

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/22/060/FUL

UPRN: 000192001476

Received on: 24 August 2022

Valid on: 1 September 2022

Application Expiry date: 27 October 2022

Neighbour expiry date: 23 September 2022

Consultation expiry date: N/A

Site notice posted: 2 September 2022

Site notice expiry: 23 September 2022

Applicant: Miss Hannah Barclay

Site Address: 6 Bay View Terrace

Telegraph Road

Porth Mellon

St Marys

Isles Of Scilly

TR21 0NE

Proposal: Removal of chimneys (including shared chimney), erection of a garden shed to front of property and installation of solar panels on land to rear (Amended Plans).

Application Type: Planning Permission

Recommendation: Permit

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. Protected species mitigation measures
5. Landscaping scheme to be submitted, approved and implemented
6. To be used ancillary to main house only
7. Removal of solar panels once no longer required

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: Cllr D Marcus

Date: 02/12/2022

Site Description and Proposed Development

The property is located on the east side of Hugh Town at Porthmellon towards the north coast at Porthmellon beach. Number 6 is on the end of a terrace of 6 dwellings with accommodation over two floors. To the front there is a vehicular access which separates the front garden from the dwelling. To the rear of the property is a private rear yard with pedestrian access to the rear of all properties in the terrace then a row of sheds/outbuildings.

Number 6 is currently undergoing development under planning permission P/21/068/HH to refurbish the dwelling including a two-storey side extension and it has been painted an off white colour with dark grey windows and doors. The rest of the terrace is white painted render with slate roofs.

This proposal is made up of three elements:

- 1) Removal of two tall concrete rendered brick chimney stacks one of which is on the gable end of the dwelling (and terrace) and the other is a shared chimney with 5 Bay View Terrace on the rearward extensions. These are said to be in a poor state of repair, leaking and the brick is deteriorating.
- 2) The installation of stand-alone solar/PV panels on land rising up to the rear of the chalet behind the rear access lane.
- 3) The erection of a metal box clad shed measuring approximately 6m x 6m x 2.4m with UPVC windows and fibreglass roof at the bottom of the garden to the front of the property (in the absence of a rear garden). The purpose would be to store general household items and equipment – tools, garden furniture, kayaks etc. This has been amended in size and is now a simple rectangular 3m x 2.2m domestic scale storage shed

Certificate: B

Other Land Owners: Angie Jenkins, 5 Bay View Terrace

Consultations and Publicity

The application has had a site notice on display for 21 days (02/09/2022–23/09/2022). The application appeared on the weekly list on 5th September 2022. Due to the nature of the proposal no external consultations are required. Following amendments, a further 14 day neighbour reconsultation has been

carried out (18/11/2022 – 02/12/2022). No representations have been received.

Representations from Residents:

Neighbouring properties written to directly:

- 4, 4b & 5, Bay View Terrace
- The Annexe, 5 Bay View Terrace

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

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

[0] letters of representation have been received.

Relevant Planning History:

| Ref | Description | Decision | Date Determined |
|--------------|---|----------|-----------------|
| P/22/072/FUL | Re-construction and extension of lawful residential accommodation (Chalet) and associated landscaping. (Chalet to rear) | PENDING | 15/12/2022 |
| P/21/068/HH | Re-build two storey side extension, replace windows and doors and alterations and improvements. | GRANTED | 18/10/2021 |
| P/21/031/CLE | Application for a Certificate of Lawful Use of the dwelling (Use Class C3) as two separate dwellings flats. APPROVED AS: Use of the dwelling (Use Class C3) as a single dwelling with an ancillary and self-contained short-let holiday accommodation use at first floor. | SPLIT | 15/07/2021 |
| P/19/015/CLE | Application for a Certificate of Lawful Use of the building as a dwelling house (Use Class C3). | GRANTED | 21/06/2019 |

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Multiple (Spatial)
- Listed Building: No
- Scheduled Monument: No
- Archaeological Constraint Area: NO

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 |

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| 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 | 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? | y |
| 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 | n |

