

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/22/088/NMA

UPRN: 000192000598

Received on: 21 December 2022

Valid on: 22 December 2022

Application Expiry date: 19 January 2023

Neighbour expiry date: 9 January 2023

Applicant: Mr Nigel Wolstenholme

Site Address: Tregarthen's Hotel
Garrison Hill
Hugh Town
St Mary's
Isles Of Scilly
TR21 0PP

Proposal: Application for a Non-Material Amendment to planning permission P/20/090/FUL (Erection of five 'micro lodges' - detached C3 use class dwelling units for restricted holiday letting (design amended by application P/22/023/ROV) to revert to a horizontal timber cladding finish from vertical timber cladding.

Application Type: Non Material Amendments

Recommendation: The application is approved

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: 19/01/2023

Site Description and Proposed Development

This is an application for a Non-Material Amendment the cladding on the approved amended micro-lodges, as approved under [P/20/090/FUL](#) and as amended under [P/22/023/ROV](#). The proposed plans of this current application are [here](#). The proposal is to reorientate the timber cladding only. No other amendments are sought in this current application.

Certificate: A

Other Land Owners: None

Consultations and Publicity

As this is an application for a Non Material Amendment only, there is no requirement to place a site notice at the site. The application appeared on the weekly list on 28th December 2022. Due to the nature of the proposal no external consultations are required. Neighbouring properties, or those within 4 metres of the site boundary were written to directly. These are set out below. No objections to the proposal were received.

Representations from Residents:

Neighbouring properties written to directly:

- **Gunners Well, The Garrison**
- **Calico Jacks, The Bank**
- **Flat 1, Quay House**
- **The Old Cottage, Garrison Hill**
- **Harry's lookout, Garrison Lane**
- **Pilots Gig Restaurant, The Bank**

- **Pier House, The Bank**

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

| Application | Description | Decision (DATE) |
|--------------|--|-----------------|
| P/16/055/FUL | The demolition of three lower ground floor hotel bedrooms and replacement with 6 self-contained holiday let units, the change of use of the staff block to form 2 self-contained holiday let units as well as a myriad of other additional and ancillary works and alterations. | Approved (2016) |
| P/18/031/FUL | Revised scheme for redevelopment of Tregarthens Hotel including (1) Erection of a pair of semi-detached dwellings for restricted holiday letting (use class C3) including associated landscaping. (2) Alterations to external facade of hotel lounge and hotel bedrooms including replacement windows/doors, formation of new windows and removal of existing chimney. (3) Formation of a new pedestrian opening in the existing wall adjacent to Garrison Hill. (4) Formation of external seating areas and new balustrades to hotel rooms and hotel lounge. (5) Installation of a package treatment plant for foul drainage. (Amended Plans/Amended Title) | Approved (2018) |
| P/18/078/NMA | Application for non-material amendment to planning permission for the repositioning, by 1 metre west, of the pair of semi-detached dwellings only. | Approved (2018) |
| P/18/089/NMA | Application for non-material amendment to planning permission P/16/113/ROV to retain existing windows on East elevation, blocking up of window in bedroom 2 of unit 8 and widening of window in same room. | Approved 2018 |
| P/19/016/ROV | Retrospective application for minor material amendment to planning permission P/16/113/ROV (as amended by P/18/089/NMA) to retain window on West elevation of unit 7 (shown in floor plan of application P/18/089/NMA but not the elevations). (Amended Title). | Approved 2019 |
| P/19/037/ROV | Variation of condition 2 (approved plans) of planning permission P/18/031/FUL to alter the fenestration of hotel rooms 30, 31 & 32, relocate and reduce the scale of the new units known as 'Crump' & 'Kittern' cottages including amendments to the landscaping details as approved under condition 16 of P/18/031/FUL to accommodate these changes. | Approved 2019 |
| P/20/038/COU | Change of use of 16 hotel bedrooms from Use Class C1 (Hotel) to 4 self-contained restricted holiday letting units Use Class C3 (Dwelling) with associated internal works to hotel rooms 41 and 42 with revised fire escape. | Approved 2020 |
| P/20/090/FUL | Erection of five 'micro lodges' - detached C3 use class dwelling units for restricted holiday letting (Amended Plans) | Approved 2020 |
| P/22/018/ROV | Variation of condition 2 (approved plans) of planning permission P/18/031/FUL (Part (4) - Formation of external seating areas and new ballustrade to hotel rooms and hotel lounge) in order to alter the fenestration of hotel rooms 30, 31 | Approved 2022 |

