



Project Management



Planning Consultants



Building Surveyors



Disabled Access
Consultants

Local Planning Authority Ref. P/18/090/FUL

APPENDICIES

Planning Appeal

Men-A-Vaur, Church Road, Hugh Town, St Mary's,
Isles of Scilly TR21 0NA

Ref: 14382

Date: 19 March 2019

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Appendix 1

Committee Report for Application P/18/090/FUL

Council of the Isles of Scilly report

P/18/090/FUL Men-a-Vaur, Church Road, St Marys: Application for the construction of two semi-detached residential properties for holiday letting purposes, specifically designed to enable occupation of groups including mobility impaired guests, incorporating ground floor wet room en-suite bedroom accommodation and level access to all ground floor and garden areas

Date	5 th March 2019
Meeting	Full Council
Part	1
Authors	Kieran Reeves, Planning Officer

Recommendations

1.	That Members approve the application for the reasons set out in the report and subject to the conditions set out in the Appendix.
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1. The application site is located on Church Road, St Marys. It is located within the rear garden of Men-a-Vaur, which is a property that fronts Church Road.
2. The proposal is for the construction of two semi-detached dwellings that would be used as self-catering holiday accommodation. The larger of the two dwellings would have four bedrooms with an additional bedroom on the ground floor that would be wheelchair accessible. The ground floor layout would also include an open plan kitchen/living/dining area that would also be wheelchair accessible. The second dwelling is attached to the larger dwelling by a shared lobby. The second dwelling would be considerably smaller and single storey. It would also provide wheelchair accessible living accommodation with one double bedroom.
3. It is understood that whilst two dwellings are proposed, it is envisaged that they could be used as one single holiday let for a single group of people holidaying on the Isles of Scilly.
4. The external walls of the two dwellings would be painted render upon a brick plinth, with sections of boarded cladding on the link between the two dwellings. The roofs of the two dwellings would be clad in natural slate and the roof of the link would be clad in terracotta pan tiles.
5. The site would be accessible to pedestrians via an access off Branksea Close. Paths within the site would provide a level access to the two dwellings and the decked areas associated with the dwellings. The decked areas would be fully wheelchair accessible. The site would be predominantly laid with grass and a bike shed would be constructed in the corner of the site.
6. The principal elevation of the proposed dwellings would face onto the shared public space of Branksea Close. The southern boundary of the site adjoins the road of Ram's Valley but it is not proposed to gain access from this road. The rear gardens of Men-a-Vaur and Rosevean House adjoin the northern boundary of the site.

Background and Relevant History

7. There are two previous planning applications that are of relevance to this current planning application. Application references P/15/067/FUL and P/15/068/FUL were submitted to the Council for the erection of two blocks of hostel accommodation to be used for staff accommodation. The two blocks would have a total of 17 single bedrooms and four double bedrooms.

8. Application reference P/15/066 was also submitted at the same time as the two above referenced applications. This proposed the conversion of the existing dwelling at Men-a-Vaur into a hostel as well for staff accommodation. This would have created three one bedroom apartments and four bedsits.
9. All three applications were subsequently withdrawn on 6th October 2015.

Consultations and Representations

10. A site notice has been on display in the vicinity of the application site for a period of 21 days. Adjoining properties have been written to directly. Numerous responses have been received from the public, with further responses received when the application was re-consulted for a further 21 days. The responses received have raised the following concerns:
 - Any dwellings on this site should be restricted to occupancy by local people;
 - There is already disabled accessible holiday accommodation on the island;
 - The Isle of Scilly has few buildings with disabled access and the transport serving the islands are not disabled friendly;
 - The path leading to the site is not disabled friendly due to its current surface and increased use would cause further damage;
 - The holiday letting accommodation would not financially benefit the island as the applicant is on the mainland and limited employment would be provided;
 - Planning permission refused in the past;
 - Overdevelopment of site;
 - The impact on neighbouring amenity from noise and overlooking;
 - Loss of outlook from Branksea Close;
 - There is not sufficient parking capacity on the road nearest to the application site (Church Road);
 - Access and storage for building material could block the path leading to the site;
 - The access to the site is using Council owned land and would be opposite a neighbour's back gate;
 - The impact of the development on drinking water supply and the public sewage system;
 - The loss of trees and wildlife habitat.
11. Statutory consultees have also been directly consulted. The consultees that have been consulted are CIOS Environmental Health, CIOS Housing, CIOS Infrastructure (Water, Sewage, Waste, Recycling and Highway), Cornwall Fire

and Rescue, Isles of Scilly AONB, Natural England and the Development Management Archaeological Advisory Officer (DMAAO).

12. CIOS Infrastructure – Have commented on matters pertaining to waste management, drinking water and sewerage & wastewater. The advice received sets out that the developer should ensure that there are no net gains in water consumption, and would need to demonstrate a net reduction in discharge to the public sewage network or a scheme that demonstrates how this could be mitigated given that the section of the network that this property discharges to is considered to be at maximum capacity.
13. DMAAO – Archaeological response stated that the potential for undisturbed archaeology, if it exists, is quite high at this location. A watching brief at an adjacent property found evidence for cut granite slabs thought to be associated with quarrying at Buzza Hill, to the south. They have recommended that, if consent is given, a single archaeological recording condition be attached.
14. Cornwall Fire and Rescue – Have commented that there is a requirement to provide reasonable facilities for the Fire Service, and in most circumstances this will mean providing vehicular access for fire appliances. They have advised that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk
15. AONB Partnership – They have advised that as a non-statutory consultee, they are not resourced to respond to all planning applications affecting the Isles of Scilly AONB, and have not in making their response studied the detail of this application. They have stressed that the absence of detailed consideration and comments by them should not be interpreted as suggesting that this application raises no issues regarding the AONB designation. They have stated that this remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.
16. Natural England – Have raised no objection to the proposed development. They have considered that the proposed development will not have significant adverse impact on statutorily protected sites.

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

17. Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

The Planning (Listed Buildings and Conservation Area) Act 1990

18. 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

19. 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.

The Conservation of Habitats and Species Regulations 2010

(Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

20. It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2018

21. 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.
22. Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations. Paragraph 194 sets

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out clearly that any harm to, or loss of, the significance of a designated heritage asset would require clear and convincing justification and (b) assets of the highest significance, notably scheduled monuments should be wholly exception.

Isles of Scilly Local Plan 2005

23. Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest (SSSI); and locally important biodiversity habitats, species and landscape features.
24. Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.
25. Policy 4 relates to Economic Development and seeks to promote employment and economic activity by providing opportunities for businesses to support viable communities. Proposals based on the existing economic base of tourism, agriculture and fishing, as well as the distinctiveness of the islands, will be supported where it meets one of five scenarios set out in the policy.

Isles of Scilly Design Guide 2007

26. The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Consultation Draft Isles of Scilly Local Plan 2015-2030

27. The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7), and the provision of appropriate tourism development (Policy WC5).
28. Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Planning Assessment

29. The main planning issues for consideration relate to whether the proposed dwellings are acceptable in principle. It is material to consider the impact upon the design, scale and materials of the development, the impact on the wider character and appearance of the area (including the impact upon the Conservation Area and AONB), the impact on neighbouring amenity, together with other matters pertaining to waste management and sewage disposal.

Principle of Development

30. The Isles of Scilly Local Plan 2005 is the development plan for the Isles of Scilly and is, therefore, the starting point when considering the principle of the development. Policy 4 is generally supportive of proposals based on the existing economic base of tourism. This is subject to the proposed development meeting one of five scenarios set out under the policy. Scenario (b) is considered to be the most relevant to this proposal for two self-catering holiday units. It states that proposals for tourism development will be supported where it demonstrably improves the quality of existing tourist accommodation, including that of managed camping sites, or potentially extends the length of the tourist season.
31. The proposal is for two self-catering holiday lets that would provide accessible and useable accommodation for disabled people. It is considered that holiday accommodation that caters for mobility difficulties would see the provision of a type of accommodation that is not abundant on the Isles of Scilly. The new build nature of the proposal allows the facilities to be specifically designed to accommodate disabled people when the existing housing stock on the island may not be suitable for adaptation to accommodate disabled people. There

have been comments from members of the public that the Isles of Scilly is not disabled friendly. However, it is considered that there is a need to be all inclusive and the policy seeks to improve the quality of existing tourist accommodation. It is considered that disabled accessible dwellings for holiday use would be compliant with Policy 4.

32. It is important to have regard to the draft Local Plan as it carries a degree of weight in the determination of this planning application. Policy WC5 sets out that proposals for new or upgraded tourism development will be permitted where they:
- a) make a positive contribution to the provision of high quality sustainable tourism on the islands; and
 - b) are located in sustainable and accessible locations; and
 - c) are appropriate to the site and its surroundings in terms of activity, scale and design; and
 - d) do not result in an unacceptable impact on the environment or residential amenities, in accordance with other relevant policies in the Local Plan; and
 - e) do not result in the loss of homes that would otherwise be available for permanent occupation, unless there are wider public benefits demonstrated to offset the loss of permanently available homes.
33. As considered above in this report, the proposal for disabled accessible tourism accommodation is considered to be a positive contribution towards tourism on the island. Given that the location of the application site is within the settlement of St Marys, it is considered that the development would be located in a sustainable and accessible location. The proposal is not for the change of use of existing homes and, therefore, would not lead to a loss of homes that would otherwise be available for permanent occupation. Clauses (c) and (d) are considered later in this report.
34. It is noted that planning applications were submitted in the past for development of this site and that these applications were subsequently withdrawn following concerns being raised. However, these previous applications were for a significantly different application and a larger scale of development than proposed through this application. As such, it is considered that the previous applications do not have a bearing on this application and each application submitted to the Council should be judged on its own independent merits.
35. It is also noted that there are concerns from the local population that the dwellings could be used for local people instead of holiday accommodation. The application proposes holiday accommodation and, therefore, it will need to comply with the relevant policies for such development. If it does comply with

these policies, then there is little scope to seek the type of housing sought by the local population.

