



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/100	Expiry date: 11/01/2018
Received on: 13/10/2017	Neighbour expiry date: 07/12/2017
UPRN: 000192000830	Consultation expiry date: None
Legal agreement:	Site notice posted: 17/11/2017
Departure:	Site notice expiry: 08/12/2017
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:	Mrs A Hiron
Site Address:	Longstone Lodge & Café, Longstone, St Mary's.
Proposal:	Application to vary condition 2 (carry out development in accordance with approved details) of planning permission P/16/034/FUL to allow amendments including replacement of windows with doors on North elevation, alterations to general fenestration and addition of a small porch to managers accommodation on East elevation.
Application Type:	Removal of Condition/Variation

<http://www.scilly.gov.uk/planning-application/planning-application-p17100>

Description of site and development:

This application proposes the variation of condition 2 (The development shall be carried out in accordance with the approved details) of approved permission P/16/034/FUL to allow amendments to the north elevation including the replacement of windows with doors; amendments to the east elevation including the addition of a small porch and alterations to the general fenestration at Longstone Lodge and Café.

Site Description

The building is located to the west side of Longstone Farm in the centre of the island of St. Mary's. It lies approximately 200 metres to the south west of Holy Vale and around 240 metres to the north east of Longstone Terrace. The site is approximately 200 metres to the west of Higher Moor Nature Trail and is situated on a slope that lies between 25 metres and 33 metres (approximately) above sea level. The site is accessed principally from a 400 metres long farm track that extends from the A3111 to the south west of the site. This is a single width track that runs past a number of properties including Longstone Terrace, Longstone Bungalow and Longstone Farm Barns.

Background and Relevant History

Relevant planning history for this site starts in 1983 with the submission of **P2165**, which was approved for the redevelopment by conversion of farm buildings and land into a Leisure and Exhibition Centre with attendant provision of additional building and relevant change of use at Longstone Farm. At the same time an application was submitted **P2166** for the provision of an enclosed swimming pool, which was described as phase II of proposed Leisure and Exhibition Centre. This was also approved. Later in 1983 an application as submitted **P2182** for the submission of amended plans to comply with conditions for Leisure and Exhibition Centre, together with amendments to front elevation at Longstone Farm. In 1986 an application was submitted for Advertisement Consent **P2251** for signage at the junction of Parting Carn and Longstone. This was approved. Further applications for advertisement consent **P2252** and **P2352** were refused for other signs elsewhere on St. Mary's.

In 1987 an application was submitted **P2556** and approved for the demolition of a greenhouse and the construction of a new timber building. In 1988, an application **P2736** was submitted and approved for the renewal of P2166. Later in 1988 an application **P2779** was submitted and approved to formally relinquish applications P2166 and P2736 for the construction of a two bedroom bungalow. This was refused and a later appeal rejected. In 1991 an application **P3132** was submitted and approved for an extension to the centre. In 2002, an application was submitted **P5133** and approved to change the colour of the external walls.

In 2005, an application was submitted **P5698** and approved to convert the existing building into a bunkhouse and hostel. In 2006 an application for advertisement consent **P/06/014** was submitted and approved to display directional boards for the café. In 2009 an application was submitted **P/09/118** and approved to convert part of the centre to temporary accommodation for workers on the new school build and remove a lean-to building on the south. In 2010, an application **P/10/042** was submitted and approved for the demolition of part of the heritage centre and replace with temporary accommodation for builders. Concurrent with this was the submission of **P/10/043** for the temporary siting of 16 twin cabins for the new school build. This was also approved. In 2012, an application for conservation area consent was submitted and approved under **P/12/090** for rebuilding existing buildings on same footprint for use as a bunkhouse and hostel. Concurrent to this was **P/12/091**, which was also approved for rebuilding existing buildings on same footprint for use as bunkhouse and hostel. In 2014, an application was submitted **P/14/025** and approved for temporary living accommodation to be used to convert the buildings approved under P/12/091.

In 2016, application **P/16/034** was submitted and approved for the change of use from mixed use of café/ restaurant (A3 Use Class) and exhibition centre (D1) to mixed use café/ restaurant (A3), hotel (sui generis) and manager's flat (C3) including the erection of 2 no. poly tunnels,

summerhouse and play equipment. This permission was implemented on 1st October 2017 and the development is currently being undertaken.

The most recent application relates to advertisement consent **P/17/035** which was approved in June 2017 for the erection of new advertising and directional signs at the Junction of Longstone Lane and Telegraph Road in connection with the business at Longstone Lodge and Café.

Public representations:

A site notice has been on display outside the site for a period of 21 days and neighbours were notified of the proposal. No letters of representation have been received.

Consultee representations:

Due to the nature of the proposal there are no statutory consultees to notify. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Constraints and designations:

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.

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.

