making Flat 5 potentially available to meet this demand, whilst not requiring new development or increasing pressure on the infrastructure.

Finally, in support of this application I would refer to planning application P-15-029 dated 7 April 2015 (Flat 2 Smugglers Ride) for removal of the same conditions from the same original planning permission P.2459; this application was permitted.

To conclude, it is my view that condition (2) is unnecessarily restrictive and was imposed because of a Plan that has long been superseded and is no longer relevant, and condition (3) is more an option than a condition, and in any case does not specifically apply to Flat 5 Harbour Lights; for these reasons both conditions should be removed.