



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/096/VOC	Expiry date: 03/01/18
Received on:	Neighbour expiry date: 30/11/17
UPRN: 000192000600	Consultation expiry date: N/A
Legal agreement:	Site notice posted: 09/11/17
Departure:	Site notice expiry: 30/11/17
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr A Miller
Site Address:	Old Pharmacy, The Parade, Hugh Town, St Mary's
Proposal:	Variation of condition 2 of planning permission P/17/052 to allow amendments to front (West) elevation including alterations to shop front, door and window on the ground floor.
Application Type:	Variation of Condition

<http://www.scilly.gov.uk/planning-application/planning-application-p17096>

Description of site and development:

This application proposes the variation of condition 2 (The development hereby permitted, shall be carried out in accordance with the approved details only including: The Location Plan (Drawing Number SM01), The proposed elevations contextual (Drawing number SM07), The proposed elevations and sections (Drawing Number SM08), The proposed floor plans (Drawing Number SM06) and The proposed sections (Drawing Number SM09)) of approved permission P/17/052 to allow amendments to the front (West) elevation including alterations to shop front, door and window on the ground floor at Old Pharmacy, The Parade, Hugh Town, St Mary's.

Site Description and description of proposal

The application site is located on The Parade in Hugh Town on St Mary's. The property is situated directly opposite The Parade (a public open space). The Old Pharmacy forms one of a terrace of 3 properties. The property to the left of The Old Pharmacy (Riviera) is a Grade II listed building. The Old Pharmacy is a two storey building (granite at the front and a mixture of render and cladding at the rear) with a shop on the ground floor at the front and residential use at the rear of the ground floor and a residential flat on the first floor. The building has timber windows and doors to the front of the property and Upvc windows and doors to the rear, with a mixture of roof materials including scandle slate and fibre cement tiles.

This is an application for the variation of condition 2 (The development hereby permitted, shall be carried out in accordance with the approved details only including: The Location Plan (Drawing Number SM01), The proposed elevations contextual (Drawing number SM07), The proposed elevations and sections (Drawing Number SM08), The proposed floor plans (Drawing Number SM06) and The proposed sections (Drawing Number SM09)) of approved permission P/17/052 to allow amendments to the front (West) elevation including alterations to shop front, door and window on the ground floor at Old Pharmacy, The Parade, Hugh Town, St Mary's.

The proposed amendments include the change of a window on the left hand side, ground floor to a door. The change in dimensions of a door in the centre of the front elevation, ground floor. This is proposed to reflect and match the size of the existing door to the shop area of the property and on the right hand side of the elevation, ground floor a change is proposed from a door with linked shop window (with canopy over) to a separate larger single window.

Background and Relevant History

Planning history for this site starts in 1963 when application P430 was submitted and refused for alterations to the shop front. In 1964 application P487 was submitted and approved for alterations to the shop front. In 1967 application P700 was submitted and approved for alterations to residential premises and shop. In 1997 application P4196 was submitted and approved for the change of use from living accommodation (ground floor) into shop, office and environmental display gallery. In June 2017 application P/17/052 was submitted and approved for the change of use of part ancillary A1 use (shop) to extension to existing C3 use (residential), change of use of part A1 use (shop) to B1 use (business) including the removal of existing shopfront and replacement with new and new dormer to rear. In November 2017 application P/17/099 was submitted and approved for the discharge of condition 7 (Site Waste Management Plan).

Public representations:

A site notice has been on display outside the site for a period of 21 days.

One public letter of representation has been received. The owners of one of the flats contained in the neighbouring property state that they still have concerns about the intended use of the property adjoining us. It is disappointing that we haven't been advised as to the nature of the intended business next door. The issues of potential noise, smell and waste management remain unaltered.

Consultee representations:

A site notice has been on display outside the site for a period of 21 days. No consultees have been sought for their comments.

Constraints and designations:

Conservation Area, AONB and Heritage Coast.

Relevant policies, SPGs and Government guidance:

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Chapter 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Planning Policy

Isles of Scilly Local Plan 2005

Policy 1 (Environmental Protection) aims to ensure that the quality of the islands environment, including its natural and historic character, is maintained and enhanced.

Policy 2 (Sustainable Development) requires proposals to positively relate to the character of the landscape, seascape and built form of the islands, through relationship to, inter alia, siting, design and use of materials.

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands, where planning permission is required, and includes guidance on domestic extensions. Page 75 of the Design Guide states that in order to conserve the stock of existing buildings on the Isles

of Scilly, it may be necessary for them to be adapted for 21st Century uses and requirements. However, in considering how to adapt the building, it is necessary to have regard to maintaining the character of the existing building and its capacity for change.

It is also necessary to look at the requirements for extension and alteration; for instance, might the 'need' to have an extra room in a certain location be met instead by considering the reallocation of existing rooms and possibly locating a smaller extension in a different part of the building? In view of the Conservation Area designation covering the islands, the Planning Authority will assess whether a proposal to alter or extend a building will harm its character or its setting. The Authority will also assess whether the extension or alteration will result in the loss of privacy or daylight in adjacent properties.

Appraisal/key issues and conclusion:

The existing building has planning permission for the change of use of part ancillary A1 use (shop) to extension of existing C3 use (residential), change of use of part A1 use (shop) to b1 use (Business) including the removal of existing shopfront and replacement with new and new dormer to rear.

