

Council of the Isles of Scilly Delegated Planning Report Householder/other application

Application Number: P/20/078/COU

Received on: 30 September 2020

UPRN: 000192000885

Application Expiry date: 4 December 2020

Neighbour expiry date: 02/11/2020

Consultation expiry date: 02/11/2020

Site notice posted: 12 October 2020

Site notice expiry: 2 November 2020

Applicant: Ms J Greenlaw
Site Address: Westford House
Church Street
Hugh Town
St Mary's
Isles of Scilly
TR21 0JT

Proposal: Change of use of guesthouse (Use Class C1) to holiday letting units (Use Class C3) retaining a unit of owner's accommodation. (Listed Building)

Application Type: Change of Use

Recommendation: Approve subject to conditions

Summary Conditions/Reasons for refusal

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. Short term holiday let use restriction on 2 self-catering holiday lets
5. Permanent occupation of staff/owner's accommodation only

Pre-commencement conditions agreed: N/A

Extension of time agreed until: N/A

Site Description and Proposed Development

Westford House is a mid-terrace three storey dwelling that operates as a guesthouse with owners' accommodation in a larger extension in the rear. It has a frontage on to Church Street and is a grade II listed building. It was added to the National Heritage List for England (NHLE) in 1975 for its Group Value. It is described as:

Terrace of five houses. Early C19. Rendered granite rubble; half-hipped slate roofs and brick stacks. Double-depth plan with side-entry and rear stair hall to each house. 3 storeys;

symmetrical 10-window range, of 2-window range to each house. Concave-chamfered granite eaves cornice. 8-fielded-panelled doors with fanlight to Albany House and rectangular over lights to Lynwood, mid C20 replacement door-with similar fanlight to Longras, similar early C19 door with 4 panels replaced by glazing to Westwood House and similar early C19 door with 2 panels replaced by glazing to Innisidgen. 6/6-pane sashes to ground and first floors and 3/6-pane sashes to second floor, except early/mid C19 canted oriel window with 4/20/4-pane sashes and moulded cornice to Lynwood and first-floor bay window to Westford House with 4/20/4-pane sashes. Interior: Westwood has paneled doors set in moulded architraves, open-well staircase with wreathed handrail and enriched cornice with palmettes etc. to first-floor front room. Other houses said to have similar staircases and other features. Subsidiary features: coursed and dressed granite forecourt walls with segmental coping to Albany House, Westford House and Longras; similar low walls to Lynwood surmounted by spear-headed railings with terminal urn finials.

The property does not appear to have formally obtained planning permission to operate as a guesthouse. Planning history does show that in 1970 (P0965) an application was made (but refused) to convert it from a guesthouse to a shop at ground floor. It is clear therefore that Westford House has operated in excess of 50 years as a guesthouse.

In 2004 consent was granted (P5510 and P5511) for the rear extension for owners' accommodation. Full Planning history is set out below.

The current application is to convert the property into to 'flats' for self-catering holiday let purposes, whilst retaining the owner's accommodation in the ground floor to the rear. The proposal includes 4 self-contained flats, one on the ground floor, two on the first floor and one on the second floor. The plans submitted show now external alterations with some minor reconfiguration of internal space, which is mainly on the later rear extension.

Consultations and Publicity

The application has had a site notice on display for 21 days (07/10/2020 – 28/10/2020). The application appeared on the weekly list on 12th October 2020.

Due to the nature of the proposal external consultations have been required and these are set out below, together with any consultation responses.

SWW ✓ (No response)

Others: Cornwall Fire And Rescue (03/11/2020):

Further to your letter dated the 15 October 2020 regarding the above planning application, this Authority makes the following observations: Holiday Rental Advice. I note the proposal is for a holiday rental premises.

The Responsible Person should ensure the proposal complies with current Fire Safety Legislation and Guidance as this differs from Building Regulations before being used as a holiday rental.

Whilst not exhaustive advice the applicant should consider if the proposed travel distance from the furthest point in the first floor

bedroom (inner room) exceeds 12 meters to the final exit on the ground floor a suitable protected means of escape may be required, a suitable suppression system may be an alternative option. The Fire Authority must be consulted when the proposal is submitted for its Building Regulation consultation.

