

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

Application Number: P/21/008/FUL

Received on: 19 January 2021

UPRN: 000192001468

Application Expiry date: 22 March 2021

Neighbour expiry date: 15 February 2021

Consultation expiry date:

Site notice posted: 26 January 2021

Site notice expiry: 16 February 2021

Applicant: Clifford Freeman

Site Address: The Beach
Telegraph Road
Porth Mellon
St Mary's
Isles Of Scilly
TR21 0JY

Proposal: Extension to kitchen area and change of use of land for siting of removable seating on Porthmellon beach during tourist season (Amended Plans – to remove the removable seating)

Application Type: Planning Permission

Recommendation: PERMIT

Summary Conditions:

1. Standard time limit
2. Adherence to plans

Extension of time agreed until: 30/04/2021

Agreeing Pre-commencement conditions: 31/03/2021

Site Description and Proposed Development

This application has been amended and it now excludes the removable seating area and is just for a small side kitchen extension on the south west elevation behind the highway. This is a ground floor extension that projects from the side of the existing building by 0.6m to incorporate cooking extraction equipment. The overall height is set below the ridge of the main roof but matches the angle with a lean-to roof. The finish will be a render finish with a corrugated metal roof.

The Beach is a simple boat shed style structure, which has operated as a restaurant for a number of years and sits within a line of other boat shed and gig shed buildings that front on to Porthmellon Beach on the north east side of Hugh Town, St Mary's. The restaurant has verandah, outside seating area to the north west side and a simple timber clad elevation fronting on to Telegraph Road. The proposal did originally include a movable additional seating area on the beach, which would expand outside seating. This was proposed to be moved during spring tides/inclement weather etc and during the winter. This has since been amended out of the current application. This proposal is for a small side extension on the kitchen with a projection of around 0.6m on the north west side, behind the boundary with Telegraph road. This is a simple lean-to structure that will be rendered to match the west facing side of the building with a corrugated metal sheet roof.

Certificate: B

Consultations and Publicity

The application has had a site notice on display for 21 days (26/01/2021 – 16/02/2021). The application appeared on the weekly list on 1st February 2021. Due to the nature of the proposal a number of external consultations have been required.

Environmental Health		No Response
Cornwall Fire and Rescue	09/02/2021	No Objections Raised
AONB Partnership	15/02/2021	No Comments
Lead Local Flooding Authority	16/02/2021	No objections
Marine Management Organisation		No Response
Environment Agency	18/03/2021	Standing Advice

Representations from Residents:

Neighbouring properties written to directly:

- Sailing Centre
- Gig Sheds

4 letters of representation have been received. Whilst there is general support and no particular concern in relation to the kitchen extension, there are a number of concerns raised in relation to the siting of a seasonal and movable seating

extension on Porth Mellon Beach, which may restrict the use of the beach by other users.

Relevant Planning History:

P/06/013	Small lean-to extension to house gas bottles	Approved
P/07/030	Erection of Awning to beach elevation.	Approved
P/08/019/ADV	New Sign for Phoenix Craft	Approved
P/08/078	Provision of disabled level access	Approved
P/08/079/ADV	New Sign to NW	Approved
P/12/036/ADV	New Sign	Approved
P/21/010/ADV	Repositioned Signed	Approved

Constraints:

None

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y

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

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special	n/a

architectural or historic interest of the building? b) Will the development preserve the setting of the building?	
Within an Archaeological Constraint Area	n
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	y
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	n/a
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?	n/a
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	n/a
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
Are there external lights	n

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	n
Does the proposal include any demolition	n
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	n
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	n
Are biodiversity enhancement measures required	n
Is a condition required to provide biodiversity enhancement measures	n

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

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

Analysis: Whilst a number of representations raise the issue of conflict of uses with respect to the seasonal additional seating area, this has been removed from the proposal. Additionally the application is close to sea level and below the 5m AOD it is not a type of scale of development that necessitates an assessment of flood risk through a FRA.

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.

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 25th March 2021, the development plan for the Isles of Scilly comprises the 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 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: Submitted*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA n/a*


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:**
- Location Plan, and Block Plan, Drawing Number: TB01B Dated Dec 2020
 - Existing and Proposed Plans, Drawing Number: TB02A, Dated Mar 2021
 - Proposed Elevations, Drawing Number: TB04A, Dated Mar 2021
 - Site Waste Management Plan, Date Stamped 31/03/2021
- 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 Policies OE1 and OE7(5) of the 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 Isles of Scilly Local Plan 2015-2030.

Print Name:	Lisa Walton	31/03/2021
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*