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| | & 32 including amendments to landscaping detail. | |
| P/22/023/ROV | Variation of condition 2 (Approved Plans) of planning permission P/20/090/FUL (Erection of five 'micro lodges' - detached C3 use class dwelling units for restricted holiday letting) in order to revise the design of the approved units. | Approved 2022 |

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Adj to Listed Building/Scheduled Monument: Garrison Wall

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

| 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 | n/a |

| | |
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| architectural or historic interest of the building? b) Will the development preserve the setting of the building? | |
| Within an Archaeological Constraint Area | n |
| Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety? | n |
| 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 |

| 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 |

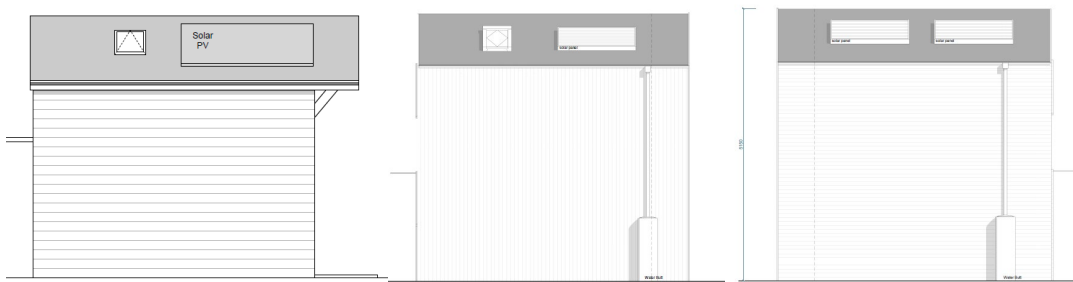
| Waste Management | YES OR NO |
|---|------------------|
| Does the proposal generate construction waste | n |
| Does the proposal materially increase the use of the site to require additional long-term waste management facilities | n |
| Does the proposal include a Site Waste Management Plan | n |
| 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 |
| Does the proposal include a any site specific sustainable design measures | n |
| Is a condition required to secure a Sustainable Design Measures | n |

Analysis: Complete if any objections to material planning issues or any conflict with policy requirements identified.

Amendments considered:

Side Elevation



As Approved 2020

As Amended in 2022

As now proposed

The micro lodges as originally approved had horizontal cladding, when they revised the design in 2022 the cladding changed to vertical cladding. This current amendment is to switch back to horizontal cladding. This area does not contain buildings that are timber clad, so the switch from vertical back to horizontal is unlikely to stand out as a contrast to surrounding development. I consider this change would have no significant impact visually on the wider character of the conservation area or AONB. There are a mixture of both vertical and horizontal cladding across the islands. Whilst the Isles of Scilly Design Guide advises that timber can be used as a finish on new buildings and has developed as a vernacular of rough sawn vertical batten (flat wooden strips) and board timber extensions, there are numerous examples of it being used successfully in a horizontal pattern.

The application for a Non-Material Amendment is therefore considered acceptable and recommended for approval.

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.

