

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

Application Number: P/20/073/FUL

Received on: 21 September 2020

UPRN: 000192001374

Application Expiry date: 23 November 2020

Neighbour expiry date: 29 September 2020

Consultation expiry date:

Site notice posted: 29 September 2020

Site notice expiry: 20 October 2020

Applicant: Mr S Mishra
Site Address: Gunner Rock
7 Jacksons Hill
Hugh Town
St Mary's
Isles Of Scilly
TR21 0JZ

Proposal: Partial demolition, extension, elevation and interior changes to existing dwellings including replacement of existing UPVC windows and doors with aluminium.

Application Type: Planning Permission

Recommendation: Permit subject to conditions

Summary Conditions

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. No external lights
5. Submission of Site Waste Management Plan
6. Construction Management Plan

Have any pre-commencement conditions been agreed with the applicant: Yes

Date Agreed: 26/11/2020

Extension of time agreed until: Sought to 11/12/2020 but not agreed

Site Description and Proposed Development

Gunner Rock is a detached dwelling which has accommodation over 3 floors. The property was officially split into 2 flats in 2003.

Located towards the top end of Jacksons Hill, the property overlooks Moorwell and the Industrial Estate at Porthmellon with a principle elevation facing east over the waste site. Access is from Jacksons Hill to the west side of the building.

The proposal includes the alterations of windows and doors across both properties. This will include the use of aluminum materials in place of upvc. The lower ground floor will have no extensions but the flat above, which comprises the ground and first floor will be reduced from a 3 bedroom unit to a spacious 2 bedroom property with an enlarged single storey ground floor extension with a balcony above. At first floor a central extension is proposed which will run up into a dormer window feature with glazing up to the apex and two first floor windows either side will be reduced to smaller portal style windows.

To the south east elevation the gable will have an additional first floor window which would appear to provide light to a utility space. This will look towards the side gable of Demelza.

To the front north east facing elevation, the ground floor windows (which appear as the first floor on this side of the building) will have will be changed to doors, which all open out on to the existing balcony.

Certificate: A

Consultations and Publicity

The application has had a site notice on display for 21 days (29/09/2020 – 0/10/2020). The application appeared on the weekly list on 5th October 2020. Due to the nature of the proposal no external consultations are required.

Consultation Responses:

NONE

Representations from Residents:

Neighbouring properties written to directly:

Demelza, 9 Jacksons Hill

5a Jacksons Hill

5 Jacksons Hill

Santamana, Jacksons Hill

No letters of objection have been received

2 letters of support have been received, 1 notes the need to avoid noise during

the main tourist season due to neighbouring property having an Airbnb use and the second notes the need to be considerate when it comes to keeping the top of the hill clear at all times for access.

Relevant Planning History:

No planning history relevant under the adopted or emerging Local Plan but P5321 Conversion of Dwelling to a C3 flat and a house. Permitted 2003

Constraints:

Historic Landscape Character Multiple (Spatial): Industrial and Settlement

Planning Assessment

Flat (Ground Floor and First Floor)

Internal Floorspace	No of Storeys/ floors	No of Bedrooms	Calculation Provided by applicant	NDSS	%above or below min	%above or below max
Existing	2	3	146.3	102 (6p)	43% above	10% above
Proposed	2	2	171.4	79 (4p)	116% above	67% above

Lower Ground Floor Flat

Internal Floorspace	No of Storeys/ floors	No of Bedrooms	Calculation Provided by applicant	NDSS	%above or below NDSS
Existing	1	2	78.1	70 (4p)	11% above
Proposed	No change	No change	78.1		

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	Yes
Is the parking and turning provision on site acceptable?	Yes
Would the proposal generally appear to be secondary or subservient to the main building?	Yes
Is the scale proposed in accordance with NDSS	No

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Yes
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Yes
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Yes
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
Within an Archaeological Constraint Area	No
Other Impacts	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	No
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	Yes
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Yes
Are the Water connection/foul or surface water drainage details acceptable?	Yes
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	N/A
Are there external lights	No

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alterations to the roof	Yes
Does the proposal include any demolition	Yes
Does the proposal include tree or hedge removal	No

Is an assessment of impact on protected species required	Yes
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	Yes
Are biodiversity enhancement measures required	Yes
Is a condition required to provide biodiversity enhancement measures	No

Waste Management	YES OR NO
Does the proposal generate construction waste	Yes
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	No
Does the proposal include a Site Waste Management Plan	No
Is a condition required to secure a Site Waste Management Plan	Yes

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	No
Does the proposal include a any site specific sustainable design measures	Yes
Is a condition required to secure a Sustainable Design Measures	No

Analysis: The scale of the proposed extensions do take the size of the flat (comprising the ground and first floor) above the maximum space standards (as consulted on in the main modifications Policy LC9 seeks to ensure that extensions to existing dwellings should both meet the minimum and be no more than 30% above as a maximum). The adopted local plan does not have a specific policy on domestic extensions and instead reference is required to the Design Guide SPD, which does not seek to restrict the size of enlargements to existing dwellings. Policy LC9 as submitted does only require extensions to meet the minimum NDSS, which the proposal does do. On this basis whilst the extensions proposed are well above the 30% maximum, the proposal does comply with the adopted Local Plan and the emerging Local Plan, as submitted (although not as modified). As the emerging Local Plan has not yet been adopted by this Authority, although it has significant weight, it is considered that the nature of the use of the accommodation (that of an open market flat used for holiday lets) and the position and design of the extension, not giving rise to any other external harm, would suggest that the proposal is, on this occasion, acceptable as it does not give rise to any identified other harm, and would accord with the adopted local plan and the submitted emerging Local Plan.