36. Taking all of the above into consideration, it is considered that the proposed development is compliant in principle with Policy 4 of the adopted Local Plan and Policy WC5 of the draft Local Plan, subject to other material planning considerations being satisfied.

Design, Scale and Materials

37. The proposed dwellings would be two storey and single storey with a two storey link between them. It is considered that the overall design of the dwellings is in keeping with the surrounding existing built form. The overall form and character of the proposed dwelling is considered to reflect a traditional dwelling on the island with eaves and gable overhangs, and an internal chimney stack. The fenestration layout is also considered to be in keeping with the character of the area.
38. The eaves of the roofs would be tight to the window lintels, and this would help to reduce the massing and bulk of the proposed development. The reduction in height between the ridge of the two storey dwelling and the link would help to reduce the massing further. The hipped form of the roof on the single storey dwelling would also aid in the reduction of massing and bulk. The form and scale of the dwellings are considered to be acceptable and it is considered that they would be of similar scale in terms of height to the surrounding built form.
39. The application site is considered to be sufficient size to accommodate the proposed development without it being considered to be overdevelopment of the site.
40. In terms of materials, the use of painted render for the vast majority of the external walls is considered to be congruent with other buildings around the site. The natural slate roofs would see the use of a traditional and natural building material. The same can be said of the terracotta pan tile roof on the link. This change in building material on the roof would break up the visual impact of the proposed development. The boarded cladding on the link could be an acceptable finishing material, subject to an appropriate type of cladding being used. It would be prudent to include a condition requiring the submission of finishing materials prior to installation.
41. The design, scale and materials of the development are considered to be acceptable and policy compliant.

Impact on Character and Appearance of Area

42. The site sits within the Isles of Scilly Conservation Area, the Isles of Scilly AONB and the Isles of Scilly Heritage Coast. Whilst these are blanket designations, the application site is not considered to be at the heart of either of these designations. The site is surrounded by 20th century developments and whilst the site lies around 56 meters to the south west of the Chaplaincy, which is a Grade II listed building, it is not considered that the proposal would impact upon this heritage asset or its setting, given the intervening development, which is separated by a wide road.
43. The historic landscape character of this part of the conservation area is defined as 'settlement' and as such the site does not appear to be within an otherwise ancient or undisturbed landscape, which could have a harmful impact upon the AONB designation.
44. It is considered that the proposed development would have some material impact on all of these designations. However, the design, scale and materials of the proposed development have been considered above to be acceptable and policy compliant. Officers consider that the development would not look out of place or jar within the setting of existing buildings around the site when taking into account its design, scale and materials. Given its 'backland' position within the public realm together with its design it is considered that the proposal would preserve the wider character of the conservation area, and as such, the impact of the development on these designations is not considered to be materially detrimental to the character and appearance of the area.

Impact on Neighbouring Amenity

45. The application site is within the rear garden of an existing property and is surrounded by neighbouring properties. As such, there is the potential for the development to impact on the amenity of the occupiers of neighbouring properties.
46. The majority of the windows in the proposed development would be within the eastern elevation of the proposed building. These would face towards the properties of Branksea Close. However, the first floor windows would only face onto the end elevations of these properties that have no windows within them. It would also face over a public communal area to the front of these neighbouring properties. It would not directly overlook private gardens to the east of the application site.
47. The rear elevation has a small number of windows in the first floor. There is one serving the bathroom in the two storey dwelling and a group of windows in the first floor rear elevation of the link. It is considered that these windows can be obscure glazed to prevent overlooking to the rear of the dwellings. The two rooflights in this elevation are high level and would not increase overlooking.

48. The rear gardens of Men-a-Vaur and Rosevean House adjoin the northern boundary of the site. The northern elevation of the proposed development would have first floor windows in the gable of the link and the gable of the two storey dwelling. The window in the link would be high level above the stairwell and would not increase overlooking. The window in the two storey dwelling would need to be obscure glazed to prevent overlooking of these neighbouring gardens.
49. The windows in the southern elevation are not considered to cause a material increase in overlooking of neighbouring dwellings or gardens given that the southern boundary of the site borders a road.
50. The two storey dwelling is considered to be sited a sufficient distance from neighbouring properties to prevent overbearing or loss of light. The single storey dwelling would be closer to the neighbouring properties to the north but its single storey form and hipped roof would reduce any overbearing or loss of light impact on these neighbouring properties to an acceptable level.
51. There has been concerns that would be an increase in noise as a result of the proposed development. The application site is within the rear garden of an existing property and is surrounded by residential properties. These existing residential properties would create an existing level of noise. The introduction of a further two dwellings into an area that is already built up of residential properties is not considered to materially increase noise to an unacceptable level.
52. Taking the above into account, it is considered that the proposed development would not cause material harm to neighbouring amenity.

Water Management and Sewage Disposal

53. Policy SS6 of the draft Local Plan sets out that Development that requires a new connection to mains or private drinking or waste water systems will be permitted provided that:
 - a) it does not result in the deterioration of, and where possible assists in improving water quality, to support the attainment of the requirements of the Water Framework Directive;
 - b) it complies with national policy and guidance in relation to flood risk;
 - c) it does not result in a risk to the quality of groundwater, and there is no risk to public or private water supplies;
 - d) all new homes (including replacement dwellings and conversions) achieve a water consumption standard of no more than 110 litres per person per day; and

- e) all new non-residential developments of 500 square metres or more achieve the BREEAM107 'excellent' credit required for water consumption.

- 54. Criteria (d) and (e) need to be satisfied unless it can be demonstrated that it is not financially viable to do so.
- 55. A consultation response has been received from the CIOS Infrastructure Services. In respect of drinking water and sewage, it is advised that the applicant should seek to ensure that there no net gains in water consumption and there should be a net reduction in discharge to the public sewage network.
- 56. It is considered that the matter of drinking water can be dealt with through a planning condition that requires a schemes to be submitted to the Council that manages the demand on the drinking water supply through water saving fittings and fixtures, low flow cisterns and toilets, rainwater harvesting and grey water reuse and landscaping of grounds that reduces the requirement for irrigation/watering. This would need to be a pre-commencement condition to ensure that these details are agreed prior to the construction proceeding too far and then it being realised that details cannot be agreed between the applicant and the Council.
- 57. The Infrastructure Team have specifically requested a condition to deal with the matter of sewage disposal. It has been advised that the section of network that this property discharges to is considered to be at maximum capacity as evidenced by frequent blockages and failures. The condition requested by the Infrastructure Team would require the applicant to demonstrate that a net reduction in discharge to the public sewage network can be achieved or an alternative scheme would need to be provided to demonstrate how this could be mitigated.
- 58. It is important to note that these matters can be dealt with by way of pre-commencement conditions when taking account of Paragraph 54 of the NPPF, which states that "local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations".

Waste Management

- 59. The issue of waste disposal from building works is a particularly important consideration on the Isle of Scilly due to the relatively minimal infrastructure to deal with construction waste.
- 60. CIOS Infrastructure Services have advised that full consideration should be given to any waste that will arise as part of any required demolition or

construction and waste management plans should be presented in order to ensure that allowance is made in terms of the practicalities of managing waste materials on the islands and also the project budget (as any waste arising is considered commercial).

61. Again, it is considered that this matter can be dealt with by way of a pre-commencement planning condition that would require the applicant to agree a demolition and construction management plan with the Council prior to any works starting.

Highway Matters

62. It is noted that there is no off-road parking provision included with the proposed development. However, this is not considered to be fatal to this application given the location of the application site.
63. The site is within the settlement of St Marys and it has been considered earlier in this report that the location of the site within a settlement means that it would be sustainable. It is likely that a vehicle of some type would be required to travel to the property given that the target market would be disabled people. However, it is considered that there is sufficient availability of parking along Church Road and the level of vehicle movements to and from the property would not be significant. The location of the site also means that the site is accessible to other more sustainable forms of transport.
64. The sustainable location of the site within a settlement, together with the seasonal use of the property, means that there is no requirement for off-road parking to be provided within the confines of the site.

Trees and Biodiversity

65. The application site has a group of trees within it. The loss of the trees to accommodate the proposed development could have an impact on the character of the area. It is considered that should planning permission be granted, then compensatory planting should be provided within the site to retain some of the character of the area. This could be secured by way of a planning condition.
66. There is the potential for the trees to provide habitats for nesting birds. Paragraph 170(d) of the NPPF states that planning and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Taking into account the potential impact and this paragraph of the NPPF, it is considered that nesting bird provision could be provided as part of the proposed development and, therefore, mitigate any potential impact and provide net gain for biodiversity. Again, this can be secured by way of a planning condition.

Conclusion

67. In light of the above assessment, it is considered that the proposal for two semi-detached self-catering holiday units would be in accordance with both local and national policies. On this basis, this application is recommended for approval, subject to the conditions below. The applicant has confirmed that they are happy with the pre-commencement conditions as set out.

