

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/22/041/FUL

UPRN: 000192002750

Received on: 27 June 2022

Valid on: 29 June 2022

Application expiry date: 24 August 2022

Neighbour expiry date: 21 July 2022

Consultation expiry date: 21 July 2022

Site notice posted: 30 June 2022

Site notice expiry: 21 July 2022

Extension of Time: 16 September 2022

Applicant: Mr & Mrs Clive Sibley

Site Address: The Tides
Jacksons Hill
Hugh Town
St Marys
Isles Of Scilly
TR21 0JZ

Proposal: Construction of Boathouse/Store incorporating terrace for first floor flat (AMENDED PLANS)

Application Type: Planning Permission

Recommendation: Permit

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Submission of Site Waste Management Plan
4. Hours of Operation for Construction Works
5. To be used as boat and ancillary storage only
6. No external lighting

Extension of Time Date: 16/09/2022

Conditions Agreed: 07/09/2022

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 ✓

Councillor or Lead Member Planning Agreed

Name: Dan Marcus **Date:** 11/08/2022 and again on 05/09/2022 (following amended plans)

Site Description and Proposed Development

This is an application to construct a single storey side extension for the purposes of boat storage with a roof terrace above for the upper floor flat. The extension is located on the north east facing elevation along Moorwell Lane and at the foot of Jacksons Hill.

Due to the slope of the site, the floor level of the garage will be set slightly lower than the first floor level of the dwelling. There is to no proposed access from the extension at lower ground floor level. The ground floor level flat above, will have access to the roof, as a small terrace with glazed balustrade

The extension will be attached to the side of the existing house, extending out by 3.2m with a depth of 8.5m. The plan has been amended to allow for a lower eaves height on the boatshed, with a pitched roof sloping up from the side and rear to a small terraced area, with glazed balustrade. The height of the eaves is 2.3m from the ground level of the garage (which is lower than the ground level of the house) and 3.8 metres up to the floor level of the balcony, with a 1 metre high glazed balustrade the overall height of the structure is 4.8 metres. The depth of the balcony is 4.9 metres with a width of 1.4 metres out from the side of the house. Additionally the existing first floor side facing window will be changes to patio doors, allowing direct access on to the balcony. The roof pitch will be covered with tiles to match the main house and the walls will be rendered in a colour to match the house.

It is recommended that the boat storage area is conditioned to be for boat storage use only, to ensure it does not become habitable accommodation without permission sought.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (30/06/2022 – 21/07/2022). The application appeared on the weekly list on 4th July 2022. Due to the nature of the proposal one consultation has been carried out with Infrastructure Highways and Maintenance. South West Water submitted their own comments.

| Consultee | Date Responded | Summary |
|---|----------------|--|
| Infrastructure Highways and Maintenance | 04/07/2022 | No comments from Highways – the previous owner stored a boat in the car park of the property and launched on a regular basis with no highway issues being reported/recorded. |
| South West Water | 25/07/2022 | Giving guidance regarding Asset Protection and whether or not any building work will be carried out within 3 metres of a public sewer or lateral drain as SWW will need to give permission to proceed. |

Representations from Residents:

Neighbouring properties written to directly:

- Bryhil, 3 Jacksons Hill, Hugh Town, St Mary's

[0] letters of objection have been received and include the following points.

[0] letters of support have been received and include the following points.

[1] letter of representation has been received.

Relevant Planning History:

Planning history relevant under the adopted 2015-2030 Local Plan is P/19/078/FUL Demolition and rebuild of dilapidated sunroom, replacement of broken UPVC windows and minor alterations and improvements to the front elevation. Also under previous local plans:

- P556 Outline Application for development of land at Jacksons Hill was

- conditionally approved in February 1965.
- P598A full application described as 'estate layout' (13 houses) was conditionally approved in 1966.
 - P785 application for 'a house and garage' was conditionally approved in 1968.
 - P992 application for a 'split level house' was submitted and conditionally approved in February 1971.
 - 1980's the property was known as 'Cornerways'
 - P2520 application to divide the building into 2 flats was refused planning permission in October 1986.
 - An Appeal was made, and the Inspector overturned the Council's decision. Allowing the property to be split into 2 flats.
 - P2756 an application for demolition of porch and provision of conservatory was approved in June 1988.
 - P3795 an application for an extension to a bedroom was approved In August 1995.
 - P3829 an application for replacement windows was approved in 1995.
 - P5435 an application to replace timber windows with UPVC was conditionally approved in March 2004.
 - P/08/026 an application to change the colour of the property was conditionally approved in August 2008.

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Landscape Type: Settlements.
- ST Mary's Flood Prone Land St Mary's FPL: Mary1

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 |

| | |
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| 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 | Y |
| 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? | 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? | Y |
| 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? | y |
| Are there external lights | n |

| Protected Species | YES OR NO |
|---|------------------|
| Does the proposal include any re-roofing works or other alteration to | n |

| | |
|--|---|
| the roof | |
| 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 | 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 | 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 any site specific sustainable design measures | n |
| Is a condition required to secure a Sustainable Design Measures | n |

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 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 principal 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 | | y | y |

| | | | |
|------------------------------------|--|---|---|
| Sustainable Design Measures | | n | n |
| Biodiversity Enhancement Measures: | | n | 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:

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

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) 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 &Block Plan**

- **Plan 2 Proposed Floor Plans and Elevations**

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 extension, hereby permitted, shall be retained for the purposes of boat and ancillary residential storage in connection with and management of the attached two residential properties known as The Tides (Spring Tide and Neep Tide), Jacksons Hill and shall not be converted to habitable accommodation.**

Reason: The creation of an additional independent residential unit on the site, that is not for local need, would be contrary to Policies LC1 and LC2 of the Isles of Scilly Local Plan (2015-2030).

- 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).

PRE-COMMENCEMENT CONDITION: Site Waste Management Plan

- C5 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, 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 and minimisation of waste in accordance with the waste hierarchy, 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 Policies SS2(2) and OE5 of the Isles of Scilly Local Plan (2015 - 2030).

- C6 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.

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| Print Name: | Lisa Walton | 06/09/2022 |
| Job Title: | Chief Planning Officer | |
| Signed: |  | |
| Authorised Officer with Delegated Authority to determine Planning Applications | | |