

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/23/024/ROV

UPRN: 000192002750

Received on: 11 April 2023

Valid on: 12 April 2023

Application Expiry date: 7 June 2023

Neighbour expiry date: 8 May 2023

Consultation expiry date: 12 May 2023

Site notice posted: 18 April 2023

Site notice expiry: 9 May 2023

Applicant: Clive Sibley
Site Address: The Tides
Jacksons Hill
Hugh Town
St Mary's
Isles Of Scilly

Proposal: Variation of condition C2 (Approved Plans) and discharge of condition C5 (Site Waste Management Plan) of planning permission P/22/041/FUL (Construction of Boathouse/Store incorporating terrace for first floor flat) to make minor amendments to the approved scheme.

Application Type: Removal or Variation of Condition

Recommendation: Permit the amendments and variation of condition C2

- C2** The development hereby permitted shall be carried out in accordance with the approved details only including:
- Plan 1 Location & Block Plan, Ref TTcs22-P01 dated 24 June 2022
 - ~~Plan 2 Proposed Floor Plans and Elevations AMENDED, Ref: TTcs22-P02, Rev A, Dated 3 September 2022~~
 - Plan 2A Proposed Floor Plans and Elevations AMENDED, Ref: TTcs22-P02, Rev B, Dated 3 September 2022
 - Design and Access Statement

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 Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

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: 15/05/2023

Site Description and Proposed Development

This is an application to amend the approved plans for planning permission P/22/041/FUL granted on 7th September 2023. The planning permission is to construct a single storey side extension for the purposes of boat storage which included 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.

The extension approved is conditioned to 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.

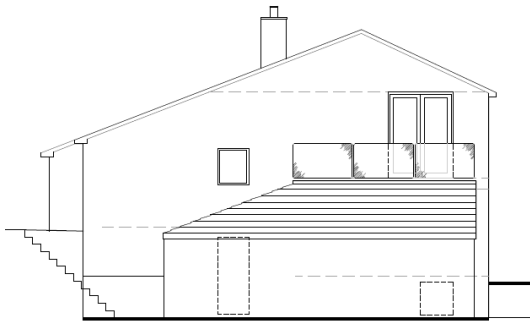
Due to the slope of the site, the floor level of the garage is set slightly lower than the first floor level of the dwelling. There is no proposed access from the extension at lower ground floor level. The extension is attached to the side of the existing house, extending out by 3.2m with a depth of 8.5m. It is under construction at the time of this application to amend the approved plans which will see the footprint remain the same and the following changes proposed:

- Replacement of hipped roof with a mono-pitched roof removing the flat roof area accommodating the balcony.
- Patio doors no longer installed for balcony – existing window retained.
- Mono pitched roof would be inset with a small leaded flat area to accommodate the existing first floor window which is set below the top of the roof.
- Introduction of 2 no. rooflights

- Raise overall roof height from 3.81m to 4.05m, eaves height to remain at 3.8m
- Replacement of painted rendered finish with vertical composite cladding
REQUESTING CLARIFICATION OF COLOUR/SPEC

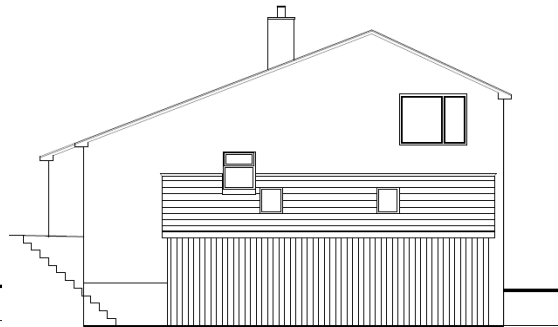
The application also seeks to remove condition 5 of planning permission P/22/041/FUL which required the submission of a site waste management plan by way of submitting the SWMP.

**NORTH EAST ELEVATION
APPROVED**



NORTH EAST ELEVATION

PROPOSED



NORTH EAST ELEVATION

**NORTH WEST ELEVATION
APPROVED**



NORTH WEST ELEVATION

PROPOSED



NORTH WEST ELEVATION

**SOUTH EAST ELEVATION
APPROVED**



SOUTH EAST ELEVATION

Rev A: 3 Sept
Revised: require
plans to alter tile
specification

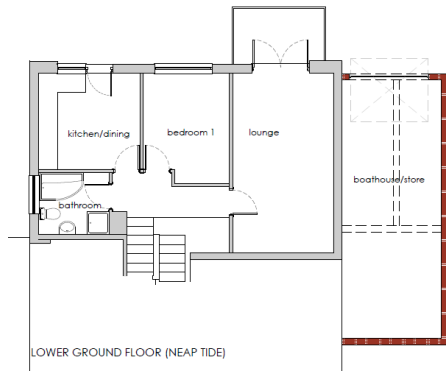
PROPOSED



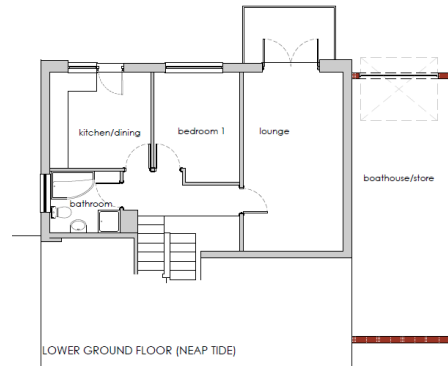
SOUTH EAST ELEVATION

tiles to match
main house roof

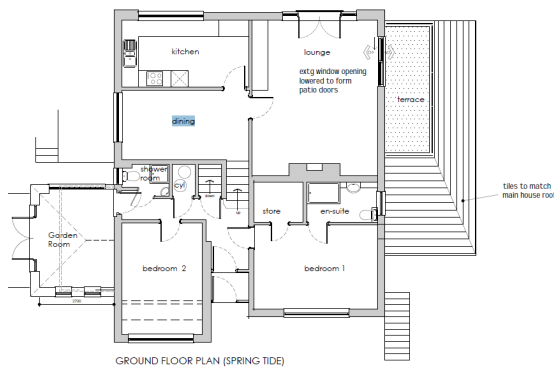
**LOWER GROUND FLOOR PLAN
APPROVED**



PROPOSED



**GROUND FLOOR PLAN
APPROVED**



PROPOSED



Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (18.04.2023 – 09.05.2023). The application appeared on the weekly list on 18th April 2023. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

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

[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 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. GRANTED 03.01.2020
- P/22/041/FUL - Construction of Boathouse/Store incorporating terrace for first floor flat. GRANTED 07.09.2022

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
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?	
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?	Y
Impact on protected trees a) Will this be acceptable	N/A

b) Can impact be properly mitigated?	
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?	N/A
Are there external lights	N

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	Y
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	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/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 Section 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	

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:

- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

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Removal of pre-commencement condition C5 from planning permission P/22/041/FUL:

~~**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).~~

Print Name:	Lisa Walton	06/06/20023
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	