

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

**Application Number:** P/23/041/FUL

**UPRN:** 000192002429

**Received on:** 26 June 2023

**Valid on:** 30 June 2023

**Application Expiry date:** 25 August 2023

**Neighbour expiry date:** **24 July 2023**

**Consultation expiry date:**

**Site notice posted:** 3 July 2023

**Site notice expiry:** 24 July 2023

**Applicant:** Mr & Mrs Buffa  
**Site Address:** Owners Accommodation  
The Wheelhouse  
Little Porth  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0JG

**Proposal:** Proposed extension to living accommodation. (AMENDED PLANS)

**Application Type:** Planning Permission

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**Recommendation:** PER

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Submission of Site Waste Management Plan
4. Submission of Sustainable Design Measures
5. Hours of Operation for Construction Works
6. No external lighting without agreeing details
7. Fixed obscure glazing

**Have any pre-commencement conditions been agreed with the applicant:** YES

**If yes – date agreed:** 02/10/2023

**Extension of time agreed until:** 29/09/2023

## 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: 08/09/2023

## Site Description and Proposed Development

The Wheelhouse is a large guesthouse located between Little Porth and Porthcressa in Hugh Town. It has a private garden, used by the owners and guests, which fronts on to the bay at Little Porth. It is a complex building comprising an original property with multiple later extensions. It has 9 en-suite guest bedrooms, which will remain as existing. Currently the owners accommodation is a modest 2 bedroom single storey unit which shares kitchen facilities with the main guesthouse. The existing staff accommodation is covered by a Section 106 Legal Agreement that requires it to be only occupied by staff of the Guesthouse and cannot be used as lettable holiday accommodation.

The proposal includes a first floor extension above the existing owners accommodation to create a self-contained 3-bedroom unit. The proposal originally included a large balcony, which has been reduced in size. Materials are proposed to be a matching smooth render finish with cedar weatherboarding finish and natural slate tiles on the roof. Doors and windows are proposed to be upvc to match the existing property.

Certificate: A

Other Land Owners: None

### Consultations and Publicity

The application has had a site notice on display for 21 days (03/07/2023 – 24/07/2023). The application appeared on the weekly list on [3<sup>rd</sup> July 2023](#). Due to the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

**Periwinkle,**

**Porthcressa House**

**Porthcressa Inn  
Storm Cottage  
Pennlyon**

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

**Relevant Planning History:**

There is planning history relevant under the 2005 Local Plan, which includes the permission granted to form part of the building as a local need dwelling. This was eventually granted in 2006 and the accommodation is subject to a Section 106 to restrict occupation of the dwelling. There is no later planning history under the current 2015-2030 Local Plan. The table below sets out all other historic planning history.

<b>Year Ref</b>	<b>Description</b>	<b>Decision</b>
<b>1968 P0777</b>	The erection of extension to Wheelhouse,	<b>Refused</b>
<b>1969 P0876</b>	The provision of five bedroom accommodation	<b>Refused</b>
<b>1972 P1101</b>	The demolition of old sun lounge, over site and porch, the erection of new sun lounge, entrance lobby and reception office	<b>Refused</b>
<b>1976 P1477</b>	Extensions to Wheelhouse	<b>Refused</b>
<b>1977 P1664</b>	Fire Prevention works for external escape and alterations to dormer windows, and including kitchen and sanitary accommodation extension	<b>Permitted</b>
<b>1979 P1855</b>	Provision of alternative access to the highway and a retaining wall within the grounds	<b>Permitted</b>
<b>1979 P1856</b>	Laundry and office extension	<b>Withdrawn</b>
<b>1987 P2571</b>	The change of use of existing garage into an office under the Town and Country Planning (Use Classes) Order 1972 with provision of alternative off-street parking parking facility within the grounds,	<b>Permitted</b>
<b>1988 P2690</b>	Alterations comprising a First Floor Extension and provision of a new (Attic) Storey to the Bungalow section of the Guest House. Demolition of staff garden chalets and conversion of large chalet to a workshop	<b>Refused</b>
<b>1989 P2972</b>	Demolition of existing single storey chalet and rebuilding into a two-storey dwelling	<b>Refused</b>
<b>1990 P3018</b>	Demolition of existing four-person accommodation and erect a two-storey dwelling unit	<b>Refused</b>
<b>1991 P3190</b>	Improvements to owners accommodation	<b>Permitted</b>
<b>1994 P3682</b>	Alterations to first floor.	<b>Permitted</b>
<b>1995 P3833</b>	Alterations to bedroom and rear access.	<b>Permitted</b>
<b>1996 P4125</b>	Erection of spiral staircase in place of existing straight flight	<b>Permitted</b>
<b>2000 P4798</b>	Erect store shed 2400mm x 3000mm.	<b>Permitted</b>
<b>2004 P5553</b>	Demolition of laundry and store/accommodation chalet and erection of local need maisonette and chef accommodation.	<b>Refused</b>
<b>2006 P5813</b>	Conversion and alterations to Laundry for Local Needs Dwelling.	<b>Refused</b>