Financial implications

68. None

Legal implications

69. There is a requirement to determine planning applications within statutory timescales. In this case the application, the determination date was 12th February 2019. The applicant has formally agreed to extend the determination date of the application until 8th March 2019.
70. Members will note that the determination of this application, if a decision is made at the March 2019 Full Council meeting, will be within the extended determination period agreed with the applicant. There is therefore no risk of an appeal against non-determination, if the application is determined at this meeting.
71. Should members be minded to refuse this application, contrary to the recommendation, or defer the application then it should be noted that the risk of an appeal challenge would increase (simply on the basis appeal challenges tend to be when planning permission is refused). If Members are minded to refuse this application then they are advised to provide material planning reasoning as to why the scheme is unacceptable together and/or any additional planning conditions they deem appropriate to address any harm. Officers can only provide guidance to Members if reasoning is considered to be material to the planning application and whether any suggested conditions are likely to meet the 6 tests for applying planning conditions to development. Guidance on meeting tests for use of planning conditions can be found in the link below. For reference these are:
- i. necessary;
 - ii. relevant to planning and;
 - iii. to the development to be permitted;
 - iv. enforceable;

- v. precise and;
- vi. reasonable in all other respects.

72. For information Members are asked to note that as of the 1st October 2018 the Local Planning Authority has a duty to agree with applicant's any pre-commencement conditions it considers necessary to control a development. Members are advised to bear this in mind as any additional requests for pre-commencement conditions will need to be agreed with applicants.

Other implications

73. Due to the application being located in a sensitive environment, as denoted by the AONB, the application has been screened for environmental impacts through an Environmental Impact Assessment, Screening Opinion. This screening concluded that the development proposed does not constitute EIA development requiring an Environmental Statement.
74. The planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

Links

The application details submitted: <http://www.scilly.gov.uk/planning-application/planning-application-p18090>

CIOS Infrastructure: <http://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/18/090/P-18-090%20Consultation%20CIOS%20Infrastructure.pdf>

DMAAO Consultation Response:

<http://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/18/090/P-18-090%20Consultation%20DMAAO.pdf>

Cornwall Fire and Rescue: <http://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/18/090/P-18-090%20Consultation%20Cornwall%20Fire.pdf>

AONB Partnership: <http://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/18/090/P-18-090%20Consultation%20AONB.pdf>

Natural England: <http://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/18/090/P-18-090%20Consultation%20Natural%20England.pdf>

Isles of Scilly Design Guide:

<http://www.scilly.gov.uk/sites/default/files/document/planning/Isles%20of%20Scilly%20Design%20Guide.pdf>

6 Tests for Planning Conditions: <https://www.gov.uk/guidance/use-of-planning-conditions>

Draft Local Plan 2015-2030: <http://www.scilly.gov.uk/local-plan-consultation-2019>

Report Approval

Senior Manager	Craig Dryden Senior Manager Infrastructure & Planning	22/02/2019
Financial	[Name, Job Title]	[DATE]
Legal	Stephen P Taylor Deputy Monitoring Officer	22/02/2019

Appendix

Conditions for approval

- 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:**
- Site Location Plan;
 - Drawing number 2050-002;
 - Drawing number 2050-101;
 - Drawing number 2050-102;
 - Drawing number 2050-201.
- 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 Listed Building and Conservation Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.
- C3 (A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:**
1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).**
(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made

for analysis, publication and dissemination of results and archive deposition has been secured.

Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to fully understand the impact of the works upon the Islands archaeological, historic and built environment, and 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 preserved or enhanced. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005 and paragraph.

- C4 No development shall take place until a demolition and construction plan for the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include access to the site for construction and demolition, details of the method for demolition, disposal of demolition waste, storage of construction materials, working times for construction and demolition works; methods to prevent impact on neighbouring properties from dust, noise, pollution etc., disposal of construction waste. The development shall only be carried out in strict accordance with the approved demolition and construction management plan.**

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure that waste arising from the demolition and construction process is dealt with in an appropriate manner, and to reduce any harm that may be caused to the area and the neighbouring population as a result of the demolition and construction process.

- C5 No development shall take place until a written scheme has been submitted to, and approved in writing by, the Local Planning Authority, to minimise additional demands of water consumption as a result of the proposed development. The development shall be carried out in accordance with the approved scheme and shall be adhered to thereafter.**

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure a meaningful reduction in the demand on drinking water supply is achievable, as it is important to ensure that there is a sufficient supply of water available to the local whole community.

- C6 No development shall take place until a written scheme has been submitted to, and approved in writing by, the Local Planning Authority, to minimise the discharge to the public sewage system at**

peak times. The development shall be carried out in accordance with the approved scheme and shall be adhered to thereafter.

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure that the proposed development would not increase discharge to a public sewage system that has been considered to be at maximum capacity.

- C7 No development shall take place until a detailed landscaping scheme, showing both hard and soft landscaping proposals has been submitted to, and approved in writing by, the Local Planning Authority. This shall specifically include the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations. It shall also include any provision of screen walls or fences, any mounding of earth, any creation of areas of hardstanding, pathways, etc., and areas to be seeded with grass. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.**

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure landscaping is acceptable in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- C8 No development shall take place until a written scheme for the provision of habitats within the site for nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme and the nesting provision for birds shall be retained in situ thereafter.**

Reason: To ensure that the development meets the requirement within the National Planning Policy Framework for development to contribute to, and enhance, the natural and local environment by minimising impacts on and providing net gains for biodiversity.

- C9 Prior to installation, samples of all external materials to be used in the external finishing of the walls and roofs of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be**

constructed other than with the approved materials, and shall be retained as such thereafter.

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

- C10 The first floor windows in the western and northern elevations of the development hereby approved shall be obscure glazed to a Level 5 Obscurity, and shall be retained as such thereafter.**

Reason: To protect neighbouring properties from an undue level of overlooking in the interests of preventing harm to neighbouring amenity.

- C11 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting those Orders with or without modification), other than the windows shown on the approved plans, no additional windows shall be installed on the first floor of the western and northern elevations of the development hereby approved.**

Reason: To protect neighbouring properties from an undue level of overlooking in the interests of preventing harm to neighbouring amenity.

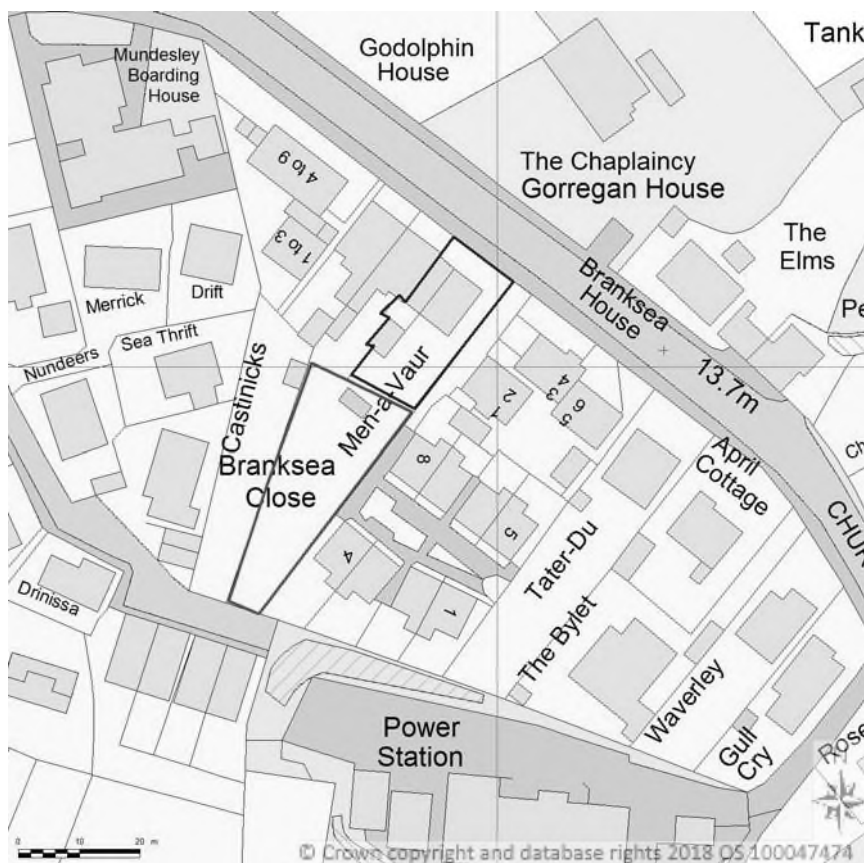
- C12 The dwellings hereby approved shall not be used otherwise than for the provision of short let holiday accommodation. The dwellings shall not be occupied as permanent dwellings and shall not be occupied by any person for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.**

Reason: To ensure that the development is occupied as holiday accommodation thereby according with Policy 4 of the Isles of Scilly Local Plan 2005, promoting the local economy.

- C13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting those Orders with or without modification), the two dwellings hereby approved shall not be extended or enlarged without planning permission.**

Reason: To prevent the development becoming larger than approved, which could lead to overdevelopment of the site and/or harm to neighbouring amenity.

SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 90690, 10488



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Appendix 2

Transcription of Council Meetings Held 5th March 2019 and 10th July 2018

Council of the Isles of Scilly – Meeting of Full Council

First Dictation: 5 March 2019

Item 9

Report from Lisa Walton – Planning & Development Officer

“Planning application for the construction of a pair of semi-detached dwellings which are for use as disability friendly self-catering holiday let units. The two units are designed to be used as independent dwellings but can also be occupied as a single let for larger groups. The proposal does not include any off-street car parking for its occupiers. Deliveries, refuse or emergency vehicles would use the vehicular access that serves Branksea Close. Pedestrians will access the site from Church Road and Branksea Close only, there is no access proposed from Rams Valley.

