

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/083/FUL

UPRN: 000192000162

Received on: 9 November 2023

Valid on: 21 November 2023

Application Expiry date: 16 January 2024

Neighbour expiry date: 12 December 2023

Consultation expiry date: 12 December 2023

Site notice posted: 21 November 2023

Site notice expiry: 12 December 2023

Applicant: Mr Tony Shufflebotham St Austell Brewery
Site Address: Atlantic Hotel
The Bank
Hugh Town
St Mary's
Isles Of Scilly
TR21 0PL
Proposal: Partially retrospective application to re-roof Grade II Listed Building and associated works. (Listed Building)
Application Type: Planning Permission

Recommendation: Permit

Summary Conditions

P/24/083/FUL:

1. Standard time limit
2. Materials samples to be submitted, approved and implemented
3. No timber roof structure to be removed without agreement
4. Adherence to plans
5. Adherence to ecological mitigation
6. Hours of Operation for Construction Works
7. Submission of Site Waste Management Plan

P/24/084/LBC:

1. Standard time limit
2. Materials samples to be submitted, approved and implemented
3. No timber roof structure to be removed without agreement

Has application/agent been notified of pre-commencement conditions: Yes
(24/01/2024)

If yes – date agreed: 10 working days lapsed
Extension of time agreed until: 30th July 2024

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: 23/11/2023

Site Description and Proposed Development

The property is located on the north east side of Hugh Town fronting Town Beach. It is a Grade II listed Hotel/Public House made up of a number of different buildings with a traditional appearance to the front with granite elevations under a slate roof. To the rear of the property, elevations are a mix of granite and painted render with some UPVC windows and doors facing the sea. There is a mixture of roof finishes including slate pitched roofs and some flat roofs. There is a small covered outdoor terrace with a glazed balustrade on the seaward side and a relatively modern extension out over the beach adjacent to the slipway which has a roof terrace on top of it.

The Atlantic Inn is part of a relatively old row of properties which survive from the 18th Century. The Historic Environment Record notes that the customs house was located within the building in 1840. The building was first listed on 12th February 1975 under listed entry number 1141220 and is described as:

Custom House and hotel, now hotel. Late C18 and C19; remodelled 1927 by Richardson and Gill for Duchy of Cornwall estate. Coursed and squared granite; slate roofs, gabled to rear wings and half-hipped to main front corner block with granite end stacks; gabled artificial slate roof to range on right. Double-depth plan, with 2 parallel rear wings projecting to left (west). Main front corner block of 2 storeys with attics; symmetrical 3-window range. Central doorcase has Greek revival painted pilasters to brackets with Greek key pattern supporting cornice. Granite lintels over late C19 horned 2/2-pane sashes; similar sashes to hipped dormers with slate-hung cheeks. Early C19 two-storey extension to right (east): symmetrical 3-window range has granite lintels over central door and similar sashes. Two-storey wings to rear, with overhanging eaves, horned 6/6-pane

sashes and segmental-arched opening with C20 window (probably to former barrel store), incorporate Custom House of 1840. Interior: much remodelled in C20 but includes open fireplaces with granite lintels.

The proposal covered in this application is to re-roof all of the roof areas on the building. These are mixed in nature with both slate and artificial coverings, flat roofs and a glazed area over the terrace.

The existing Delabole slates to be reclaimed and re-laid as a dry roof where reasonably practicable, with reclaimed Delabole units sourced to match the size of existing to make up the shortfall. As part of the works chimney's will also be repaired and reinstated with repointed lime mortar and all flashings replaced.

Modern/ artificial slate to be replaced with Cupa 12 (natural Spanish slate). The replacement finish will involve the repair & treatment of any existing damaged structural timbers/ rafters and the replacement of the existing battens and roof sarking. A new breather membrane will be required with discrete over fascia ventilators installed.

Fascias/ soffits will also be replaced like for like, with all flashings and weatherings replaced with suitable grade lead. Any existing vents/ flues will also be reinstated to match the existing.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (21/11/2023 – 12/12/2023). The application appeared on the weekly list on 27th November 2023.

External Consultations:

Consultee	Date Responded	Summary
Historic England	23/11/2023	No Comments
Cornwall Archaeological Unit	12/12/2023	We have consulted the Cornwall & Isles of Scilly Historic Environment Record and the submitted documents and note the application is for re-roofing the entire extended range that now forms the Atlantic Hotel. In this instance, based on the details of the proposed scheme, we consider that historic building recording is not required. No archaeological mitigation is needed, and therefore no historic building recording

	condition is sought.
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Representations from Residents:

Neighbouring properties written to directly:

- Tideway & Anchorage, The Bank
- Godrevy, Hugh Street

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

Under the 2005 Local Plan and the adopted 2015-2030 Local Plan:

P/16/118/LBC & P/16/120/FUL: - New open sided glazed roof to half of terrace with new bifold doors from bar. Approved 28.02.2017

P/15/012/LBC: Widening of an existing internal entrance door to the kitchen. Approved March 2015

P/14/017/LBC & P/14/018/ADV: Replacement of existing signage and the repainting of the woodwork, windows and doors across the hotel and Inn. Approved September 2014

P/13/066/LBC: Formation of opening to link the Inn and Hotel. Approved December 2013

P/09/066/FULL & P/09/067/LBC: Erection of a glass windbreak around the roof garden. Approved August 2009

P/07/003/FUL & P/07/004/LBC: Extension to patio area. Approved February 2007 he October 1994 approved rear extension (**P3701**) and the April 1989 approval for the enclosure of rear yard, alterations to the rear elevations and alterations to the to the interior (**P2856**).