Representations from Residents:

Neighbouring properties written to directly:

- Flat, 25, Porthcressa Road
- 25, Porthcressa Road
- Seashells 29, Porthcressa Road
- 31 Porthcressa Road
- Innisidgen, Church Street
- Flats 1-5 Longras, Church Street

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

Ref	Description	Decision
P0717/1	Erection of terraced house at rear of Westford House, Church Street, St Mary's	PER
P0738	Erection of conservatory	PER
P0747	The revision of planning approval No. 717/1 to that of erecting two self-contained flats at the rear of Westford House, Church Street	PER
P0965	Change of use from Guest House to that of shop for ground floor front room and entrance hall at Westford House	REF
P2211	The replacement of scantle roof to extension at the rear of the house with asbestos type slate at Westford House, Church Street, St Mary's	PER
P4456	Replacement of windows and door with essential repairs to renderings and finishes.	PER
P4663	Replace existing asbestos roof with GRP, reduce pitch angle.	PER
P4707	Additional bedroom space and toilet facilities.	PER
P4708	Removal of blockwork store. Erection of additional bedroom space and toilet facilities.	PER
P5510	Extension at rear for owner's accommodation.	PER
P5511	Extension at rear for owner's accommodation.	PER
P5808	Painting of the exterior of the building.	PER
P/11/107/LBC	Installation of solar PV panels to the roof of the north/south rear extension of Westford House. Panels to be mounted externally with no structural or internal changes.	PER

Constraints:

Listed Buildings Lynwood Front Railings

Listed Buildings Lines ID: DCO14328. Grade: II. Name: ALBANY HOUSE AND INNISIDGEN AND LONGRAS AND LYNWOOD AND LYNWOOD, ALBANY HOUSE, WESTFORD HOUSE, LONGRAS AND INNISIDGEN AND ATTACHED WALLS AND WESTFORD HOUSE

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?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes

Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
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?	Yes
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
Is the scale proposed in accordance with NDSS	n/a

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	n/a
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	n/a
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Yes
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?	Yes Yes Yes
Within an Archaeological Constraint Area	No
Other Impacts	N/A
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	Yes
Are the Water connection/foul or surface water drainage details acceptable?	Yes

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?	No
Are there external lights	No

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	No
Does the proposal include any demolition	No
Does the proposal include tree or hedge removal	No
Is an assessment of impact on protected species required	No
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	No
Are biodiversity enhancement measures required	No
Is a condition required to provide biodiversity enhancement measures	No

Waste Management	YES OR NO
Does the proposal generate construction waste	Yes
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	No
Does the proposal include a Site Waste Management Plan	Yes
Is a condition required to secure a Site Waste Management Plan	No

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	No
Does the proposal include any site specific sustainable design measures	No
Is a condition required to secure a Sustainable Design Measures	No

Analysis: From a planning perspective the application seeks to change from a C1 guesthouse to x5 C3 units of self-contained accommodation. Four will be for holiday letting purposes in place of the current guesthouse and the rear of the ground floor will be retained as owner's accommodation. Policy 3 and Policy 4 of the adopted Local Plan are the primary policy considerations and given that the proposal seeks to retain the owner's accommodation it is considered that the development is otherwise policy compliant with the adopted Local Plan (2005).

In terms of the scale of the accommodation, moving from a single guesthouse to 5 separate units of accommodation, comprising four for holiday let, self-catering purposes, and one retained as the owners/staff accommodation, then its good to understand

whether the change results in a 'good' standard of accommodation, bearing in mind both the emerging local plan and the adopted local plan refer to 'improved'. Policy 4 requires development proposals to demonstrably improve the quality of existing tourist Accommodation. Policy WC5 requires development proposals for new or upgraded tourism development to make a positive contribution to creating a sustainable, diverse and modern tourism economy. Whilst neither the adopted policy nor the emerging policy require new tourism accommodation to meet the same standards as that of new homes for permanent or staff accommodation (meeting the NDSS), a good measure of the standard of accommodation is to consider the scale proposed with the NDSS to determine whether it would be delivering a quality or improved tourism development.

Unit 1 is a 1-bedroom unit of self-contained tourism accommodation which is around 55 square meters. This is above the minimum space standards for 2 people, by 10%. Unit 2 is a smaller unit of self-contained accommodation, again with 1 bedroom, which is around 34 square meters of internal floorspace. This is around 8% below the minimum standards for 1 person. Unit 3 and Unit 4 are both around 35 square meters each which is around 5% below the minimum required for 1 person, when considering its use on a permanent basis. In general holiday accommodation which is not occupied on a permanent basis is generally considered to be acceptable even when it falls below the space standards required for permanent occupation. So, whilst overall the space standards provided are modest, each unit has adequate facilities to make a short-term comfortable self-catering unit of accommodation. On the basis the scale of accommodation is small it is recommended that a condition is imposed to ensure the accommodation remains for purposes of short-term letting accommodation only as further assessment would be required for longer term or use as permanent units of accommodation.

