

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/030/NMA
UPRN: 000192000545
Received on: 15 April 2024
Valid on: 17 April 2024
Application Expiry date: 15 May 2024
Neighbour expiry date: **3 May 2024**
Consultation expiry date:
Site notice posted: 18 April 2024
Site notice expiry: 9 May 2024

Applicant: Mrs Whiphaphorn Ellis Poms Thai takeaway
Site Address: Sunnycreek
Garrison Lane
Hugh Town
St Mary's
Isles Of Scilly
TR21 0JD
Proposal: Application for non-material amendment to planning permission P/24/008/COU (Change of use of garage/kitchen to a hot food takeaway outlet) to insert glazing into garage doors.
Application Type: Non Material Amendments

Recommendation: PERMIT THE NMA

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: 14/05/2024

Site Description and Proposed Development

Application P/24/008/COU was determined on 4th April 2024 under the delegated powers of the Chief Planning Officer. The application documentation can be found here: <https://www.scilly.gov.uk/planning-application/planning-application-p24008cou>

Delegated Officers Report: <https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/24/008/cou/P-24-008%20Delegated%20Report%20Sunnycreek.pdf>

The application site is Sunnycreek, a single storey three bed dwelling located on a relatively steep hill to the west of Hugh Town on the Island of St Mary's. The immediate area is primarily residential, however, the building to the west of Sunnycreek is the police station with residential accommodation above.

The dwelling has a pitched slate tile roof with a gable end of the east elevation. The garage and adjoining flat have a cross hipped roof with a smaller gable end facing the principal (southern) elevation which incorporates a garage door and a smaller pedestrian door. The entire dwelling is rendered and painted white.

To the rear of Sunnycreek is there is an adjoining one bedroom flat which forms a separate unit of accommodation and is under separate ownership. Access to this flat is via a short alley between the garage and the main dwelling of Sunnycreek.

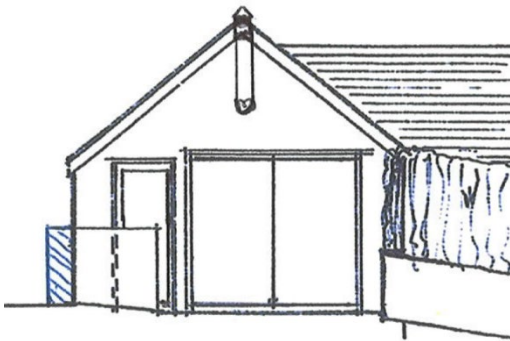
The approved planning permission is for the change of use of the existing garage into a commercial take-away kitchen and collection point. The existing opening of

the garage was not proposed to be altered. Customers would enter through the existing pedestrian door and collect food from an internal collection desk.

The works would include:

- Installation of commercial extractor fan which would be vented through the south gable end external wall. External venting pipework is proposed to be white.
- Installation of a new gas supply requiring storage of gas bottles in the alley to the west of the garage.
- Siting of bin storage in the alley to the west of the garage which would be enclosed within a timber bin store.

The non-material amendment applied for is to replace the existing single UPVC door with a fully glazed UPVC door and the double timber garage door with new semi glazed UPVC doors.



APPROVED



PROPOSED

Certificate: N/A

Other Land Owners: Yes

Consultations and Publicity

The application has had a site notice on display for 21 days (18/04/2024–09/05/2024). The application appeared on the weekly list on 22nd April 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- The Police Station, Garrison Lane
- 1 and 2 Policy House, Garrison Lane
- The Flat Sunnycreek, Garrison Lane
- Well Lane Cottage, Well Lane
- 1 Well Lane
- 2 Well Lane
- Prospect Lodge, Well Lane

[0] letters of objection have been received

[0] letters of support have been received:

[0] letters of representation have been received.

Relevant Planning History:

P/09/095: Application withdrawn for the conversion, extension and change of use of a garage into a restaurant. 05.10.2009

P.4381: Conditional permission granted for the erection of a conservatory. 10.03.1998

P.3379: Conditional permission granted for alterations to the rear porch at Sunnycreek. 16.06.1992

P.248: Conditional permission granted for the demolition of rear lean to kitchen and rebuild to larger dimension. 10.06.1986

P.0001: Permission granted for the erection of 2 bed bungalow with adjoining storeroom. 13.04.1947

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Landscape Type: Settlements.

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?	N/A
Is the parking and turning provision on site acceptable?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	N/A

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?	N/A
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

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	Y
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/A
Does the proposal include a any site specific sustainable design measures	N/A
Is a condition required to secure a Sustainable Design Measures	N

Conclusion:

This proposed amendment is considered to be non-material for the following reasons:

- The proposed changes do not materially change the approved used
- Changes to fenestration do not introduce any potential new overlooking
- The replacement doors are in keeping with the character of the area
- No representations have been received

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 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).

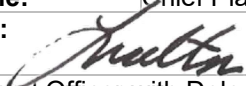
Considerations under Human Rights Act 1998 and Equalities Act 2010: The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- 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.

Print Name:	Lisa Walton	[DATE]
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		