The two-storey element is on the southern side of the site which will be attached with a lower linking section to the single storey accommodation on the north side. Windows and doors have been positioned to minimise overlooking towards neighbouring properties, those facing north or northwest towards the properties Castinicks and Sea Thrift are either ground floor only or roof lights, with one en-suite obscurely glazed bathroom window at first floor.

The front south east facing will primarily overlook the open space between properties on Branksea Close. There are 2 front facing bedroom windows which will have views over this area, the other two windows are obscurely glazed en-suite bathroom windows. The distances between the proposed first floor windows and those existing are not face-to-face but are at oblique angles that are between 8-12m away. The applicant intends to maintain the existing hedge along this boundary, so ground floor windows will be behind this boundary feature.

The existing garden site contains a number of mature fruit trees and a New Zealand Christmas Tree as well as an existing greenhouse which will need to be removed. As these features are located in a private garden their amenity value is limited and relative to that of public open space. The greenhouse structure is in a state of disrepair and the fruit trees are of a mature condition. The loss of these features is not considered to be harmful to the wider character of the Conservation Area.

The design overall is considered to complement the features of properties found in the vicinity of the property using the rendering and timber boarding detailing with a mixture of natural materials.

One of the concerns for neighbouring properties is the construction of the two units which will connect onto the public sewer network. A public connection is always preferred where this is possible to minimise the proliferation of private systems and use of septic tanks. A number of representations make reference to this network being at capacity and regularly blocking.

Having reviewed the consultation response from the Council’s Infrastructure Team we are advised that the network is not known to be at capacity. There is a record of a number of blockages in this area which the Infrastructure Team respond to as they arise. They have confirmed that the 6” mains and the surrounding 4” sewer network that crosses the site picks all connections higher up from the Hospital down to this area. Most calls do relate to this area, Branksea Close, and the rear of Rose Mead and Corrigan House are simply because the fall of the sewer line is at its shallowest in this area, not because of a known capacity issue. The consultation response from the Infrastructure Team does not object to the proposed development connecting into this public network, but it does request that the proposal seeks to minimise the impact on the network at peak times. On this basis the Planning Department do not consider this a reason for refusal of the scheme.

A pre-commencement condition is recommended to ensure that the development provides adequate details of how this will be achieved before commencing development, should this application be approved today.

The applicant has confirmed the investigations to understand the network issues in this area, as would be something he would do if permission is granted. This is on the basis of CCTV investigations into understanding the problems to ensure the best solution is found, and as this is a costly piece of work, he has confirmed that he would not look into this more until planning permission has been established for this proposal.

Overall the applicant is seeking to establish two new units of holiday let accommodation under existing Local Plan Policy 4 in terms of demonstrably improving the quality of existing tourist accommodation and contributing to the further modernisation of the Island's economy. Emerging Policy WC5 of the Draft Local Plan is similarly supportive of tourism developments in providing bespoke disability friendly accommodation in a sustainable location, where the wider impacts are considered to be acceptable - the proposal is, subject to the conditions set out, recommended for approval. Some members did come along to the site visit last Friday and had a look at the site and I will just run you through the proposed elevations.

The east elevation overlooks Branksea Close. The north elevation faces the back of Men-a-Vaur the existing applicant's existing holiday let property. The west elevation faces properties to the north, Castinicks and Sea Thrift and the garden of Rosemead that way and then the elevation facing onto Branksea Close.

It's a two-storey element with a linking section and single-storey element, which is a two-storey element the single storey element and the linking section and that's with the two gable ends of a section through Branksea Close showing what you would see if you were stood in that public open space and some photos of the site of the existing access to Branksea Close, the existing boundary fence which leads into a hedge, the view back to the site from Branksea Close, from within the site back to Menovor and back towards Rams Valley through the site.

Any questions?"

Councillor Smith – "I wanted to discuss the issue of local housing, obviously this has been referenced to by several letters of representation, the disappointment of not seeing an application for local housing. The applicant does make reference in the Design and Access Statement to previous engagement with locals about local housing and stated that in a meeting it was thought by locals as inappropriate to have local housing there. Now my question would be, where is the evidence for that and as a Council shouldn't we be more supportive of applications for local housing than for holiday lets?"

LW – "Well I don't have any evidence of the public meeting, he held that as a private landowner and spoke to the neighbours about this planning application. At the pre-application stage Officers were very much of the view that as this scheme is a brownfield site in a sustainable location it would be better if it was affordable housing to meet local needs and not as a holiday let scheme.

The applicant has obviously considered it is up to the neighbouring properties and presented a case of events that make it stack up financially a denser scheme for delivering affordable dwellings on the plot or this less impactful, in his view, holiday let development which does provide very bespoke disability friendly holiday let accommodation which through his own investigations considers there is a gap in the market on the Isles of Scilly."

Councillor Williams - *"Thank you, just my confusion really that he apparently had this meeting with local people who said we do not want local housing and then a lot of the responses from local people said we do want local housing, so there seems to be a disconnect there."*

Chairman – *"Thank you Councillor Williams"*

Councillor Marcus - *"I am not against development on the site per se, but going back to the comment of Councillor Smith, it seems like a huge lost opportunity for having no local housing on the site, even if it was a blend which was a combination of what we have and what we could potentially have, but it seems like a lost opportunity when we have been talking so hard about some of the options that we would like to pursue. I am very mindful of the objections which have been included in the letters which have been submitted, but I think whatever the outcome today the issues of raw sewage and those sorts of blockages are very undesirable and need urgent attention. I fully understand the recommendation and the need for material planning issues for any rejection against that but I am going to be voting with my heart rather than head on this one I think, and I'm going to be supporting today's application on the issues around local housing."*

Chairman – *"Thank you Councillor Marcus"*

Councillor Marcus – *"I would like to first thank Lisa for arranging the site visits, good to see the place in context and the surrounding areas. I would also like to thank members of the public who took the time to raise their concerns and write into the Council, it is good to see local input on the issue."*

I guess there are ways and means of presenting a local affordable case if it stacks up, there are certain monies that need to be made and certain densities that can be put in an area and if those are overly dense then yes people will reject them, what I'm saying is that the applicant must have certain ideas of profit he needs to make to make the scheme viable and this is the only way he can make this viable according to his limits."

I think members have got to be careful, if they do reject the scheme there needs to be a material planning issue with the scheme and the Deputy Monitoring Officer can help with that, so if we do reject it then the applicant can appeal with this and if we do not have a material planning issue with it then that appeal will be won straight away, so we have to be wary of that. As much as I don't like the plan, I can't see myself, given the responses from the Infrastructure Team about sewage, as they see there is no issue with the sewage system there, that we can refuse it on that grounds."

The car parking seemed to be an issue, I don't know if that was a consistent issue from representations, is there a way we can condition the car parking for the weeks and months when it's used for workers as that seemed to be the issue rather than in the summer so..."

LW – *"There is no car parking proposed as part of the scheme and I don't think it would be reasonable to impose any on street car parking restriction given these are holiday lets"*

New Speaker – *"But in the winter they are not holiday lets so can we impose a condition that says there is no cars to be used at that building?"*

LW – *"I don't think personally that would be a reasonable condition given that this is a public highway, there are no car parking restrictions, it is outside the remit of the red line site boundary – I don't know if you can add anything?"*

New Speaker – *"I mean Chairman, just a couple of things, to come back to some of the points already made, this application is very clear, it is actually for holiday use and as a local planning authority we are here to consider the merits or otherwise of the application as presented to us."*

“Councillor Dan Marcus is absolutely right, if member are mindful to refuse this application, they need to have material planning reasons as to why this application should be refused because it is not just the appeal situation if we lose, but obviously if members are making unreasonable decisions then costs can be awarded against the Council and in the point that has been made about car parking, I would remind members that the recommendation on Condition 12 is actually to condition the dwellings so that they are only used for the provision of short let holiday accommodation, so even during the winter time that condition would still apply, so my view is that it would be inappropriate to provide any off street car parking for this particular proposal, given the fact that visitors coming to the islands do not bring their car.

Councillor Marcus – *“So that could be countered against the representations we have from the public saying that workers were using the holiday let during winter and there was excessive parking during the winter, so is there a way we can do something with that?”*

New speaker – *“Chairman, there is a mechanism in Condition 12 in that the owner or operator should maintain a register of occupants for each calendar year so that is something that we can monitor.*

In terms of the condition it is very clear that it should not be used as a permanent dwelling but it can be occupied by any person for a period not exceeding 28 days in any calendar year. So there might be some scope or flexibility for seasonal workers if there are any here and if they plan to use that as part of that particular condition. But the point is it is very much temporary accommodation, so we are not talking about a winter let here, where someone can occupy the property during the complete winter months.”

Chairman – *“Councillor Watt”*

Councillor Watt – *“I have looked through the planning application in detail and did not come here with any idea of predetermination but I have 3 major concerns; that it is not ultimately clear that the impact on drinking water supply and sewage and this is also raised by the Council’s Infrastructure Department, saying that the sewage discharge at the moment is at maximum capacity. I know I heard Councillor Marcus mention that it is actually being accommodated within the planning application.*

The second issue is the loss of trees and wildlife habitat and there is no mention of bats in the report. Three of the letters of objection which I read mention the fact that bats use that area, is it because there are no buildings that bats use that there is no Bat Survey done?”