The two letters received comment that they have no objections but would like consideration given to noise minimized during the tourist season and to not restrict access at the top of Jacksons Hill. Whilst it is possible to consider conditions to restrict noisy machinery during unsociable hours, it is not reasonable to impose conditions that seek to restrict construction to the winter period. There are no parking restrictions on

Jacksons Hill and it will be up to the consideration of the applicant and any contractors to not restrict the access and maneuvering space for other properties. Due to the constraints of the site and the cul-de-sac nature of Jacksons Hill it would be appropriate to condition the submission of details of construction management, to ensure adequate space and measures are in place to avoid impacting upon the neighbouring properties.

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of December 2005, the development plan for the Isles of Scilly comprises the the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, adopted December 2005

Policy 1 Environmental Protection ✓

Policy 2 Sustainable Development ✓

Policy 3 Housing

Policy 4 Economic Development

Policy 5 Transport

Policy 6 Infrastructure for Sustainable Communities

Policy 7 Fish and Livestock Processing

Policy 8 Safeguard Power Station, St Mary's

Policy 9 Waste Disposal

Policy 10 Air Travel Infrastructure, St Mary's and Tresco

Policy 11 Uninhabited Islands

Proposal A Housing Sites St Mary's

Proposal B Employment Land, St Mary's

Proposal C Sport and Recreation Facilities, St Mary's

Proposal D Quays

Proposal E Mixed Use Development Tresco

Submission Draft Isles of Scilly Local Plan 2015-2030

Sustainable Scilly

Policy SS1 Principles of Sustainable Development ✓

Policy SS2 Sustainable quality design and place-making ✓

Policy SS3 Re-use of Buildings

Policy SS4 Protection of retailing, recreation and community facilities

Policy SS5 Physical Infrastructure

Policy SS6 Water and Wastewater Management

Policy SS7 Flood Avoidance and Coastal Erosion

Policy SS8 Renewable Energy Developments

Policy SS9 Travel and Transport

Policy SS10 Managing Movement

Outstanding Environment

Policy OE1 Protecting and Enhancing the landscape and seascape

Policy OE2 Biodiversity and Geodiversity

Policy OE3 Managing Pollution

Policy OE4 Protecting Scilly's Dark Night Skies ✓

Policy OE5 Managing Waste

Policy OE6 Minerals

Policy OE7 Development affecting heritage

Living Communities

Policy LC1 Isles of Scilly Housing Strategy to 2030

Policy LC2 Qualifying for Affordable Housing

Policy LC3 Balanced Housing Stock

Policy LC4 Staff Accommodation

Policy LC5 Removal of Occupancy Conditions

Policy LC6 Housing Allocations Choose an item.

Policy LC7 Windfall Housing: Choose an item.

Policy LC8 Replacement Dwellings and Residential Extensions ✓

Policy LC9 Homes in Multiple Occupation

Working Communities

Policy WC1 General Employment Policy

Policy WC2 Home based businesses

Policy WC3 New Employment Development

Policy WC4 Alternative Uses for Business or Industrial land and buildings

Policy WC5 Safeguarding Serviced Accommodation

- *Site Waste Management Plan: Conditioned*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA Submitted*

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended Conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**
- **Plan 1 Location Plan, 1:1250 scale**
 - **Plan 2 Block Plan, 1:200 scale**
 - **Plan 3 Proposed South West Elevation**
 - **Plan 4 Proposed South East Elevation**
 - **Plan 5 Proposed North West Elevation**
 - **Plan 6 Proposed North East Elevation**
 - **Plan 7 Proposed Lower Ground Floor Plan**
 - **Plan 8 Proposed Ground Floor Plan**
 - **Plan 9 Proposed First Floor Plan**
 - **Plan 10 Preliminary Ecological Appraisal (bat mitigation, enhancement and timing of works)**
- 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 OE1 and OE7(5) of the Submission 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.
- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**
Reason: To protect the amenities of the locality, including the amenities of neighbouring

residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

- C5** **Prior to the commencement of the development, hereby approved, a scheme including details of the disposal of all waste arising from the works shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**
Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy SS2 (2) of the submission draft isles of Scilly Local Plan 2015-2030.
- C6** **Prior to the commencement of the development hereby approved, as there is a potential for neighbouring properties to be affected by site clearance and other construction related activities, a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CMP shall include:**
- a) **measures to regulate the routing of construction traffic;**
 - b) **the location and covering of stockpiles;**
 - c) **details of measures to prevent mud from vehicles leaving the site and must include wheel-washing facilities**
 - d) **control of fugitive dust from earthworks and construction activities; dust suppression**
 - e) **a noise control plan which details hours of operation and proposed mitigation measures;**
 - f) **details of any site construction office, compound and ancillary facility buildings**
 - g) **specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;**
 - h) **a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed**

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason: This is a pre-commencement condition that requires the submission of construction site management details to be in place before construction works commence. This is required in order to minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.

Print Name: Lisa Walton 15/12/2020

Job Title: Senior Officer, Planning and Development Management

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications

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