Other relevant planning history:

P5214: Installation of dormer windows to provide a 2 persons suite in roofspace. Approved December 2002

P5215: Internal and external alterations. Approved December 2002

P4094 & P4094A: Roof extension to form en-suite bathroom. Approved October 1996

P4065 & P4065: Replacement of roof, alterations to windows of dining room incorporating roof garden. Approved October 1996

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

- Listed Building
 - Grade II – The Atlantic Hotel – 0m
 - Grade II – The Anchorage – 10m
 - Grade II – Crows Nest – 10m
 - Grade II – Lloyds Bank – 10m
 - Grade II – Kavorna Bakery & Gift Shop – 10m
 - Grade II – Post Office – 10m
- Archaeological Constraint Area
 - Hugh Street – 22m
 - Mount Hollis – 41m
- Flood prone Land – St Mary’s 0m

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?	n/a
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

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	Y

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/a
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?	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?	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	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

Waste Management	YES OR NO
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	n
Is a condition required to secure a Site Waste Management Plan	y

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

Listed Building Assessment	Yes or No
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y
Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed works will cause no substantial harm to the significance of the listed building?	Y
Having regard to your answers above, is the application considered to be acceptable?	y

Analysis: I have found no conflict with the wider character of the conservation area and no amenity issues for neighbouring property. As the proposal will see the removal of some original roofing materials, the works will result in some harm to the significance of this building as a designated heritage asset but given the mix of roof coverings together with the poor state of repair, there are wider public benefits to the retention of an occupied public house and hotel as well as the removal of modern artificial slate and the replacement with natural slate. There will be additional public benefits in terms of a positive enhancement in terms of the public realm.

Based on the plans submitted and the conditions set out below the applications for planning permission and listed building consent are 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/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 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

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		✓	Y
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.

Recommended Conditions for P/23/083/FUL:

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** Prior to installation on the roof, unless a natural 'Delabole' and 'Cupa 12' slates (as specified in the Design, Access, Flood Risk & Heritage Statement ref no. 3306 V2 updated 17th November 2023) attached with corrosion resistant fixings are used, details of the roofing material together with fixings shall be agreed in writing, by the Local Planning Authority. Only the approved slates and fixings shall be used on the building, which shall be retained as approved thereafter.
Reason: To preserve the character and appearance of the Listed Building and to ensure compatibility with building traditions of the area in accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).
- C3** In accordance with the Schedule of Works, set out on Plan 2 'Existing and Proposed Roof Plan' drawing number: 3306-3-110, dated November 2023, no part of the timber roof structure, excluding the battens, shall be removed or replaced unless a report is submitted to and agreed in writing by the Local Planning Authority, setting out clear reasons for any repair or replacement with like for like materials. Such a report must include a structural assessment and replacement/repair schedule.
Reason: To preserve the character and appearance of the Listed Building and to ensure compatibility with building traditions of the area in accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).
- C4** The development hereby permitted shall be carried out in accordance with the approved details only including:
- Plan 1 Location Plan Block Plan drawing number 3306-3-100
 - Plan 2 Existing & Proposed Roof Plan 3306-3-110
 - Design, Access, Flood Risk & Heritage Statement ref no. 3306 V2 updated 17th November 2023
 - Bat Presence/Absence Survey for The Atlantic, St Mary's (Ref: 23-8-3) by IOS Ecology
- 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).
- C5** The Precautionary Method Statement as set out in Appendix 1 of the Bat Presence/Absence Survey for The Atlantic, St Mary's (Ref: 23-8-3) dated 10th September 2023 carried out by IOS Ecology shall be fully adhered to during the course of the development hereby approved.
Reason: In order to secure the strict protection of European protected species.
- 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.

PRE-COMMENCEMENT CONDITION: Submission of Site Waste Management Plan

- C7** 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, including excess material from excavations, 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: Site Waste Management Plan

- C6** 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, including excess material from excavations, 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.


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Recommended Conditions for P/23/084/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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- C2** Prior to installation on the roof, unless a natural 'Delabole' and 'Cupa 12' slates (as specified in the Design, Access, Flood Risk & Heritage Statement ref no. 3306 V2 updated 17th November 2023) attached with corrosion resistant fixings are used, details of the roofing material together with fixings shall be agreed in writing, by the Local Planning Authority. Only the approved slates and fixings shall be used on the building, which shall be retained as approved thereafter.
Reason: To preserve the character and appearance of the Listed Building and to ensure compatibility with building traditions of the area in accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).
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of the timber roof structure, excluding the battens, shall be removed or replaced unless a report is submitted to and agreed in writing by the Local Planning Authority, setting out clear reasons for any repair or replacement with like for like materials. Such a report must include a structural assessment and replacement/repair schedule.

Reason: To preserve the character and appearance of the Listed Building and to ensure compatibility with building traditions of the area in accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

Print Name:	Lisa Walton	29/07/2024
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	