LW – *“Yes, there is no demolition of structures – bats are known to use trees and things like that so the legal requirement to be mindful and comply with the law in respect to protected species will still apply if this development goes ahead but we cannot require a Bat Survey because they are not demolishing buildings or altering the roofs of buildings, which is the trigger point for us to request a Bat Survey.”*

Councillor Watt – *“OK, my third point is something which is a very small item in the report on Paragraph 14, Cornwall Fire and Rescue mention the fact of access in cases of fire and mention that they may not get a Completion Certificate under the Building Regulations, therefore the lives of occupants would be at risk and I wonder again why that wasn’t made more clear in the application or preamble to the application.”*

LW – *“Because this is considering the application under the Town and Country Planning Act not under the Building Regulations, so if planning permission is granted they still have to develop a scheme that*

complies with the Building Regulations and if they can't get that, they need to amend the plans to a scheme which can deliver that which would then mean coming back to planning."

New Speaker "If you look at the representation on the website it says that the Fire appliance has to be within 45m of the buildings, which is how for instance the rest of Branksea Close is closer than the far end of Branksea Close. The point you raised about the sewage is just replicating what Lisa has got from Eddie Williams say that they are under the impression that they are saying that the system is not at capacity."

Chairman – "Councillor Sims"

Councillor Sims – "Regarding that last point, we have been told by Infrastructure that there is not a stress point down there, so we cannot really second guess that and argue about that. The access, when I first saw this, and I am familiar with this area, and parking is fairly tight on that bit of Church Road but it is not terminally bad, but one thought I did have was possibly make a condition to cut a little bit off the edge so that there is actually a little bit more room to get down there? But then again if the hoses can get down it is fine, but the main point I wanted to make was if there are options in this, i.e. a clump of local housing or holiday lets then we would all jump at the local housing, but that's not there, so we cant do it, so we basically have to run with what we have got and we have to find material planning reasons to reject it and I personally cannot see any, whatever my personal opinions of the development are."

One other question, it says there won't be any access from Rams Valley, but clearly looking at the map, it is just a matter of making a hole in the hedge if they want to later on. It would strike me if you are building there it would be a great deal of utility being able to have access from Rams Valley, is that a condition?"

LW – "I understand that Rams Valley is a private road and there is also separate ownership issues to establish a right of way up to the back of the site. I think the applicant is aware of that and it not intending to put any access through to Rams Valley, but they'd put an access in from Church Road through Branksea Close."

Chairman – "Thank you. Councillor Mumford"

Councillor Mumford – "I am not convinced that the overlooking into Branksea Close. Is that what overlooks into Branksea Close, the east elevation? There are windows at the top that are going to look right into. I have lived at Branksea Close and you would be able to see, I think, what is going on there and also the house, I think is No. 4 would be overlooked, and No. 8 probably. I don't like it either! I just think it would be overlooked and it says here that it isn't?"

LW – "Just coming back to that Chair, the four windows at first floor, the two central ones are obscurely glazed en-suite bathroom windows so you wouldn't get any overlooking. The two either side are bedroom windows so yes, they will not be obscurely glazed. The distances – they are quite oblique so you wouldn't get to look into those properties from that angle, so the distances going across if you measure from the centre point are between 8-12m which I think is a similar distance to the face-to-face relationship that the properties have at the moment and these are at an oblique angle. But I do take your point, there is a perception of overlooking even if they are not being directly overlooked."

Chairman – "Thank you. Councillor Smith"

Councillor Smith – *“Thank you Chairman, I would like to pick up on the issue of overlooking which many respondents have picked up on as well, especially those living in Branksea Close. Having been down to the area last week I can quite see their concerns. Many of the respondents have also picked up on the wildlife and amenity value of that garden area which is actually very valuable in that part of St Marys and I fully support what they say. So in fact I am going to propose refusal on the basis of overlooking onto Branksea Close which is against the principles in the Design Guide and has serious issues for those living there locally. Also in terms of access, which I do not think is adequate for the proposals there, which as they say is up to 12 bed spaces, and also on the loss of the green space which goes against the principles in our new Local Plan, Policy OE2, a loss of biodiversity which in the application they have not made any provision for in terms of compensation and I believe that actually there is virtually no landscaping plans in here, which is of detriment to the application and therefore I am going to propose refusal on those principles.”*

Councillor Marcus – *“Just to remind Councillor Smith that OE2 and the new Local Plan isn’t the Plan that are prescribing to. There is some limited weight we can put on it but it is not as I understand it a material planning concern that we can use for refusal.”*

Councillor Smith – *“Indeed, but I would still say that I think as Councillors we fully endorse the principles of the Local Plan and we understand that they will be enforced in the near future.”*

New Speaker – *“Chairman, just for clarification the new Local Plan is a material consideration but obviously the significance is on the basis of where it actually is within the system, so obviously once it is adopted it will be the Development Plan for the area, but it been already through one iteration and public consultation and has been approved by members for further consultation so it is a material consideration, but clearly does not carry as much weight as an adopted Local Plan.”*

Chairman – *“Councillor Sims”*

Councillor Sims – *“In terms of ... the area has the utility for wildlife but you do have to bear in mind within 150 yards there are dozens and dozens of elm trees. For Hugh town it is a very well forested area.”*

Chairman – *“Thank you, so we have a proposer for refusal of this application, do we have a seconder for that proposal please ?”* (Councillor Mumford raised hand)

Chairman – *“All those in favour of refusal for the reasons given?”* – (5)

“Those against refusal?” – (3)

“Thank you, the refusal is carried.”

[ITEM ENDS]

Second Dictation: 10 July 2018

Item 12

LW – *“OK thank you Chair, this is an application for a new detached unit of residential accommodation. The site is well situated relative to existing holiday accommodation at Old Grimsby on Tresco. Whilst the accommodation is large it is not considered to be out of character with the site and development around this area.*

The applicant has set out a clear intention to increase visitor numbers, as well as enable the possibility to extend the length of the tourism season, specifically large accommodation comprises en-suite accommodation which would enable specific interest groups to book together, but not necessarily family groups, which is not currently provided on Tresco. Officers consider that the accommodation would be in accordance with Policy 4 of the current adopted Local Plan and is recommended for approval."

Chairman – *"Councillor Smith"*

Councillor Smith – *"Just looking regarding the conditions, I think on page 72 that condition 10 is completely appropriate, it was a bit disappointing not to see that specified in the application regarding sustainable design, renewable energy measures etc."*

I also note, I think I am right in saying, that the landscaping scheme isn't specified in the application and if it isn't then I would propose that it should be a condition."

Lastly, and we did have a discussion about this on the site visit, regarding the colours of paintwork, whether that has been specified by the applicant or not?"

LW – *"Yes – that can be conditioned and landscaping"*

Councillor Smith – *"Therefore I propose to accept the application subject to those conditions being added."*

Chairman – *"Councillor Marcus"*

Councillor Marcus – *"Yes, I will second that"*

Chairman – *"All those in favour?" (8)*

"Any against?"

"Thank you"

[ITEM ENDS]

Appendix 3

Minutes of Council Meeting Held 10th July 2018

Resolved:

That the application be accepted, with the conditions as set out in the report, and the additional conditions relating to colour of the roof panelling and a landscaping scheme, as determined by the Senior Manager: Planning and Infrastructure.

C138/18 P/18/043/FUL Land at Sea Gardens, Norrad Tresco

The Senior Officer Planning and Development Management presented her report entitled 'P/18/043/FUL Land at Sea Garden Cottages, back lane, Norrad, Tresco'.

Councillor S Sims felt that the acoustics of the premises should be considered.

Resolved:

That the application be accepted, with the conditions as set out in the report, and the additional conditions relating to colour of the roof panelling and a landscaping scheme, as determined by the Senior Manager: Planning and Infrastructure.

C139/18 P/18/044/FUL Land at Ocean View, Old Grimsby, Tresco

The Senior Officer Planning and Development Management presented her report entitled 'P/18/044/FUL Land Adjacent To Ocean View, Old Grimsby, Tresco'.

Resolved:

That the application be accepted, with the conditions as set out in the report, and the additional conditions relating to colour of the roof panelling and a landscaping scheme, as determined by the Senior Manager: Planning and Infrastructure.

(Councillor R Dorrien-Smith returned to the room)

C140/18 Sports Hall Options

The Chairman noted that this report, and item, would not be discussed and would be deferred to a future meeting of Council.

C141/18 Isles of Scilly Fire & Rescue Service - Interim Integrated Risk Management Plan 2018/19 & Annual Assurance Statements for 2015/16 & 2016/17

The Senior Manager: Planning and Infrastructure presented his report entitled 'Isles of Scilly Fire & Rescue Service - Interim Integrated Risk Management Plan 2018/19 & Annual Assurance Statements for 2015/16 & 2016/17'.

Appendix 4

Committee Report for Application P/18/044

P/18/044/FUL Land Adjacent To Ocean View, Old Grimsby, Tresco: Application for erection of 5 bedroom dwelling for use as holiday let.