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 | |

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|--|---|
| 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 | ✓ |

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

Amended Plans Approved:

The amended drawing showing the reorientated timber cladding from vertical to horizontal timber cladding:

- **Proposed Elevations, Units 1-4, Drawing Number 9895-(21)001 REV D Dated 16/02/2022**
- **Proposed Elevations, Unit 5, Drawing Number 9895-(21)002 REV F Dated 16/02/2022**
- **Proposed Section Units 1-4, Drawing Number 9895-(10)003 REV C Dated 16/02/2022**
- **Proposed Section Unit 5, Drawing Number 9895-(10)004 REV E Dated 16/02/2022**

The amended drawing as listed above, stamped 'as approved' has been accepted as an amendment to the approved details and **these replace the following approved sections and elevations:**

- **AMENDED Proposed Elevations Unit 5, Drawing Number 9895 (21)002 Rev E, Date Stamped 20/04/2022**
- **AMENDED Proposed Plans and Sections Unit 5, Drawing Number: 9895 (10) 004 Rev D, Date Stamped 20/04/2022**
- **Proposed Elevations Units 1-4, Drawing Number 9895 (12)001 Rev C, Date Stamped 21/03/2022**
- **Proposed Plans and Sections Units 1-4, Drawing Number: 9895 (10)003 Rev B, Date Stamped 28/02/2022**

These approved amended plans shall be held on the file P/20/090/FUL and P/22/038/ROV and form part of the approved details.


Conditions of P22/023/ROV that have not yet been discharged:

| No | Condition | Status |
|----|---|-----------------|
| C1 | The development hereby permitted shall be begun before the expiration of three years from the date of this permission. | Compliance Only |
| C2 | <p>The development hereby permitted shall be carried out in accordance with the approved details only including:</p> <ul style="list-style-type: none"> • REVISED Location and Block Plan, Drawing Number: 1542/PL01 Rev B and date stamped received 25/02/2021 • Proposed Elevations (Unit 5), Drawing Number: 1542/PL09 Rev B, and date stamped received 26/01/2021 • Proposed Elevations, Drawing Number: 1542/PL05 Rev E, and date stamped received 26/01/2021 • Proposed Plans and Sections (Unit 5), Drawing Number: 1542/PL08 Rev B, and date stamped received 26/01/2021 • Proposed Plans and Sections, Drawing Number: 1542/PL04 Rev E, and date stamped received 26/01/2021 • REVISED Proposed Site Layout Plan, Drawing Number 1542/PL03 Rev F, and date stamped received 25/02/2021 • Proposed Site Sections, Drawing Number 1542/PL07 Rev A, and date stamped 26/01/2021 • REVISED Sketch showing Impact upon Garrison Wall, Drawing Number 1542/PL10, and date stamped 26/01/2021 • Proposed Site Plan, Drawing Number 9895 (10)02 Rev B, Date Stamped 28/02/2022 • AMENDED Proposed Elevations Unit 5, Drawing Number 9895 (21)002 Rev E, Date Stamped 20/04/2022 • Proposed Elevations Units 1-4, Drawing Number 9895 (12)001 Rev C, Date Stamped 21/03/2022 • Sketch showing impact on Garrison Wall, Drawing Number 9895 (10)005 Rev C, Date Stamped 28/02/2022 | Compliance Only |

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| | <ul style="list-style-type: none"> • Materials Pallet, Drawing Number 9895 (10)007 Rev B, Date Stamped 28/02/2022 • Proposed Plans and Sections Units 1-4, Drawing Number: 9895 (10)003 Rev B, Date Stamped 28/02/2022 • AMENDED Proposed Plans and Sections Unit 5, Drawing Number: 9895 (10) 004 Rev D, Date Stamped 20/04/2022 • Sustainable Design Statement, Date Stamped 08/12/2021 • Surface Water Management Plan, Date Stamped 08/12/2021 • Indigo Landscaping Plan and Specification Document, Date Stamped 08/12/2021 <p>These are stamped as APPROVED</p> | |
| 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. | Compliance Only |
| C4 | Notwithstanding the information submitted with the application submission, no additional artificial external lighting shall be installed within the application site. | Compliance Only |
| C5 | Prior to the installation of windows and doors, details, to include confirmation of colour finishes and materials to be used in the construction of the external fenestration of the development, hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter the windows and doors shall be retained as approved. | Outstanding |
| C6 | Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 2007, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only in connection with Tregarthens Hotel and for no other purpose, including any other purpose within Class C3 of the Order. The micro lodges, hereby approved, shall be retained in the freehold ownership of the Hotel and shall not be occupied by any persons for a total period exceeding 42 days in any calendar year. The owner shall maintain a GDPR compliant register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority on request | Compliance Only |
| C7 | <p>(A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:</p> <ol style="list-style-type: none"> 1. The programme and methodology of site investigation and recording; 2. The programme for post investigation assessment; 3. Provision to be made for analysis of the site investigation and recording; 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation; 5. Provision to be made for archive deposition of the analysis and records of the site investigation; 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>(B) No development shall take place other than in</p> | Already discharged |

