



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
☎01720 424350
✉planning@scilly.gov.uk

OFFICER REPORT – DELEGATED

Application number: P/16/120	Expiry date: 24/02/2017
Received on: 14/10/2016	Neighbour expiry date: 20/01/2017
UPRN:	Consultation expiry date: None
Legal agreement:	Site notice posted: 30/12/2016
Departure:	Site notice expiry: 20/01/2017
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	St Austell Brewery Co Ltd
Site Address:	Atlantic Inn The Bank St Mary's Isles of Scilly
Proposal:	Application for a new open sided glazed roof to half of terrace with new bi-fold doors from bar.
Application Type:	Full

Description of site and development:

The proposed works to the building include the erection of a glazed roof canopy to adjoin the rear elevation of the existing building on three elevations. The canopy will be open fronted on the north-east elevation providing pedestrian access to the rear terrace of the Inn. The canopy would measure approximately 7 metres x 4 metres. The frame of the proposed canopy is to be white coloured powder coated aluminium. The roof is proposed to be mono pitched with a maximum height along the south-western boundary at approximately 3 metres which is 0.5 metres higher than the existing roof of a single storey, flat-roofed, extension, which the proposal will adjoin. The existing UPVC doors on the north-eastern elevation of the existing single storey extension which the proposed canopy will adjoin are to be removed and replaced with bi-folding doors and a window of white coloured powder coated aluminium.

An application (reference number P/16/118/LBC) for Listed Building Consent for the same proposal has also been submitted and runs concurrently to this application for planning permission.

Site Description

The property is located on the north east side of Hugh Town. The building is Grade II listed retaining a traditional appearance to the front with granite elevations under a slate roof. To the rear of the property, elevations are painted render with UPVC windows and doors facing the sea.

The Atlantic Inn is part of a relatively old row of properties which survive from the 18th Century. The Historic Environment Record notes that the customs house was located within the building in 1840.

Background and Relevant History

In March 2015, listed building consent was granted under application **P/15/012/LBC** for the widening of an existing internal entrance door to the kitchen. Applications **P/14/017/LBC** and **P/14/018/ADV** were granted in September 2014 for the replacement of existing signage and the repainting of the woodwork, windows and doors across the hotel and Inn. Application **P/13/066/LBC** granted permission for the formation of opening to link the Inn and Hotel in December 2013 and applications **P/09/066/FULL** and **P/09/067/LBC** granted permission for the erection of a glass windbreak around the roof garden.

Most relevant to this proposal are the previously approved applications in February 2007 (**P/07/003/FULL**) for the extension to patio area; the October 1994 approved rear extension (**P3701**) and the April 1989 approval for the enclosure of rear yard, alterations to the rear elevations and alterations to the to the interior (**P2856**).

Public representations:

The neighbouring properties have been written to directly and a site notice has been on display outside the site for a period of 21 days. One letter of representation has been received noting that in theory the proposal is a good idea but raised questions as to whether the covered area will be used as a smoking area or not.

Consultee representations:

Environmental Health have considered the details of the application and note the following:

“From the plans there has been no mention if the area is intended to be used as a smoking area. Part 1 of the Health Act 2006 makes provision for the prohibition of smoking in certain enclosed or substantially enclosed premises. Premises are enclosed or substantially enclosed if they have a ceiling or roof and half or more of the side (excluding doors or windows) are enclosed by walls or other structures.”

The Conservation Officer has commented the following regarding the application:

“The Hotel and Pub are located on the north east side of Hugh Street in Hugh Town, St Mary’s. The site is covered by the Conservation Area, AONB and Heritage Coast Designations. As set out above, it is a Grade II listed building, added to the statutory list in 1975 for its group value as part of the 18th Century surviving buildings that make up much of Hugh Town. The buildings retain a traditional appearance from the front with a retention of the appearance of separate buildings, whilst from within the buildings merge into less defined spaces. The buildings retain a granite appearance from the front. To the rear the buildings appear less consistent with difference styles and finishes. Building divisions and alterations are clearly more apparent and whilst granite finishes are retained at the lower level, they are painted white render above with black detailing around eaves and window frames. The windows and doors that face the lower terraced area, the area which is proposed to be enclosed in this application, are white upvc.

The Historic Environment Record (HER) notes that the customs house was located here in 1840, which later moved to the Strand in 1927. At this time the building was remodelled, as set out in the description above. The architects appointed by the Duchy of Cornwall Estate, to carry out the works, Richardson and Gill, were also responsible for the terrace of 8 houses opposite, which run from Mumfords Paper Shop up to the Post Office, which are constructed in a neo-Georgian style. They were also commissioned to carry out alterations to the Customs House on the Strand, and a porch extension and internal alterations on Newman House on the Garrison. All of these buildings are listed as Grade II with Newman House being grade II*. From the information available it is considered that the significance of this building lies in the original structure which, from the front, remains largely unaltered since its remodelling in 1927. Although

modernisations of the interior particularly for the restaurant and hotel rooms is likely to have taken place the use as a place for visitor accommodation with ancillary food and drink, is likely to have remained consistent, which is an important part of the significance of this building.

The proposal is to construct a covered glazed structure to the lower terrace. This is currently accessed by a set of double doors from the main pub building. From this terrace there are steps down to the beach. The terrace is enclosed by a granite wall. The building immediately to the south east of this terrace is a flat roof extension, also of granite. To the north west side is a single storey lean-to buildings, which is finished in white render.