Date 10th July 2018

Meeting Full Council

Part 1

Authors Lisa Walton, Senior Officer Planning and Development
Management

Recommendation

1. That Members approved the application for the reasons set out in the report and subject to the conditions set out in the Appendix.
-

1. This is an assessment for an application for a new dwelling on the island of Tresco. The application site is located to the north west of Ocean View and to the south east of Norrard at Old Grimsby on the island of Tresco. The dwelling is proposed to be situated within a row of existing dwellings, used for self-catering holiday let use. This application is one of 3 new applications from Tresco Estate currently under consideration by the Council. The other two are P/18/042/FUL which is for a new dwelling for holiday let purposes (at Old Grimsby) and P/18/043/FUL which is a multi-purpose space on the north west side of the hotel complex (also at Old Grimsby). All three are located on the island of Tresco.
2. The proposed dwelling is a very large detached two storey house. The layout is 'L' shape and the front elevation, facing north east into Raven's Porth, has an overall width of around 20 metres, which comprises two distinct sections of a 4 bay traditional rendered cottage style elevation with a slate pitched roof. Attached to the south end is a front facing gable with a slate covered roof running from the front to the rear section of the property. This front facing gable includes a first floor balcony and this is linked to the rendered half with full height glazing. The rear is a private rear garden with a pergola for outdoor seating.
3. The property is situated within an existing greenfield gap between within the row of existing dwellings. It does however contain a smaller building which appears to be a white rendered building with a lean-to pitched roof and glazed windows and doors, possibly part of a former allotment use. This existing building will be removed as part of the application. The proposal including landscaping within the garden the construction of bicycle storage and 'plan' store (presumably for any renewable energy or other energy metering).
4. All plans and documents submitted with this application can be viewed online here by following the link below.

Background and Relevant History

5. This is a new site with no planning background or history.

Consultations and Representations

6. A site notice has been on display in the vicinity of the application site for a period of 21 days. No representations have been received. Cornwall Archaeological Unit have been consulted in relation to the potential impact on below ground archaeological remains. They have commented that as there are a number of post-medieval records in the area, including MCO31587, a row of cottages and there is further archaeological potential at this site. In the area of

the proposed new builds are a large number of tiny flower fields, whilst at the other site to the northwest of the hotel are narrow strip fields, shown on the c1880 and c1907 OS maps. They have recommended conditions for archaeological watching briefs on all three applications on the grounds that evidence for former cultivation practices may be revealed as well as there being a potential for earlier features and finds. All consultation responses can be read in full online in the link below.

Primary Legislation and Planning Policy

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

7. 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

8. 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.

The Conservation of Habitats and Species Regulations 2010

(Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

9. It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2012

10. 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.

11. Chapter 11 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 115 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

Isles of Scilly Local Plan 2005

12. Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest (SSSI); and locally important biodiversity habitats, species and landscape features.
13. Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.
14. Policy 4 relates to supporting economic development proposals including where these are based on the existing economic base of tourism, agriculture and fishing, as well as the distinctiveness of the islands, particularly (a) where such development contributes to the further diversification and essential modernisation of the islands' economy; or (b) where it demonstrably improves the quality of existing tourist accommodation, including that of managed camping sites, or potentially extends the length of the tourist season.

Isles of Scilly Design Guide 2007

15. The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that “It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic”.

Consultation Draft Isles of Scilly Local Plan 2015-2030

16. The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). This emerging document also contains policies for new tourism developments (Policy WC5). To sustain the islands as a competitive visitor destination, it is necessary to protect and encourage, wherever appropriate, improvements to existing visitor accommodation. The cumulative loss of visitor accommodation to alternative uses can weaken the destination’s appeal and ability to grow its visitor market.
17. Policy WC5 *visitor economy and tourism developments*: sets out that proposals for new or upgraded tourism development will be permitted where they (a) make a positive contribution to the provision of high quality sustainable tourism on the islands that improves the current visitor experience, offer and responds to the changing needs and expectations of visitors to help create a more competitive and sustainable visitor destination; and (b) are located in sustainable and accessible locations; and (c) are appropriate to the site and its surroundings in terms of activity, scale and design; and (d) do not result in an unacceptable impact on the environment or residential amenities in accordance with other relevant policies in the Local Plan.
18. A link to this consultation Draft Local Plan has been set out below. Clearly the consultation draft Local Plan has only recently concluded public consultation, at the time of writing this report, and as such the policies it contains can only be given limited weight. However, it is important to ensure Members are fully aware of relevant policy requirements being proposed, moving forward.

Planning Assessment

19. The main planning issues for consideration relate to whether the proposed holiday let dwelling is acceptable in principle. It is material to consider the impact upon the wider character and appearance of the area including the impact upon the Conservation Area, AONB and protected species. Finally as a new unit of accommodation it is essential that it does not give rise to any significant harm to the privacy and amenity of existing neighbouring properties or highway safety.

Principle of development.

20. The adopted Local Plan makes clear policy provision to support development proposals that are designed to support the existing economic base, which includes tourism. The new dwelling is proposed to be a self-contained dwelling that will be used as a holiday let. In order to ascertain whether the principle is acceptable it is necessary to consider whether the proposal 'diversifies' and essentially 'modernises' the islands' economy, as required by part (a) of Policy 4. Tresco Island is primarily a holiday resort destination and therefore it is difficult to argue that the proposed dwelling 'diversifies' the economy. The policy test for part (a) is to further diversify and essentially modernise the islands' economy and on this basis it is considered that the development does not comply with part (a). Policy 4, however, as a criteria based policy, only requires compliance with one of the five criteria. As this is not a change of use of a larger hotel (c), a hostel or bunkhouse (d), or part of a farm holding (e) there is no requirement to assess the proposal under these parts of Policy 4.
21. Part (b) of Policy 4 requires a proposal to demonstrably improve the quality of existing tourist accommodation...or potentially extend the length of the tourism season". The applicant has stated that the proposal is delivering a property with '*generous sized bedrooms and bathrooms with shared space*' which will allow them to '*extend occupancy of the Island through the shoulder season and provide high quality houses for letting in the high season*'. Tresco Island is the second largest island of the Scilly archipelago and has the second highest population. Relative to St Mary's the population is small but this reflects the administrative centre of St Mary's and the nature of Tresco as primarily a holiday destination. The aim of providing a 'high quality' unit of accommodation is to provide options for holiday makers outside of the main 'season'. This intention does reflect the policy test or intention of Policy 4(b).
22. By its very nature it is considered that a modern luxury unit of accommodation would provide an improvement in the quality of existing tourist accommodation. Given that it will provide opportunities to visit the islands on a year-round basis it will also add to the potential to extend the length of the tourism season. On this basis it is considered that the proposal is acceptable in principle as it would be in accordance with Policy 4(b) of the adopted Isles of Scilly Local Plan 2005.

Design, Scale, Massing and Materials

23. The proposed dwelling is a modern construction with a traditional appearance that reflects the style of modern dwellings on Tresco. The scale is of a large detached dwelling with an overall height of 7m to the ridge and 5 metres to the eaves. It is however, in keeping with the scale of dwellings along this row. Although large it would not appear to be disproportionate to existing development in the vicinity. Materials and details reflect a high quality finish with a pallet of natural materials and colours reflecting both the maritime environment as well as the Tresco identity. The proposal is set back and aligns

with existing dwellings in this frontage location with a reasonable setting in the form of a private rear garden. It would appear that the proposal includes a retention of the front boundary wall but some of the existing hedge planting will be replaced. It is considered that the design, scale massing and materials are in keeping with the site and the proposal is in accordance with Policy 2 of the adopted Isles of Scilly Local Plan 2005.

Impact upon the character of the Conservation Area, the AONB and the Historic Environment

24. Historically Northward, or Norrad, and Old Grimsby appears to have been used as settlement areas on Tresco with the 1890 Ordnance Survey maps showing small scale developments dotted along the coast and along lanes. The application site, would appear to have originally formed part of bulb strip field systems between the coastguard station and Ray Island. The landscape character for the site is, however, identified as 'settlement' in the most recent Historic landscape character assessment. The proposed dwelling will be located within this existing settlement area of Old Grimsby and views of the dwelling will be very much within this context. The design and use of materials will ensure that the proposal is in keeping with this surrounding dwellings.
25. The site borders the Dolphin Town Archaeological Constraint Area, which borders the application site to the south, and there are a number of post-medieval Historic Environment Records (HER) scattered around this area. There are no records, however, within the proposed site boundary. The consultation with Cornwall Archaeological Unit suggests that there is potential for a development of this scale to uncover unknown below-ground archaeological remains that could further the understanding of historic activity on the Isles of Scilly. On this basis a condition to submit a Written Scheme of Investigation for archaeological monitoring will mitigate the impact and any potential loss or harm upon potential archaeological finds which should be recorded where necessary.
26. The closest listed building to the site is a feature identified as 'walls to kept pit at SV 8925 1550'. This was first listed in 1992 as Grade II status and is described by Historic England as:

Walls to 3 sides of kelp pit. C18/C19. Uncoursed granite rubble, formerly with sloping sides to pit lined with flat stones. The kelp was dried out whilst piled between layers of brushwood in shallow pits. Kelping was introduced into the islands in the late C17, and became a vitally important source of subsidiary income. It was used in-the manufacture of glass, soap and bleaches.

27. This is around 130 metres from the proposed building and it is not considered that there will be any direct or indirect impacts upon this designated heritage assets. There are a number of other listed buildings and features at Dolphin Town, including the Church of St Nicholas, also grade II listed. These buildings are around 230 metres to the south of the application site and it is not considered that these heritage assets will be affected by the proposed development. It is considered that the proposed dwelling will have a neutral to positive impact upon the wider character of the conservation area and wider historic landscape and would be in accordance Policy 1 of the adopted Isles of Scilly Local Plan 2005.