The emerging Submission Draft Local Plan similarly supports development proposals which support the economy, including tourism accommodation. Specifically, Policy WC5(3) of the Main Modifications consultation draft (which did not attract any objections or comments to address) requires any loss of serviced accommodation to be replaced by another form of tourism accommodation, where an element of owners or staff accommodation is retained. In this case the conversion from guesthouse to self-catering units, which is based on the impacts of the corona virus pandemic during 2020, which retains staff/owner's accommodation, is in accordance with the emerging Local Plan. As units of holiday let there are no requirements in emerging Policy WC5 that would suggest a size of accommodation should be achieved.

The proposal does not include any external alterations and as such there are not considered to be any wider impacts in terms of neighboring amenity, overlooking, highway safety, biodiversity or other material harm as a result. The impact upon the fabric and character of the listed building will be assessed below. Overall however the proposal is otherwise considered to be policy compliant with the adopted and emerging Local Plans, in particular Policy 4 of the adopted Local Plan 2005 and Policy WC5 of the submission draft Isles of Scilly Local Plan 2015-2030.

Impact upon the Listed Building: The application is supported by a Heritage Impact Assessment, although it is noted that this is not produced by a person or persons suitably qualified in Historic Building Conservation or similar.

Ground Floor: Although the proposal sees the installation of a kitchen on ground floor to the rear extension, it is not considered that this would give rise to any harm to the significance of this listed building. The main change on the ground floor would be the knocking through of an original wall to link the front room to the room behind as part of its formation to unit 1. The original features of doorways, architraves, coving and paneling would appear unchanged to convert the front ground floor to a single self-contained unit.

First Floor: The first floor is proposed to retain the existing split at the very rear section of the later rear extension and the rest of the existing accommodation will be converted to form Units 2 and 3, both of which will be 1 bedroom with bathroom and kitchen facilities. The most notable change will be the reconfiguration of the door and wall between the front and rear room including the shortening of a later en-suite bathroom and the installation of a kitchen in the front room

Second Floor: This changes from two en-suite guest bedrooms to a fully self-contained unit with a small en-suite shower room and a lounge/kitchen space with one bedroom. The modifications proposed show no significant alterations or reconfigurations of the second floor space. Some minor enclosure of the banister at the landing, would appear to be required

Overall Impact: The significant elements are considered to be the principal front elevation of the front elevation of the terrace. This also includes those features set out in the listing description such as the rendered granite walls, brick chimney stack, early C19 door, 6/6-pane sashes to ground and first floors and 3/6-pane sashes to second floor, except early/mid C19 canted oriel window. First-floor bay window with 4/20/4-pane sashes. Interior: Westwood has paneled doors set in moulded architraves, open-well staircase with wreathed handrail and enriched cornice with palmettes etc. to first-floor front room. Subsidiary features to Westford House include coursed and dressed granite forecourt walls with segmental coping.

Westford House is a long-standing guesthouse that has provided guest accommodation for over 40 years. There are a number of internal features that remain intact and these together with the external façade hold the highest significance which would be most sensitive to change, and this would include the subsidiary features of front boundary wall around the front garden. Whilst internally there remain a number of period features such as the original coving, ceiling details and stairwell, including hand rail, which remain of a high significance, and should remain, internally the rear of the property (which is a later extension) is less sensitive to change and of neutral significance. It is therefore neither contributing or detracting from the significance as a whole, including the modern and much later installed en-suite bathrooms and modern kitchen as well as the modern fixtures and fitting throughout the property.

The front façade of Westford House would be retained without any modifications, there will be a minor change to the ground floor layout of the property and first floor, both proposed to have a door knocked through the wall between the original front and rear rooms. The changes, however, do not result in substantial harm providing the original doors and period features are retained. On the basis that no clear details have been

provided to clearly show the changes to the stair well/landing on the second floor, it is recommended that a condition is imposed to require clear details to be submitted where the works impact on the internal features, listed in the NHLE description, which includes all original paneled doors set in moulded architraves, the open well staircase with wreathed handrail and enriched cornice with palmettes should remain and a condition to reinforce details to be submitted should any works be proposed to these features.