The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

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 considerations 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.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

In achieving sustainable development, Local Planning Authorities should be seeking to deliver a wide choice of high quality homes as part of the pursuit of sustainable development. Local Planning Authorities should seek to improve the quality of the built, natural and historic environment, as well as in people's quality of life.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposals only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (c) Preserve or enhance the character or appearance of the Conservation Area (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community through (b) ensuring or facilitating the re-use of previously developed land

or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

Appraisal/key issues and conclusion:

The existing building has planning permission for the change of use of the building from a mixed café/ restaurant and exhibition centre to a mixed use of café/ restaurant, hostel and manager's flat, including the erection of 2 poly tunnels, summerhouse and play equipment.

The application seeks to vary condition 2 (the approved plans condition). The proposed amendments to the north elevation including the replacement of windows with doors; amendments to the east elevation including the addition of a small porch and alterations to the general fenestration at Longstone Lodge and Café. The proposed amendments to the approved design are not considered to negatively impact the existing building or the surrounding properties. The proposed alterations are not considered to alter the substance of the application and the effect of the changes do not materially alter the consideration or matters raised under the approved scheme. The proposed alterations continue the use of traditional materials, respecting the character of the building in this context. The proposed alterations are therefore considered to be acceptable and in accordance with Policy 2 of the adopted Local Plan and the adopted Design Guide.

The development proposed minimal changes to the external appearance of the building. In relation to Policy 1 (a) of the Isles of Scilly Local Plan 2005 the proposed works will not have an impact on the natural beauty, wildlife or cultural heritage of the AONB or the heritage coast. In relation to Policy 1 (c) the proposed works seek to enhance the conservation area by improving the facades of the building. In relation to policy 1 (e) the proposed works will have no further impact on protected wildlife or biodiversity habitats than that already considered under the original application P/16/034 and that already mitigated against within the conditions attached to the original permission. The proposed alterations under this application are considered to cause minimal disturbance and visual impact on the wider designated areas surrounding the site and would preserve the character and appearance of the Conservation Area.

Within the vicinity of the site there are a number of private residential properties with the nearest property, Longstone Farm, located approximately 75 metres to the southeast of the site. The proposed alterations to the approved scheme are not considered to give rise to any impacts upon the privacy or amenity of the existing 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 carried out in accordance with the approved details only including:**
 - **Site and Block Plan on A3. Date Stamped on 21 April 2016.**
 - **Proposed Floorplan on A3. Plan number: LL-1. Date Stamped 10 November 2017.**
 - **Proposed Elevations Plan on A3. Plan number: LL-2A. Date Stamped 02 January 2018.**
 - **Proposed Octagonal Summerhouse Plan. Prima Grand Four diameter 400cm.**
 - **Proposed Klargest, Bioficient 6 Unit, Stamped 04/05/2016.**
 - **Proposed Play Equipment Layout**
 - **Proposed 7500 litre Category 5 GRP insulated Break Tank and location plan, date stamped 13th June 2016.**

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 Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 2. All works involving machinery required in connection with the implementation of this permission shall take place only outside the main bird/bat breeding season (breeding season is between 1st May to the 1st September) and 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 wildlife interests of this site and in the interest of residential amenity of the neighbouring properties.

- 3. The occupation of the flat and staff accommodation edged blue on the approved plans shall be limited to the owners or managers of the property and shall be permanently occupied as an integral part of the approved use of the site and that the owners/managers accommodation and the hostel accommodation shall not be sold, sublet, or otherwise disposed of separately as individual units of accommodations.**

Reason: The site is in an area where housing other than for staff accommodation purposes would be contrary to planning Policy 3 of the Isles of Scilly Local Plan 2005.

- 4. The hostel accommodation hereby permitted and edged in green on the approved plans shall not be used otherwise than for the purpose of short let holiday accommodation. The hostel**

accommodation shall not be occupied as permanent accommodation and shall not be occupied by any one person for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This register shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.

Reason: To ensure that the property is retained for holiday purposes in accordance with Policy 4 of the Local Plan and to minimise any pressure on local infrastructure in accordance with Policy 6 of the Local Plan.

Further Information:

1. 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.

2. In accordance with the provisions of Section 96A of the Town and Country Planning Act, which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £234 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

3. The applicant is reminded of the provision of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the appliance from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. Licensed Bat Wardens include (R. Williams, 01720 424315, M. and A. Gurr, 01720 422224) or Natural England (01872 245045). Or if none is available, The Bat Conservation Trust’s National Bat Helpline on 0845 1300 228.

Signed: <i>S Wade</i>	Dated: 02/01/2018	Signed: <i>J Walton</i>	Dated: 11/01/2018	Signed: <i>[Signature]</i>	Dated: 11/01/2018
Case Officer		IOS Planning		Senior Manager	