**2006 P/06/010** Demolition of laundry building and erection of Local Needs Dwelling  
**Permitted**

**2006 P/06/073** Demolition of laundry and staff room and erection of dwelling  
**Permitted**

**Constraints:**

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Flood Zone 3 St Mary's Flood Prone Lane for coastal inundation

**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 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?	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, a) Will the development preserve the character and special architectural or historic interest of the building?	n/a

b) Will the development preserve the setting of the building?	
Within an Archaeological Constraint Area	N
<b>Other Impacts</b> Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n/a
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	N
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?	Y
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?	See below
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	n
Does the proposal include a Site Waste Management Plan	y
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 a any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	y

**Analysis:** The proposal is seeking to erect a first-floor extension to the existing owners accommodation at the Wheelhouse Guesthouse on the basis of the owners growing family (now a family of 5). The proposal will increase the accommodation from a two-bedroom property with a shared commercial/domestic kitchen to a three bedroom property with its own kitchen and office. Included in the proposal is an elevated balcony, which is included on the basis that the owners don't have their own private outside amenity space.

The Wheelhouse is a traditional guesthouse comprising 9 bedrooms with en-suite facilities and is classed as serviced accommodation. There is a guest lounge and dining room where meals are provided. The increasing trend for serviced accommodation owners on Scilly, such as hotels and guesthouses (these include Sylina, Santa Maria, Island Hotel on Tresco, parts of Tregethens and Bell Rock Hotel on St Mary's, Trelawney, Rosevean and Sea View Moorings to name some examples), is to shift towards self-catering. There would appear, therefore, from a planning perspective, to be an increasing decline in traditional guesthouse accommodation. A decline in this sector is not stated to be a negative shift, but there would appear to be perceived negative aspects for an area almost entirely dependent on the tourism, to not offer a full range of accommodation types.

The applicant/owners in this case wish to continue to run the Wheelhouse as a traditional guesthouse and part of the case being made, is so they can live at the property, with their growing family, and run it as a guesthouse. Whilst this proposal does not guarantee or restrict a future change of use from such future consideration, the intended retention of a traditional guesthouse is therefore a positive aspect of this proposal. The change of use of this guesthouse including the owners accommodation would require planning permission.

Although Policy LC4 does not specifically address extensions to existing staff accommodation, the Wheelhouse Guesthouse is a well-established existing business that already has reasonable size unit of staff accommodation. Although having a shared kitchen would suggest that it is not fully adequate for a larger family to run the guesthouse. I am satisfied that the proposal, through the provision of a two storey home with three bedrooms is not excessive relative to the existing business. It is well-related both to the existing business and within an existing settlement area. Part 2 of Policy LC4 requires staff accommodation to be subject to occupancy restrictions, which this is. An amended S106 will need to be drawn up to reflect the level of accommodation now proposed, to ensure it all remains as staff accommodation in connection with the existing business. Overall however I consider the scale, design and location to comply with Policy LC4, SS1 and SS2.