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| datum) is the application accompanied by an acceptable Flood Risk Assessment? | |
| 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 | y |
| Does the proposal include tree or hedge removal | n |
| Is an assessment of impact on protected species required | y |
| Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements | y |
| 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 | y |
| Is a condition required to secure a Sustainable Design Measures | n |

Analysis: The proposal has been amended on the basis of the disproportionately large shed originally proposed in what is currently a prominent part of the front garden. The applicant has stated that they intend to re-grow the front boundary hedge to a higher position than previously. They took the decision to prune back the high front boundary hedge because it was encroaching significantly into the pavement and due to previous poor hedge management. The core of the hedge had become dormant and it required a drastic cut-back to allow it to thicken again. Once the shed is constructed the intention is to landscape the garden including a hydrangea hedge, fruit trees within the garden and a vegetable patch, lawn, shrubs, bushes and wild flowers. The idea of having one large structure, as opposed to multiple small structures, would be less imposing. The overall height remains unchanged but it is considered that the shed, as amended, now reflects a

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| 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 | ✓ | | |
| Sustainable Design Measures | ✓ | | |
| Biodiversity Enhancement Measures: | ✓ | | |

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 Plan**
- **Plan 2 Block Plan (AMENDED)**
- **Plan 3 Proposed Shed Plan and Elevations (AMENDED)**
- **Plan 4 Proposed Solar Panels**
- **Planning Statement**
- **Preliminary Roost Assessment PRA by IOS Ecology, Ref: 2021/01 dated 5th August 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 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 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.

Protected Species Mitigation Measures.

C4 The removal of the chimneys, hereby approved, shall be carried out in accordance with Appendix 2 (Bat Mitigation Measures) and Appendix 3 (Nesting Bird mitigation measures) as set out in the Preliminary Roost

Assessment (Ref: 2021/01 by IOS Ecology, 5th August 2021) and all waste removed in accordance with the Site Waste Management as set out in the Planning Statement.

Reason: To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and to ensure the appropriate management of waste in accordance with the requirements of Policies SS1(d), SS2(g) and OE5(2) of the Isles of Scilly Local Plan 2015-2030.

Pre-First Use Condition: Biodiversity Landscaping Enhancements

C5 Before the shed, hereby approved, is first bought into use a plan shall be submitted to and approved in writing by the Local Planning Authority which shall include the planting of sustainably sourced native planting, within the site boundary. Any tree or hedge within the approved landscaping scheme, found to be dying, damaged or diseased within 10 years from the date on which the scheme has been completed shall be replaced with the same species. The planting approved shall be carried out within the first 6 months following completion of the development and all construction materials and outdoor storage of non-domestic materials shall be removed from the site and the planting maintained thereafter.

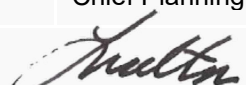
Reason: To ensure appropriate landscaping is provided to preserve the wider character of the Conservation Area and to ensure appropriate biodiversity net-gain measures in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan 2015-2030.

C6 The Shed, hereby approved, shall only be used for purposes of a non-habitable, non-commercial ancillary use to the residential dwelling known 6 Bay View Terrace, and within the red line application site area, and shall not be used for any other purpose. It shall specifically not be used as a separate dwellinghouse or for any commercial purposes and shall not be let, sold or otherwise used separately from the existing residential unit of 6 Bay View Terrace.

Reason: To safeguard the amenity and character of the surrounding area and to control the character and volume of traffic attracted to the site.

C7 The Solar panels hereby approved shall be permanently removed upon redundancy for its dedicated purpose and the building reinstated to its former condition within a period of six months unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Solar panels and equipment has been permitted for a dedicated purpose and, if no longer needed, should be removed from this part of the Islands in the interests of the visual amenities of the area.

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| Print Name: | Lisa Walton | 20/12/2022 |
| Job Title: | Chief Planning Officer | |
| Signed: |  | |

Authorised Officer with Delegated Authority to determine Planning Applications
