

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/22/022/COU

UPRN: 000192002562

Received on: 15 February 2022

Valid on: 7 March 2022

Application Expiry date: 2 May 2022

Neighbour Expiry date: 29 March 2022

Consultation expiry date: N/A

Site notice posted: 11 March 2022

Site notice expiry: 1 April 2022

Applicant: Aaron Haile

Site Address: Bryher Shop
The Town
Bryher
Isles Of Scilly
TR23 0PR

Proposal: Change of use of land to extend curtilage of shop including the retrospective siting of a summerhouse and erection of new storage shed in car park.

Application Type: Change of Use

Recommendation: PER

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. No external illumination
4. To be used ancillary to main house only
5. Hours of Operation for Construction Works

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Dan Marcus

Date: 07/04/2022

Site Description and Proposed Development

Bryher Shop is an existing relatively modern development that provides the island of Bryher with a small retail outlet and the owners with accommodation. This is limited in size to a 2 bedroom attached dwelling.

The building is two storey with an area of garden and domestic landscaping to the front, used by customers and to the north side, for the parking of vehicles and for deliveries. To the east is a strip of land, that the applicants have acquired and have been using as domestic garden. Within this area of land they have placed a summer house.

The proposal is to retain the changed use of land as domestic garden, retain the summer house and erect a storage shed within the area to the front used for parking and deliveries.

The style of the summer house is a simple timber design with a lean-to roof and glazed doors facing south and a side facing window on the east elevation. The position is at the north side of the garden. Measuring 4m x 3m with an overall height of 2.4m at its highest point and 2.1m at the rear. The proposed shed is a similarly simple timber design measuring with a lean to roof, partially open on the side for a log store and a door and a window providing external storage for cardboard. The storage shed is slightly lower at the rear at 1.85m and higher at the front up to 2.11m. The proposed location of the shed is to the west side (front garden) behind the front boundary which is adjacent to the road. There is a pittosporum hedge to the western and southern boundaries around the drive way where the shed is to be sited.

Certificate: B

Other Land Owners: The Duchy of Cornwall

Consultations and Publicity

The application has had a site notice on display for 21 days (11/03/2022 –

01/04/2022). The application appeared on the weekly list on 14th March 2022. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Castle Bryher, Bryher Gallery & Mincarlo, The Town, Bryher

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received.

Relevant Planning History:

Planning history under previous local plans:

- P/10/090/FUL Erection of craft workshop, print gallery and studio with staff accommodation. NON MATERIAL AMENDMENT: Revised East elevation (relocation of door) - GRANTED 22.11.2011 (Approved 27/01/2011)
- P/10/093/FUL Construction of a single story timber clad building for a shop/post office (Use Class A1) and 1 bedroom staff accommodation (Use Class C3). (Approved 16/12/2010)
- P/14/015/FUL Variation of Condition 3 of P/10/093 to allow use of staff accommodation as self-catering holiday letting unit. (Withdrawn 30/04/2014)

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Multiple (Farmland: anciently enclosed land (prehistoric to early post-medieval)

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 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?	y
Is the parking and turning provision on site acceptable?	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 architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
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?	n
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?	y
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
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Waste Management	YES OR NO
Does the proposal generate construction waste	n
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	y
Is a condition required to secure a Site Waste Management Plan	n

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: Complete if any objections to material planning issues or any conflict with policy requirements identified.

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.

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 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

Policy	Tick if Used ✓
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	
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	✓
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	
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	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	✓
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		n
Sustainable Design Measures		✓	n
Biodiversity Enhancement Measures:		✓	n

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.

In discharging their functions, must have “due regard” to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:


- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it

- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

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, Date Stamped 15/02/2022**
 - **Plan 2 Block Plan AMENDED, Date Stamped 04/03/2022**
 - **Plan 3 Proposed Shed and Summer House Floor Plans, Date Stamped, Date Stamped 04/03/2022**
 - **Plan 4 Proposed Shed Elevations, Date Stamped 04/03/2022**
 - **Plan 5 Summer House Elevations, Date Stamped 15/02/2022**
 - **Design and Access Statement (Waste Management)**
- These are stamped as APPROVED**
Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).
- C3 The summer house, hereby permitted, shall not be used or occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling within the property known as Bryher Shop and shall not be used for any other purpose.**
Reason: The creation of any separate residential or commercial use within the summerhouse would require further assessment.
- 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 Bryher Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).
- C5 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 the islands.

	Print Name:	Lisa Walton	27/04/2022
	Job Title:	Chief Planning Officer	
	Signed:		
		Authorised Officer with Delegated Authority to determine Planning Applications	