In relation to Flood Risks, Policy SS4 (Flood Avoidance and Coastal Erosion) requires development in areas at risk of flooding must be supported by a Flood Risk Assessment. The site is located in Flood Zone 3, but as the extension is elevated at first floor, there is no direct increase in building footprint to necessitate the submission of such an assessment in this case. The proposal does not seek to increase the number of units and I do not consider it would increase flood risks in this area.

In relation to amenity issues then it is noted that the key overlooking will arise from the elevated balcony and from the first floor bedroom and bathroom windows. The balcony will overlook the private garden area to the south side of the adjacent property of Pennlyon, 1 Little Porth. I note that there is good boundary shrubbery including a cordyline tree which does provide some restrictions to direct overlooking. The applicant has additionally scaled back the extent of the balcony from what was originally submitted, being 2.8m down to around 1.7m. This reduction still permits the sitting out on this elevated space but reduces down the scale of activity that could potentially take place. I note the neighbours were consulted ahead of this submission and no representations have been submitted during the formal planning consultation period.

I note that a bedroom window and en-suit bathroom window are proposed for the rear facing first floor elevation. This is around 5 metres from the neighbour at Periwinkle, given the close relationship of property generally, I consider the windows could give rise to a degree of impact upon privacy and amenity. A condition could be imposed to require these windows to be fixed/restricted and obscurely glazed, this would address the amenity issue.

**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.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 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	
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		✓	✓
Sustainable Design Measures		✓	✓
Biodiversity Enhancement Measures:	✓		

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.

### **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 and Block Plan, Drawing Number: 2211/SD01 dated Nov 22.**
- **Plan 2 Location and Proposed Block Plan, Drawing Number: 2211/PL01 rev A, dated Nov 22**
- **Plan 3 Proposed Site Layout Plan, Drawing Number: 2211/PL02 rev B, Dated Nov 21.**
- **Plan 4 Proposed First Floor Layout Plan, Drawing Number: 2211/PL04 rev B, Dated Nov 22**
- **Plan 5 Proposed Ground Floor Plan, Drawing Number: 2211/PL03 rev A, Dated Nov 22**
- **Plan 6 Proposed Roof Plan, Drawing Number: 2211/PL05 rev B, Dated Nov 22**

- **Plan 7 Proposed Elevations, Drawing Number: 211/PL06 rev B, Dated Nov 22**
- **Preliminary Roost Assessment, Ref: 22-12-1, Report Dated 22nd December 2022 (Appendix 1 Precautionary Method Statement)**

**These are stamped as APPROVED**

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

- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external low-level appropriately directed downlighting, shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

#### **PRE-COMMENCEMENT CONDITION: Site Waste Management Plan**

- C4 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition 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 those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policies SS2(2) and OE5 of the Isles of Scilly Local Plan (2015 - 2030).

#### **PRE-COMMENCEMENT CONDITION: Sustainable Design Measures**

- C5 Prior to the commencement of the development, hereby approved, a detailed scheme of specific sustainable design measures to minimise water usage and energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be installed as approved prior to the first occupation of the dwelling and be retained as such thereafter.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to in order to comply with Policies SS1, SS2(1)k) and (2) and SS6 of the Isles of Scilly Local Plan (2015-2030) in terms of ensuring a sustainable form of development and to minimise


the impact on precious water resources of the islands.

- C6 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

- C7 The windows proposed in the first-floor north elevation of the extension, hereby approved, shall be fitted with obscure glazing and shall be of a non-opening or restricted opening design (hinged on its left-hand side from an internal perspective) prior to the extension hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to levels 3, 4 or 5 on the Pilkington Glass scale and the glazing shall be retained as such thereafter. Unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policies SS2(1)d) and LC8(1)a) of the Isles of Scilly Local Plan (2015-2030).

<b>Print Name:</b>	Lisa Walton	28/09/2023
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	Authorised Officer with Delegated Authority to determine Planning Applications	