The application seeks to vary condition 2 (the approved plans condition) to make amendments to the front (west) elevation. The proposed amendments include the change of a window on the left hand side, ground floor to a door. The change in dimensions of a door in the centre of the front elevation, ground floor. This is proposed to reflect and match the size of the existing door to the shop area of the property and on the right hand side of the elevation, ground floor a change is proposed from a door with linked shop window (with canopy over) to a separate larger single window.

The applicant states that the proposed amendments reflect their subsequent decision to a) re-instate a part-paned door to the current left hand side aperture, versus inserting a door here, which results from our initial excavations uncovering that the site was originally made up of two separate cottages – something we thought all along and had highlighted in the original design and access statement – in that we have now established this left side opening was always an entrance door for the left cottage and so never a window; and b) the position and sizing of the current double door front entrance (albeit with revised doors as shown in the new drawing), and to retain a single paned window to the right hand side of those doors (within the existing aperture of that side of the property).

The applicant also states that they feel the amendments to the original application more closely adhere to the original design/appearance of this building in the early 1900's, (as shown in the original design and access statement of the original approved application). Additionally, our revised decision specifically in respect of the right hand side window is reflective of and in keeping with the design/appearance of a number of other existing commercial fascia's across Hugh Town.

It is considered that the proposed amendments to the approved design will not negatively impact the existing building or the surrounding properties. The proposed amendments continue to be an improvement on the existing shop front design.

In relation to Policy 1 (a) of the Isles of Scilly Local Plan 2005 the proposed works will not have an impact on the natural beauty, wildlife or cultural heritage of the AONB or the heritage coast. In relation to Policy 1 (c) the proposed works seek to enhance the conservation area by improving the shop frontage and front facades of the building and will preserve the architectural or historical interest of the adjacent listed building as the proposed works will have no impact upon the listed building. In relation to Policy 1 (e) the proposed works will have no impact on protected wildlife or biodiversity habitats as indicated in the bat survey submitted alongside the application.

In relation to Policy 2 (a) of the Isles of Scilly Local Plan 2005 it is considered that the design and materials of the proposed works are appropriate and enhance the existing building.

The amended works to the principal elevation of the dwelling, which would be visible from the street scene and surrounding public vantage points, are still considered to enhance the Conservation Area by improving the existing shop front. It is considered that the proposed works preserve and enhance the character or appearance of the Conservation Area. The proposal is within a built-up area of the island and is not considered to give rise to any harm to the scenic beauty of the landscape including the AONB.

The public letter of representation received make comments about the proposed use of the building and not the proposed amendments to the front elevation.

It is therefore, considered that the proposed amendments are acceptable and the application is recommended for approval.

Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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).

- 2. The development hereby permitted, shall be carried out in accordance with the approved details only including:**

The Location Plan – Drawing Number SM01

The Proposed elevations contextual – Drawing Number AM01

The Proposed elevations and sections – Drawing Number SM08

The Proposed floor plans – Drawing Number SM06

The Proposed sections – Drawing Number SM09

These are signed and stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 3. All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 to 1800 hours Monday to Saturday. There shall be no works involving machinery on a Sunday, Bank or Public Holiday.**

Reason: In the interests of protecting the residential amenities of neighbouring properties.

- 4. The development hereby approved shall not be externally lit unless the specification of the lighting has been submitted to and agreed in writing by the Local Planning Authority. The lighting shall accord with the approved details thereafter.**

Reason: In order to protect the character and amenity of the area in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 5. Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification), the area outlined in red on the attached floor plan, shall be used as one unit of residential accommodation (use class C3) and for no other purpose.**

Reason: Any other use would require further assessment in accordance with policy 3 of the Isles of Scilly Local Plan 2005.

- 6. Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification), the area outlined in green on the attached floor plan, shall not be used other than for purposes falling within use classes A1 and B1(a) of the Use Classes Order 1987, without the prior grant of planning permission from the Local Planning Authority.**

Reason: Any other use would require further assessment in accordance with policy 4 of the Isles of Scilly Local Plan 2005.

- 7. The development hereby approved, shall accord with the site waste management plan, submitted and approved under application P/17/099. The development shall thereafter proceed in strict accordance with the approved scheme only.**

Reason: To ensure those characteristics, which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 8. Prior to its installation details of the material for the proposed roof lantern shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved details only.**

Reason: This is a pre-commencement condition that requires details to be submitted to consider the detailed impact of the finish of the roof lantern. As these details were not submitted as part of the scheme, they are required to be agreed before the roof lantern is installed, to ensure it does not give rise to any wider harm to the character of the area as a designated Conservation Area and AONB. To ensure the development is in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Further Information:

1. The applicant/agent is reminded that should a commercial extraction unit be required in connection with the proposed retail unit (use class A1) planning permission will be required and the appropriate forms, plans and fee should be submitted to the planning department of the Isles of Scilly Council.
2. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.
3. In accordance with the Town and Country Planning (fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 a fee is payable to discharge any condition(s) on this planning permission. The fee is £97 for each request to discharge condition(s). The fee is payable for each individual request made to the Local Planning Authority.
4. In accordance with the provisions of Section 96A of the Town and Country Planning Act, which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £195 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
5. The applicant is reminded that only uses falling within the classes approved are permitted to take place. The use of the forecourt to the front of the premises is only permitted to be used ancillary to those businesses and not for any other use which may require planning permission.

Signed: Yvonne Dale	Dated: 20/12/17	Signed: 	Dated: 21/12/17	Signed: 	Dated: 21/12/17
Case Officer		IOS PLANNING		Senior Manager	