Impact upon the Natural Environment

28. The proposed dwelling will be around 115 metres from the Isles of Scilly Special Area of Conservation (SAC), which runs up to the mean high water mark along the coast to the east. The SAC is a European designation that covers 142 hectares of coastal water (part terrestrial) around the Islands. This designation seeks to protect the important features of sandbanks (for which this is considered to be one of the best areas in the UK), mudflats (for which this is considered to be one of the best areas in the UK), reefs (for which this is considered to be one of the best areas in the UK) and plant species including shore dock (for which this is considered to be one of the best areas in the UK) and animal species including the grey seal (for which the area is considered to support a significant presence).
29. Around 370 metres to the south east of the application site is the Pentle Bay, Merrick and Round Island Site of Special Scientific Interest (SSSI), which also overlaps with the Isles of Scilly Special Protection Area (SPA) and SAC. The application site lies outside these designations as well as the impact zone of the SSSI designation (which is a buffer zone drawn at its maximum extend of 200m around each designation). It is however important to understand the importance and condition of these nearby natural environment designations. The SSSI is a 42.63 hectare designation that is largely in an unfavourable but recovering status with 4.60 hectares being in a favourable condition. The site extends inland across an area known as Appletree Banks which exhibits an important transition from dunes to lichen-rich heathland. The site also incorporates a number of small uninhabited islands, including Merrick Island and Round Island, which are important for breeding seabirds.
30. The site is also of particular importance for its breeding seabirds. Various locations within the island group regularly support nationally important breeding populations of Roseate Tern and Storm Petrel. Storm Petrels breed on Round Island, whilst the Roseate Terns breed on other rocks and offshore islands. Another important breeder which particularly favours Merrick Island and the short-lichen rich heathland of Appletree Banks is the Common Tern.

31. Around 450 to the west and North West is the Castle Down SSSI which also overlaps with the SPA. The Castle Down SSSI is a 57.76 hectare designation that is identified as being within a favourable condition. The designation is an exposed headland on the north side of the island of Tresco on the northern margins of the Isles of Scilly archipelago. The application site lies outside the impact zone of any of the nearby SSSI designations.
32. The islands included within the SPA support a breeding seabird assemblage of European importance. The isolated nature of the islands and rocks, together with their low levels of disturbance and predation, makes them particularly suitable for nesting seabirds such as Storm Petrel. It should be noted that the adopted SPA boundary only encompasses those areas used for nesting. The vast majority of the feeding areas used by the seabirds are marine waters outside the SPA, although a proposed SPA, covering all marine waters around the islands is a material consideration and the pSPA extension boundary can be seen in the link below.
33. The dwelling will have to connect to a suitable means of foul water disposal. These details have not been submitted and as such it is recommended that a condition is imposed to ensure that appropriate foul water drainage is in place prior to first occupation. It is not considered that the proposed dwelling will have a significant impact upon the natural environment designations that are within close proximity, as set out above. It is anticipated that the dwelling will be used primarily during the summer season with opportunities for bookings on a year-round basis.
34. In terms of other protected species then there are no known bat roosts within the site. It is likely that bats and birds will be active in and around this site due to the fact that birds and bats are present on all of the islands. It is not considered necessary however to carry out a protected species prior to the determination of this application. It is acceptable to ensure that the applicants are aware of the law in relation to ceasing operations should any protected species be found during the course of construction works. An informative to this affect is recommended to be sufficient in this case.
35. The site is not within the above SAC, SPA or SSSI designations. As the proposal is one of three concurrent applications being considered for this area of Tresco it is recommended that a Construction Management Plan is submitted by condition to ensure that the construction of the development does not cumulatively have a significant impact upon these designations, which could include, for example, avoiding works during the bird breeding season and mitigating impacts upon the habitats identified in the SAC designation. Subject to the above conditions it is considered that the proposal would not have a

significant impact upon the natural environment and would be in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005.

Impact upon residential amenity

36. The proposed dwelling will be located within an existing area of residential dwellings, which are similarly used by Tresco for holiday let purposes. Whilst the construction of a new build has the potential to disturb existing residents it is likely that the applicant would take due care and attention to avoid construction during the summer months. It is not considered that the proposed dwelling, in line with existing buildings at this site, would (post construction) have any impact upon residential amenity for existing dwellings or neighbouring land uses. It is recommended that the use of noisy machinery is restricted by condition from taking place during early mornings, Sundays and public holidays. Subject to this condition it is not considered that the proposal would give rise to any significant impacts and it would be in accordance with the Isles of Scilly Design Guide.

Conclusion

37. In light of the above assessment it is recommended that this application is acceptable and, subject to the conditions set out in the appendices, would be in accordance with the adopted Isles of Scilly Local Plan 2005. This application is recommended for approval.

Financial implications

38. None

Legal implications

39. There is a requirement to determine planning applications within statutory timescales. In this case the application should be determined by 4th August 2018. After this date the applicants can appeal to the Planning Inspectorate against non-determination of this application.
40. Members will note that the determination of this application, if a decision is made at the July 2018 Full Council meeting, will be within this 8 week determination date. The risk of appeal challenge is therefore low.
41. Should members be minded to refuse this application, contrary to the recommendation, then it should be noted that the risk of an appeal challenge would increase (simply on the basis appeal challenges tend to be when planning permission is refused). Members will be asked to provide their planning reasoning for the refusal and Officers will be able to advise on whether

the reasoning is material to the planning application. Should Members wish to suggest additional planning conditions then Officers can advise on whether any suggested conditions are likely to meet the 6 tests for applying planning conditions to development. Guidance on meeting tests for use of planning conditions can be found in the link below. For reference these are:

- i. necessary;
- ii. relevant to planning and;
- iii. to the development to be permitted;
- iv. enforceable;
- v. precise and;
- vi. reasonable in all other respects.

Other implications

- 42. Due to the application being located in a sensitive environment, as denoted by the AONB, the application has been screened for environmental impacts through an Environmental Impact Assessment, Screening Opinion. This screening concluded that the development proposed does not constitute EIA development requiring an Environmental Statement.
- 43. The planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

Appendix

- 44. Appendix: Proposed conditions with reasons

Links

Planning Application P/18/044/FUL: <http://www.scilly.gov.uk/planning-application/planning-application-p18044>.

Isles of Scilly Design Guide:

<http://www.scilly.gov.uk/sites/default/files/document/planning/Isles%20of%20Scilly%20Design%20Guide.pdf>

6 Tests for Planning Conditions: <https://www.gov.uk/guidance/use-of-planning-conditions>

Draft Local Plan 2015-2030:

<http://www.scilly.gov.uk/sites/default/files/document/planning/Draft%20Local%20Plan%202015%202030.pdf>

Preproposals for a Marine Extension to the Isles of Scilly Special Protection Area (SPA). The pSPA boundary can be viewed online here: <http://publications.naturalengland.org.uk/publication/6573576605401088> (click the link within this page to download the information including the map)

Approval

Senior Manager	Craig Dryden, Senior Manager Infrastructure & Planning	21/06/2018
Financial	N/A	
Legal	Matt Stokes, Monitoring Officer	25/06/2018

Appendix

Conditions for approval

- 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:**
- Block Plan Proposed, Drawing Number: 4015/PL/02 dated May '18
 - Plans Proposed, Drawing Number: 4015/PL/05 dated May '18
 - Location Plan, Drawing Number: 4015/PL/01A dated June '18
 - Elevations Proposed, Drawing Number: 4015/PL/06 dated May '18
 - Site Plan Proposed, Drawing Number: 4015/PL/04 dated May '18
 - Design and Access Statement, Date Stamped 30 May 2018
- 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 Policy 1 of the adopted Isles of Scilly Local Plan 2005.
- 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 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 1. The means and timing of the delivery of materials to the islands which, if by landing craft, should be outside of the main bird breeding season;**
- 2. Loading and unloading of plant and materials;**
- 3. Storage of plant and materials used in constructing the development;**
- 4. Measures to control the emission of dust and dirt during construction;**
- 5. A scheme for recycling/disposing of waste resulting from demolition and construction works.**

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its former condition within three months.

Reason: This is a pre-commencement condition that enables the applicant to provide clear construction management details to enable the Local Planning Authority to ensure that the construction of the development is adequately controlled and to protect the amenities of the area, essential infrastructure and surrounding natural environment designations in accordance with Policies 1, 2 and 6 of the Local Plan.

C5 A. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:

- 1. The programme and methodology of site investigation and recording;**
- 2. The programme for post investigation assessment;**
- 3. Provision to be made for analysis of the site investigation and recording;**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation;**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation**

B. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

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 the Islands archaeological, historic and built environment, to be submitted and agreed in writing by the Local Planning Authority. This is 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 preserved or enhanced. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- C6 Prior to the first use of the dwelling, hereby permitted, it shall be connected to either an existing sewerage treatment system with sufficient capacity or a new sewerage treatment system the details of which shall be agreed in writing with the Local Planning Authority. The sewerage treatment system shall be implemented in strict accordance with the details as agreed.**

Reason: To prevent any effluent pollution into the surrounding area and in accordance with Policy 6 of the adopted Isles of Scilly Local Plan 2005.

- C7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, modifying or re-enacting that order) there shall be no external alterations to the dwelling, including any new openings, extensions or curtilage structures.**

Reason: To protect the wider character of the conservation area and Area Of Outstanding Natural Beauty in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005.

- C8 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 should include energy/water conservation and water harvesting measures. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted.**

Reason: In accordance with Policy 2 of the Local Plan and to minimise the impact of the development on essential infrastructure in accordance with Policy 6 of the adopted Isles of Scilly Local Plan 2005.