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| | <p>accordance with the Written Scheme of Investigation approved under condition (A).</p> <p>(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.</p> | |
| C8 | <p>Prior to the occupation of the micro lodges, hereby approved, the package treatment works as shown on drawings MIL 4M3 + 2x ECOFLO6 and set out on Grainge Drawing PL03 Rev E shall be installed and connected to the lodges and maintained as approved thereafter. There will be no connection for the micro lodges to main sewer unless agreed in writing by the Local Planning authority.</p> | Compliance only |
| C9 | <p>Prior to the commencement of the development, hereby approved, details of a scheme for surface water management shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:</p> <ol style="list-style-type: none"> details of the drainage during the construction phase; details of the final surface water drainage for the site; provision for exceedance pathways and overland flow routes; a timetable of construction; a construction quality control procedure; a plan for the future maintenance and management of the system and overland flow routes. <p>Prior to the first occupation of the micro lodges, it shall be demonstrated to the satisfaction of the Local Planning Authority, that relevant parts of the Surface Water Management scheme have been completed in accordance with the details and timetable agreed and the surface water drainage maintained as approved thereafter.</p> | <p>First Part Already Discharged</p> <p>Second part is pre-first occupation. This is outstanding</p> |
| C10 | <p>Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), additions or alterations to the roof (Part 1 Class B and Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), hard surfacing (Part 1, Class F) or means of enclosure (Part 2 Class A) shall be erected/constructed on the two semi-detached dwellings, hereby approved without first obtaining planning permission.</p> | Compliance Only |
| C11 | <p>Prior to the commencement of the development hereby permitted a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority. These details should include both energy saving measures/generation and water saving measures, to achieve a water consumption standard of 110 litres/person/day and the installation and use of rainwater harvesting for garden use. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development and retained as such thereafter.</p> | Already discharged |
| C12 | <p>Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:</p> <ul style="list-style-type: none"> Details and locations of all existing trees and hedgerows | First Part already discharged. |

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| | <p>on the land, identify trees and hedges to be retained and outline measures for their protection during the course of the development.</p> <ul style="list-style-type: none"> • Protection of the Garrison Walls through appropriate fencing to protect important lichen species. • Methods to remove and destroy invasive non-native plant species from the site, without causing them to spread. • The type and source location of plants, shrubs and trees including planting density where these provide screening or boundary features. • Details of any hard landscaping areas including the materials such as patio and walls. • Details and locations of suitable bat boxes and bird nesting sites. <p>The works approved in the landscaping scheme shall be carried out in full during the first planting season (September through to March inclusive) following the substantial completion of the development hereby approved or during a later season, which has been agreed in writing by the Local Planning Authority. Any tree or hedge found to be dying, damaged or diseased within 10 years from the date on which the scheme has been completed shall be replaced with the same species.</p> | <p>Second Part requires compliance once the development is substantially completed.</p> |
| C13 | <p>Any new electricity, water, sewage, telephone and cabling services to the building shall be placed underground.</p> | <p>Compliance only</p> |

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|--------------------|---|------------|
| Print Name: | Lisa Walton | 19/01/2023 |
| Job Title: | Chief Planning Officer | |
| Signed: |  | |
| | Authorised Officer with Delegated Authority to determine Planning Applications | |