In addition to the glazed lean-to roof the proposal includes the removal of an existing door and window and replacement with glazed bi-folding doors on the rear of the Atlantic Hotel, leading out onto the lower terrace.

Following a site visit it was noted that the lower terrace is in need of some modernisation with obvious signs of wear and tear being apparent, likely to be as a result of its exposed coastal location. The proposed lean-to glazed structure would be attached to the existing building at a point above the existing doors, which would be marginally higher than the attached building to the north-west side but no higher than the flat roof building to the south east side and would extend no further than either existing building. The materials proposed would be white powder coated aluminium framed structure and fenestration and the removal of the existing white upvc windows and doors. The finish would retain the distinctions between the existing buildings on the rear of this original structure. There would be no loss of original granite fabric and overall it is considered that the character of this building would be retained. Overall the replacement of the existing door and windows and the construction of a fixed glazed roof would not result in the loss of any significance to this property as an Inn and Public House.

Whilst it would be preferable to use natural materials of timber for the structure and frames, it is noted that the building faces directly on the beach, which experiences regular spray from the sea. The use of powder-coated aluminium for the fenestration and for the roof would enable finer detailing to be achieved which is preferable to the use of white upvc material.”

Constraints and designations:

Listed Building (ID: 1141220 – Grade II), Conservation Area, AONB and Heritage Coast

Relevant policies, SPGs and Government guidance:

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990. As the proposal relates to a Grade II listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

Planning Policy

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. As heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. Substantial harm to or loss of grade II listed building should be exceptional. Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial public benefit that outweighs the harm or loss. Paragraph 134 states that where less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

Isles of Scilly Local Plan 2005

Policy 1 relates to Environmental Protection and aims to ensure that the quality of the islands environment, including its natural and historic character, is maintained and enhanced. The overall intent of the Local Plan, as reflected in Policy 1, is to protect its environment and keep development to the minimum required for sustaining viable communities.

Appraisal/key issues and conclusion:

The main planning considerations in this case are the impact on the character and setting of a listed building and the Conservation Area; the potential impact on visual and local amenity.

Impact upon the Listed Building, Conservation Area and AONB

The proposed canopy and alterations will be located within the north-east terrace of this existing hotel and Inn. The north-east of the site is bound by the adjacent beach and sea. The existing rear extensions to the building would provide screening into the site from some public vantage points east and west. The proposal is an infill development between existing rear development of the building and would therefore be seen in this context with the backdrop of the original building and extensions when viewed from northern vantage points. The proposed works would not be visible from the principal elevation. The Conservation Officer has considered the application and notes that the proposal does not extend beyond the existing extension build line to the north-east and would not result in the loss of any significance to this property or of any historic fabric. The historic fabric and character of the listed building is therefore considered to be safeguarded and the proposal is not considered to adversely impact upon the Conservation Area.

The proposed materials would incorporate white powder coated aluminium and glazed units and also include the replacement of existing UPVC material which is currently used for the doors and window on the north-western elevation of the rear extension which the proposal will adjoin. Whilst it would be preferable to use natural materials within the proposed works, it is noted that the building faces directly onto the beach and experiences regular spray from the sea. The replacement of the UPVC and use of

powder coated aluminium on the modern additions to the building is therefore considered to be acceptable in this case and would allow for finer detailing to be achieved.

Impact upon the Natural Environment

The site is outside of any natural environment designations. The nearest Site of Special Scientific Interest (SSSI) 'The Lower Moors' lies over 790 metres to the south east of the application site. The site is primarily in an unfavourable by recovering condition. Due to the recovering conditions of these designations it is not considered that the proposal for a domestic extension will be affect the natural environment.

Impact upon residential amenity

The proposal will be an infill development between the existing modern extensions to the building and does not directly abut any site boundaries. No neighbouring properties have raised any concern and the proposal is not considered to increase any existing impact on amenity to an adverse level taking into consideration the established use of the site and of the lower terrace area by residents and clients of the Hotel and Inn. One letter has been received from a member of the public questioning if the proposal is to be used as a smoking area. The application as put forward does not state that the area will be used for smoking and the question was put forward to the agent. Environmental Health have considered the application and note that smoking is prohibited within enclosed or substantially enclosed areas. An informative note will be added to any subsequent decision regarding this. It is therefore considered that the proposal will not have a significantly harmful impact upon the residential amenity of neighbouring properties.

Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

- The Location Plan, Date stamped 30 November 2016**
- Proposed Plans, Drawing Number: 01/410/2, Date Stamped 30 November 2016**
- Proposed Section Plan.**

These are signed and 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 1 of the Isles of Scilly Local Plan 2005.

- 3. 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.

4. **Prior to the erection of any external lighting, within the red lined area, the details shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the lighting shall be installed and maintained in accordance with the approved details.**

Reason: In the interests of the amenities of this rural area and the protection of the dark night sky of the Isles of Scilly AONB.

5. **The development hereby permitted, shall be carried out in accordance with the approved site waste management details only including:**
- **The Site Waste Management Plan submitted with the application**
This is signed and stamped as APPROVED

Reason: 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 Policy 1 of the Isles of Scilly Local Plan 2005.

ENVIRONMENTAL HEALTH INFORMATIVE

Part 1 of the Health Act 2006 makes provision for the prohibition of smoking in certain enclosed or substantially enclosed premises. Premises are enclosed or substantially enclosed if they have a ceiling or roof and half or more of the side (excluding doors or windows) are enclosed by walls or other structures.

Signed: 	Dated: 28/02/17	Signed: 	Dated: 28/02/17
Planning Officer		Senior Manager	