



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/16/056/ROV	Expiry date: 9 September 2016
Received on: 17 June 2016	Neighbour expiry date: 5 August 2016
UPRN: 000192000128	Consultation expiry date:
Legal agreement: YES	Site notice posted: 19 July 2016
Departure:	Site notice expiry: 9 August 2016
Complies with Development Plan? Y If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation? No	

Applicant:	Mr & Mrs David McNeill
Site Address:	Pine Trees The Town Bryher Isles Of Scilly TR23 0PR
Proposal:	Removal of condition 11 from planning permission P/13/030 (use of annexe restricted to holiday letting) to allow use of annexe as a separate dwelling.
Application Type:	Removal or Variation of Condition

Description of site and development:

This is an application to remove condition 11 from planning permission P/13/030/FUL which was for the extension and alterations of the single dwelling known as Pine Trees including creation of annexe for use as holiday accommodation. The development was carried out and the use of the annexe as a holiday let is restricted by condition 11 as follows:

Condition 11

The annexe hereby permitted, as shown edged in green on the approved plans "Plan as proposed first floor" and "Plan as proposed ground floor" shall be restricted to short let holiday accommodation for visitors only unless otherwise agreed in writing with the Local Planning Authority and shall not be severed or sub divided as an independent and separate unit of accommodation from the dwelling known as Pine Trees.

Reason 11

For the avoidance of doubt and to ensure that the dwelling is not sub-divided and that the annexe is only occupied for short term letting as holiday accommodation and remains as an integral part of the existing dwelling house known as Pine Trees.

Pine Trees is a dwelling made up of a permanent unit of residential accommodation along with a larger, annexed holiday letting unit. These are tied together by the above condition meaning they cannot be severed or sub-divided to form separate units of accommodation.

The development carried out under planning permission P/13/030/FUL brought the dwelling up to modern standards and a good state of repair. The applicants daughter lives in the dwelling and manages the letting of the holiday accommodation. The applicant has applied to remove the condition in order to be able to separate the two units and sell one of them off. The reason for this is given as a change in personal circumstances. They state that the removal of the condition would enable them to sell off the larger unit of accommodation and retain ownership of the smaller unit of accommodation in which their daughter, who is employed full time by the Hell Bay Hotel on the island, would continue to live. By splitting the dwelling in to two, they state that the market value of them should be more within reach of local residents, it would continue to provide accommodation for a local person committed to the island and also allow for the continued use of the larger unit as a holiday let or even a permanent residential home.

Public representations:

All neighbouring properties sharing a boundary with the site have been written to directly and a site notice has been placed in a public location within the vicinity of the site for a period of 21 days. No representations have been received. The Local Councillor has been consulted but made no comments on the proposal.

Consultee representations:

NONE

Constraints and designations:

Conservation Area, AONB and Heritage Coast
HER Findspots Name: THE TOWN - Mesolithic findspot. Period: Prehistoric

Relevant policies, SPGs and Government guidance:

Policy 3 of the Isles of Scilly Local Plan does not allow the creation of general open market housing. It allows new residential development where it is ensured that the resultant additional unit of residential accommodation is available to meet the long term needs of the community namely those with a specific local need, key worker status or where staff accommodation can be demonstrated as necessary for a business on or near it's premises. New residential development must be subject to secure arrangements to ensure that it remains permanently available to meet the specific identified need that justified its original permission.

Appraisal/key issues and conclusion:

The main consideration in this application is whether it is acceptable to split one dwelling into two. In accordance with Policy 3 this is acceptable in principle as long as one unit is subject to a Section 106 Planning Obligation restricting its use to meet the long term needs of the community. After discussions

with the applicant they felt this was acceptable however their daughter wouldn't meet the specific local need criteria or be able to obtain key worker status.

Following discussions with the Senior Manager: Infrastructure and Planning and the Chair and Vice Chair of the Planning Committee it was agreed that the applicants daughter could be named in the obligation as being the first occupant of the dwelling. The reasons for this are that they already live in the unit contributing to the economy of the island of Bryher and they work full time on a business based on the island. The terms of the obligation would allow them to continue to live in the unit as their sole private residence but any subsequent occupation would be by someone with a specific local need or key worker status. This would be in keeping with Policy 3, as the unit would be available to meet the needs of the community in perpetuity.

Impact upon residential amenity

The property has already been converted to two dwellings and as such the removal of this condition would not result in any additional harm not previously considered. It is recommended that the Permitted Development Rights be removed and the conditions of P/13/030/FUL be re-imposed to ensure that no further alterations take place without full assessment of a planning application. It is however recommended that an additional condition is applied to require the submission of details to show the separation of the gardens for each unit and any boundary features proposed.

Conclusion

As considered above, as a result of removing the condition, there would be a net gain in residential units. It is considered acceptable that the smaller unit of accommodation is restricted by a planning obligation as it is more likely to be affordable to an eligible person. As indicated by the applicant, the larger unit would be sold off. Being an open market dwelling, this unit would continue to be able to be occupied as a holiday let, second home or a permanent residential dwelling.

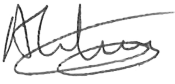

Recommendation:

Conditionally Approve subject to a Section 106 Planning Obligation

ANY ADDITIONAL INFORMATION:

- In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.
- **Reasons for Approval for Planning Permission**

Having had regard to all the planning considerations material to the determination of this application, it is concluded that the proposal accords with the NPPF and presumption in favour of sustainable development and the provisions of the Development Plan as applicable to it, including Policy 3 of the Local Plan. The proposal has been approved because it is considered that the development proposal subject to compliance with the conditions attached to this permission accords with the said policies and there are no other overriding material considerations which justify refusing planning permission. The proposal has also been approved as it is considered that the proposed development would not conflict with its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the appearance or character of the designated conservation area within which the site is located.

Signed: 	Dated: 27/01/2017	Signed: 	Dated: 27/01/2017
Planning Officer		Senior Manager	