Subject to the conditions mentioned above, it is considered that the proposed works, having regard to section 16, 17 and 18 of the Planning and Listed Buildings and Conservation Areas Act 1990, are acceptable. The proposal is considered to accord with adopted Policy 1 of the 2005 Local Plan and Policy OE7(6) of the submission draft Isles of Scilly Local Plan 2015-2030

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/imposed conditions to enable the grant of planning permission and listed building consent.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This application has been considered in accordance with Sections 16, 17, and 18 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 December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft 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, adopted December 2005

Policy 1 Environmental Protection ✓

Policy 2 Sustainable Development ✓

Policy 3 Housing

Policy 4 Economic Development

Policy 5 Transport

Policy 6 Infrastructure for Sustainable Communities

- Policy 7 Fish and Livestock Processing
- Policy 8 Safeguard Power Station, St Mary's
- Policy 9 Waste Disposal
- Policy 10 Air Travel Infrastructure, St Mary's and Tresco
- Policy 11 Uninhabited Islands
- Proposal A Housing Sites St Mary's
- Proposal B Employment Land, St Mary's
- Proposal C Sport and Recreation Facilities, St Mary's
- Proposal D Quays
- Proposal E Mixed Use Development Tresco

Submission Draft Isles of Scilly Local Plan 2015-2030

Sustainable Scilly

- 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

Outstanding Environment

- Policy OE1 Protecting and Enhancing the landscape and seascape
- Policy OE2 Biodiversity and Geodiversity
- Policy OE3 Managing Pollution
- Policy OE4 Protecting Scilly's Dark Night Skies ✓*
- Policy OE5 Managing Waste
- Policy OE6 Minerals
- Policy OE7 Development affecting heritage ✓*

Living Communities

- 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 Choose an item.
- Policy LC7 Windfall Housing: Choose an item.
- Policy LC8 Replacement Dwellings and Residential Extensions ✓*

Policy LC9 Homes in Multiple Occupation

Working Communities

Policy WC1 General Employment Policy

Policy WC2 Home based businesses

Policy WC3 New Employment Development

Policy WC4 Alternative Uses for Business or Industrial land and buildings

Policy WC5 Safeguarding Serviced Accommodation ✓

- *Site Waste Management Plan: Provided*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA N/A*

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.

Planning Permission P/20/078/COU 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, 1:1250 scale**
- **Plan 2 Site Plan, 1:500scale**
- **Plan 3 Proposed Floor Plan, Drawing Number WFH-PL-5a Dated September 2020**
- **Plan 4 Heritage Impact Assessment**
- **Plan 5 Site Waste Management Plan**

These are stamped as APPROVED.

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy OE1 and OE7(5) of the Submission Draft 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.

- C4** The four self-catering holiday let units hereby permitted, as show in green on the attached plan, shall not be used otherwise than for the provision of short let holiday accommodation. Neither unit shall not be occupied as a permanent dwelling and shall not be occupied by any person for a period exceeding 28 days in any calendar year. In accordance with the General Data Protection Regulations, the owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.

Reason: To ensure that the development is occupied as holiday accommodation in accordance with Policy 4 the adopted Isles of Scilly Local Plan 2005 and Policy WC5 of the Submission Draft Isles of Scilly Local Plan 2015-2030

- C5** The rear ground and first floor flat hereby permitted, as show in blue on the attached plan, shall not be used otherwise than for the provision of owners/staff accommodation in connection with the self-catering holiday lets (as per condition 4) at Westford House, Church Street. The owner's accommodation shall not be occupied or used as short-term holiday letting accommodation and shall be retained as permanent accommodation.

Reason: To ensure that the development is occupied as staff or owner's accommodation in accordance with Policy 4 the adopted Isles of Scilly Local Plan 2005 and Policy WC5 of the Submission Draft Isles of Scilly Local Plan 2015-2030

Listed Building Consent Conditions: P/20/081/LBC

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

- C2** The development hereby permitted shall be carried out in accordance with the approved details only including:


- Plan 1 Location Plan, 1:1250 scale
- Plan 2 Site Plan, 1:500scale
- Plan 3 Proposed Floor Plan, Drawing Number WFH-PL-5a Dated September 2020
- Plan 4 Heritage Impact Assessment

These are stamped as APPROVED.

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy OE1 and OE7(5) of the Submission Draft Isles of Scilly Local Plan 2015-2030.

- C3** The internal original period features including all original paneled doors set in moulded architraves, the open-well staircase with wreathed handrail and

enriched cornice with palmettes should remain in situ and not be altered by the works. Where works are likely to effect or impact upon these features then proposed detailed drawings of such works, shall be first submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented only in accordance with the approved plans.
Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building.

Print Name:	Lisa Walton	03/12/2020
Job Title:	Senior Officer, Planning and Development Management	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		

*Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:
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