

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/21/026/LBC

**Received on:** 21 March 2021

**UPRN:** 000192000036

**Application Expiry date:** 15 June 2021

**Neighbour expiry date:** 13/05/2021

**Consultation expiry date:**

**Site notice posted:** 22 April 2021

**Site notice expiry:** 13 May 2021

**Applicant:** Philip Moon  
**Site Address:** Owners Accommodation  
On The Quay  
The Quay  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0HU

**Proposal:** Alterations to the second floor flat to include dormer window to increase head space for new shower room. Current lounge to be split into two bedrooms with an additional rooflight. (Listed Building)

**Application Type:** Listed Building Consent

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**Recommendation:** PERMIT

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Materials to match

**Pre-commencement conditions sent to applicant:** 09/06/2021

**Agreed:** Y

## 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: Dan Marcus

Date: 21/05/2021

## Site Description and Proposed Development

The quay at St Mary's Harbour is a Grade II listed structure that is used as a working port by the Harbour Authority. It is the main approach to the islands when traveling to Scilly by ferry and provides the key link between St Mary's and the other inhabited islands. There are a number of structures on the quay with the main building being the Harbourside building. This benefits from planning permission to operate as a restaurant, café and includes staff accommodation.

The proposal includes the installation of a wide flat roof dormer window on the east facing roof slope on the rear section of the main building. This will be of a width of 3.8m with an overall height of 2.8m, to a depth of 1.6m and will contain a single window. It will be faced with slates to match the existing roof. It will be set below the ridge of the roof slope, but will be partially visible above the roof slope in front. The proposal also includes one new small rooflight and a replacement rooflight on the north facing roof slope.

Certificate: B

Other Owners Notified: Yes

### Consultations and Publicity

The application has had a site notice on display for 21 days (22/04/2021 – 13/05/2021). The application appeared on the weekly list on 26<sup>th</sup> April 2021. Due to the nature of the proposal consultations have been carried out. These including responses are set out below.

Consultee	Date Responded	Summary
CIOS Environmental Health	No Response	No issues to flag up
Cornwall Fire and	26/04/2021	Access and Facilities for the Fire Service

Rescue		<p>as detailed in B5 AD B Volume 1 will be required.</p> <p>You will be required to provide reasonable facilities for the Fire Service. In most circumstances this will mean providing vehicular access for fire appliances.</p> <p>It is important to remember that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk.</p>
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### Representations from Residents:

Neighbouring properties written to directly:

- **The Harbour Masters Office, St Mary's Quay**
- **Isles of Scilly Steamship Officer, St Mary's Quay**

[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:

P/12/087/COU: External and internal alterations and change of use to Harbourside Hotel which is part of the listed pier at St Mary's – Approved. **This is the most relevant permission as this conditions the staff accommodation to be restricted to either employees of the Duchy of Cornwall or by staff connected with a business operating from within the Harbour Building.(Condition C8)**

P/12/088/LBC: External and internal alterations and change of use to Harbourside Hotel which is part of the listed pier at St. Mary's. – Approved

P/13/040/FUL: Amendments to Planning Permission P/12/087 including addition of solar thermal panels, gas bottle enclosure, new pump housing, alteration to window and door openings and alteration to 1st floor staff accommodation from 2 self-contained flats to a 5 bedroom shared accommodation. – Approved

P/13/041/LBC: Installation of solar thermal panels; external works, including new bottle storage enclosure, new pump housing and alterations to fenestration; and internal works including reconfiguration of stairwell and 1st floor accommodation and other internal works. – Approved

P/14/034/FUL: Amendments to planning permission P/12/087 including revised fire escape staircase, installation of window at ground and first floor levels on South gable end, re-position first floor double doors on East facing balcony, replacement of 4 no. windows on West elevation with one single window. – Approved

P/14/035/LBC: Amendments to fire escape staircase, installation of window at ground and first floor levels on South gable end, re-position first floor double doors on East facing balcony, replacement of 4 no. windows on West elevation with one single window. – Approved

### Constraints:

Listed Buildings: Grade: II. Name: THE PIER

Archaeological Constraint Areas: The Quay. Island: St Mary's

HER Findspots: RAT ISLAND - Post Medieval lime kiln. Period: Post Medieval

Historic Landscape Character: Communications.

### Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
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 building, street and area?	y
Would the materials, details and features match the existing building and be consistent with the general use of materials in the area?	y
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?	y

<b>Amenity</b>	<b>YES OR NO</b>
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

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, <ul style="list-style-type: none"> <li>a) Will the development preserve the character and special architectural or historic interest of the building?</li> <li>b) Will the development preserve the setting of the building?</li> </ul>	y
Within an Archaeological Constraint Area	y

<b>Other Impacts</b>	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	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/a
Are there external lights	n

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	y
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	y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	y
Are biodiversity enhancement measures required	y
Is a condition required to provide biodiversity enhancement measures	y

<b>Waste Management</b>	<b>YES OR NO</b>
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	n
Is a condition required to secure a Site Waste Management Plan	y

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	n

Does the proposal include any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

**Analysis:** The proposal includes some internal reconfiguration of the modern interior of the owners flat. This provides for additional staff accommodation in connection with the running of the restaurant. In order to achieve the accommodation a large dormer window is required to provide the head height for space for a shower room. These internal works do not physically impact upon the exterior of the building and do not impact upon the listed quay. The proposal therefore preserves the character of the conservation area without harming the special character of the quay, as a designated heritage asset.

The installation of a dormer window will be visible from the public realm and as such has the potential to detract from the wider character of the conservation area and special character of the AONB. Located between the two roof pitches, and faced with natural slates, it is not considered that the dormer window would result in a particularly harmful or discordant feature when viewed within the roofscape of this structure. Similarly, the appearance on one additional rooflight will have a negligible visual impact upon the wider character of the quay.

**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 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 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**

<b>Policy</b>	<b>Tick if Used ✓</b>
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 Safeguarding Serviced Accommodation	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	n		y
Sustainable Design Measures	n		n
Biodiversity Enhancement Measures:	y		n

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.

### 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, date stamped April 19 2021;**
- **Plan 2, Block Plan, date stamped April 19 2021;**
- **Plan 3, Proposed Elevations, Drawing number: 04\_00108\_REV 01 Dated 07/04/2021;**
- **Plan 4, Proposed Second Floor Plan, Drawing number: 04\_00107 Dated 10/03/2021**
- **Plan 5, Proposed Roof Plan, Drawing number: 04\_00106\_REV 01, Dated 07/04/2021**
- **Design and Access Statement; date stamped received 15/06/2021**
- **Preliminary Ecological Appraisal, Ref: BS41-2020, dated 9<sup>th</sup> March 2021 (avoidance, mitigation and enhancement).**

**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, 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).

**PRE-COMMENCEMENT CONDITION: Submission of Site Waste Management Plan**

- C3** Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/location of disposal of all removed roofing material and all waste arising from building works, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure the project demonstrates an understanding of the waste hierarchy and seeks to minimise unnecessary waste in addition to preserving 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 the tipping of waste. In accordance with the requirements of Policy SS2(2) of the Isles of Scilly Local Plan (2015-2030).

- C4** 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.

- C5** All the existing slate shall be set aside for re-use. Any shortfall shall be made up of natural slates to exactly match the existing in shape, size, colour and texture. All fixings shall be corrosion resistant. Before re-roofing starts, samples of any additional slates and fixings required shall be made available for inspection on site, and subsequent written approval, by the Local Planning Authority. The approved slates and fixings shall then be used to roof the approved building/structure. The roof shall be retained as such thereafter.

Reason: So that the appearance of the proposed extension is sympathetic to and compatible with the building traditions of the area and in keeping with the harbourside building. In accordance with Policy OE7 of the Isle of Scilly Local Plan (2015-2030).


- C6** The occupation of the reconfigured staff accommodation, hereby

**permitted, and as shown on the approved plans, shall be limited to staff accommodation and specifically restricted to persons solely or mainly employed by the Duchy of Cornwall (including any contractors) or in any business within the Harbourside building, including any resident dependents.**

Reason: To ensure that the development is used as staff accommodation only to prevent the creation of open market accommodation in accordance with Policy LC4 of the Isles of Scilly Local Plan (2015-2030).

**Informatives:**

1. **Building Control:** If this accommodation was ever to be used for “paying guests” the proposed escape route from the second floor bedrooms via the kitchen would not be deemed satisfactory under the Regulatory Reform (Fire Safety) Order 2005. An alternative means of escape would be required to satisfy the Order and the Fire and Rescue Service should be consulted for comment. Please note that use of the accommodation for paying guests would conflict with condition C6 above.

<b>Print Name:</b>	Lisa Walton	15/06/2021
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
<b>Authorised Officer with Delegated Authority to determine Planning Applications</b>		