- C11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order) the development hereby permitted shall be restricted to holiday use only and not permanent occupation.**

Reason: To ensure the use of the building is restricted to the use as set out in the application in accordance with Policy 4 of the adopted Isles of Scilly Local Plan 2005. New residential accommodation for permanent occupation would need to be

permanently controlled through secure mechanisms such as a Section 106 Planning Obligation as required by Policy 3 of the adopted Isles of Scilly Local Plan 2005.

Appendix 5

Decision Notice for Application P/18/044



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

COUNCIL OF THE ISLES OF SCILLY

Town Hall, The Parade, St Mary's TR21 0LW
Telephone: 01720 424455 – Email: planning@scilly.gov.uk

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2010

PERMISSION FOR DEVELOPMENT

Application No: P/18/044/FUL

Date Application Registered: 9th June 2018

Applicant: Mr Robert Dorrien-Smith
Tresco Estate
Tresco
Isles Of Scilly
TR24 0QQ

Agent: Mr Martin Llewellyn
Llewellyn Harker Lowe
Architects
Home Farm
East Pennard
Shepton Mallet
BA4 6TT

Site Address: Land Adjacent To Ocean View Raven's Lane Old Grimsby Tresco Isles of Scilly

Proposal: Erection of 5 bedroom dwelling for use as holiday let.

In pursuance of their powers under the above act, the Council hereby **PERMIT** the above development to be carried out in accordance with the following 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:

- Block Plan Proposed, Drawing Number: 4015/PL/02 dated May '18
- Plans Proposed, Drawing Number: 4015/PL/05 dated May '18
- Location Plan, Drawing Number: 4015/PL/01A dated June '18
- Elevations Proposed, Drawing Number: 4015/PL/06 dated May '18
- Site Plan Proposed, Drawing Number: 4015/PL/04 dated May '18
- Design and Access Statement, Date Stamped 30 May 2018

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 Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy SS2, OE1 and OE2 of Publication Draft 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.

PRE-COMMENCEMENT CONDITION – SUBMISSION OF A CONSTRUCTION METHOD STATEMENT

C4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives;
2. Loading and unloading of plant and materials;
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. Wheel washing facilities;
6. Measures to control the emission of dust and dirt during construction;
7. A scheme for recycling/disposing of waste resulting from demolition and construction works.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its former condition within three months.

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 the Islands natural environment designation and to ensure that the construction of the development is adequately controlled and to protect the amenities of the area and essential infrastructure in accordance with Policies 1, 2 and 6 of the adopted Isles of Scilly Local Plan 2005 and Policy SS2 and OE2 of Publication Draft Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT CONDITION – SUBMISSION OF WRITTEN SCHEME OF INVESTIGATION

C5 A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No demolition/development* shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

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 the Islands

archaeological, historic and built environment, to be submitted and agreed in writing by the Local Planning Authority. This is 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 preserved or enhanced. In accordance with the requirements of Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy SS2 and OE3 of Publication Draft Isles of Scilly Local Plan 2015-2030.

PRE-OCCUPATION CONDITION – CONNECTION TO SEWERAGE TREATMENT SYSTEM

- C6** Prior to the occupation of the dwelling, hereby permitted, it shall be connected to either an existing sewerage treatment system with sufficient capacity or a new sewerage treatment system the details of which shall be agreed in writing with the Local Planning Authority. The sewerage treatment system shall be implemented in strict accordance with the details as agreed.

Reason: To prevent any effluent pollution into the surrounding area and in accordance with Policy 6 of the adopted Isles of Scilly Local Plan 2005 and Policy SS5 of Publication Draft Isles of Scilly Local Plan 2015-2030.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

- C7** Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), additions or alterations to the roof (Part 1 Class B and Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), hard surfacing (Part 1, Class F) or means of enclosure (Part 2 Class A) shall be erected/constructed without first obtaining planning permission.

Reason: To protect the wider character of the conservation area and Area Of Outstanding Natural Beauty in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy LC9 of Publication Draft Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT CONDITION – SUBMISSION OF SUSTAINABLE DESIGN MEASURES

- C8** 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 should include water conservation and harvesting measures and renewable energy generation. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted.

Reason: To minimise the impact of the development on essential infrastructure in accordance with Policy 6 of the adopted Isles of Scilly Local Plan 2005 and Policy SS6 Publication Draft Isles of Scilly Local Plan 2015-2030

REMOVAL OF PERMITTED CHANGES OF USE

- C9** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order) the development hereby permitted shall be restricted to holiday use only and not permanent occupation.

Reason: To ensure the use of the building is restricted for the purposes set out in the application in accordance with Policy 3 of the adopted Isles of Scilly Local Plan 2005.

PRE-COMMENCEMENT CONDITION – SUBMISSION OF A LANDSCAPING SCHEME

- C10** Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the details and locations of all existing trees and hedgerows on the land, identify trees and hedges to be retained and outline measures for their protection during the course of the development. Once approved, the works required by the landscaping scheme shall be carried out in full during the planting season (15th September and 15th March inclusive) following the substantial

completion of the development hereby approved or during a later season, which has been agreed in writing by the Local Planning Authority. Any tree or hedge found to be dying, damaged or diseased within 10 years from the date on which the scheme has been completed shall be replaced with the same species.

Reason: To enable the Local Planning Authority to consider details not sufficiently provided as part of the current application, to assimilate the development into the landscape and to safeguard the appearance and character of this part of the Islands in accordance with Policies 1 and 2 the adopted Isles of Scilly Local Plan 2005 and Policies OE1, OE2 and WC5 Publication Draft Isles of Scilly Local Plan 2015-2030

PRE-USE CONDITION – SUBMISSION COLOUR FINISH OF RENDER

C11 Prior to the application of any coloured render on any external surface, of the dwelling hereby permitted, precise details of the colour shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To safeguard the visual amenity and landscape character of the Islands in accordance with Policies 1 and 2 of the adopted Isles of Scilly Local Plan 2005 and Policies SS2 and OE1 of the Publication Draft Isles of Scilly Local Plan 2015-2030

Further Information

1. 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.
2. In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fee is £116 for each request to discharge condition(s) and is payable for each individual request made to the Local Planning Authority.
3. 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 £234 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.
4. The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005.

Signed



Senior Manager: Infrastructure and Planning

DATE OF ISSUE: 11th July 2018



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
☎01720 424455
✉planning@scilly.gov.uk

Dear Mr Robert Dorrien-Smith

Please sign and complete this certificate.

This is to certify that decision notice: P/18/044/FUL and the accompanying conditions have been read and understood by the applicant: Mr Robert Dorrien-Smith.

I/we intend to commence the development as approved: Erection of 5 bedroom dwelling for use as holiday let at: Land Adjacent To Ocean View Raven's Lane Old Grimsby Tresco Isles Of Scilly
on: and I
am/we are aware of any conditions that need to be discharged before works commence. I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.

Print Name:

Signed:

Date:

Please sign and return to the **above address** as soon as possible.

For the avoidance of doubt you are reminded to address the following condition(s) before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up to **8 weeks** for the discharge of conditions process.

PRE-COMMENCEMENT and PRE-INSTALLATION/USE CONDITION(S)

PRE-COMMENCEMENT CONDITION – SUBMISSION OF A CONSTRUCTION METHOD STATEMENT

- C4** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
8. The parking of vehicles of site operatives;
 9. Loading and unloading of plant and materials;
 10. Storage of plant and materials used in constructing the development
 11. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 12. Wheel washing facilities;
 13. Measures to control the emission of dust and dirt during construction;

14. A scheme for recycling/disposing of waste resulting from demolition and construction works.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its former condition within three months.

PRE-COMMENCEMENT CONDITION – SUBMISSION OF WRITTEN SCHEME OF INVESTIGATION

- C5 A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and
7. The programme and methodology of site investigation and recording
 8. The programme for post investigation assessment
 9. Provision to be made for analysis of the site investigation and recording
 10. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 11. Provision to be made for archive deposition of the analysis and records of the site investigation
 12. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B) No demolition/development* shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

PRE-OCCUPATION CONDITION – CONNECTION TO SEWERAGE TREATMENT SYSTEM

- C6 Prior to the occupation of the dwelling, hereby permitted, it shall be connected to either an existing sewerage treatment system with sufficient capacity or a new sewerage treatment system the details of which shall be agreed in writing with the Local Planning Authority. The sewerage treatment system shall be implemented in strict accordance with the details as agreed.

PRE-COMMENCEMENT CONDITION – SUBMISSION OF SUSTAINABLE DESIGN MEASURES

- C8 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 should include water conservation and harvesting measures and renewable energy generation. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted.

PRE-COMMENCEMENT CONDITION – SUBMISSION OF A LANDSCAPING SCHEME

- C10 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the details and locations of all existing trees and hedgerows on the land, identify trees and hedges to be retained and outline measures for their protection during the course of the development. Once approved, the works required by the landscaping scheme shall be carried out in full during the planting season (15th September and 15th March inclusive) following the substantial

completion of the development hereby approved or during a later season, which has been agreed in writing by the Local Planning Authority. Any tree or hedge found to be dying, damaged or diseased within 10 years from the date on which the scheme has been completed shall be replaced with the same species.

PRE-USE CONDITION – SUBMISSION COLOUR FINISH OF RENDER

- C11** Prior to the application of any coloured render on any external surface, of the dwelling hereby permitted, precise details of the colour shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and be retained as such thereafter.