

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/005/FUL

UPRN: 000192000000

Received on: 31st January 2024

Valid on: 1st March 2024

Application expiry date: 26 April 2024

Neighbour expiry date: N/A

Consultation expiry date: 22nd March and 20th June 2024

Site notice posted: 6th March and 10th June 2024

Site notice expiry: 27th March and 24th June 2024

Case Officer: SWHITE

Applicant: Mr Simon Taylor

Site Address: The Turks Head,
The Quay,
St Agnes,
Isles of Scilly,
TR22 0PL

Proposal: Proposed extension to replace the existing conservatory, at first floor level and above the existing kitchen, to provide two bedrooms, and the formalisation of the existing Studio flat with shared facilities for ancillary use only as staff / sub-contractor accommodation (Amended Title and Plans)

Application Type: Full

Recommendation: **APPROVE**

Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Materials as per application
4. Occupancy – staff bedroom
5. Occupancy – Pub Owners Flat
6. Planting
7. External lighting
8. Hours of Construction
9. Solar Panel Details
10. Site Waste Management Plan

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: Daniel Marcus

Date: 07/05/2024

Site Description and Proposed Development

The application site is the Turks Head Public House on the north of the island of St Agnes. The building functioned as the coast guard station prior to its conversion to a pub in 1972. Since this time the building has received a number of additions of varying quality including a two storey side extension on the north elevation, a single story flat roof extension on the south elevation and a conservatory sited at first floor level on the south elevation. The original portion of the building is of granite constitution painted white and has a pitched slate tile roof.

The proposal includes the following aspects:

- Removal of the existing first floor conservatory to be replaced with a first-floor extension that would extend the full width of the existing ground floor kitchen extension. The proposal would be of a contemporary design with white render, a flat roof and a circular window on the principal elevation.
- Formalisation of the existing rear studio flat as staff accommodation.
- The siting of a roof mounted solar array on the roof of the proposed side extension.

Certificate: B

Other Land Owners: Duchy of Cornwall

Consultations and Publicity

The application has had a site notice on display for 21 days initially from 06 March up to 27 March 2024. Following amendments to the scheme the application was advertised for a further 14 days (10/06/2024 – 24/06/2024). The application appeared on the weekly list on 04 March 2024. Due to the nature of the proposal four external consultations are required.

Consultee	Date Responded	Summary
Cornwall Fire & Rescue Service	13/03/2024	<p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access. Adequate water supplies for firefighting purposes will be achieved by complying with the requirements of Part B5 of Approved Document B.</p> <p>The Regulatory Reform (Fire Safety) Order 2005 applies, and the responsible person will be required to carry out a fire risk assessment to identify the risks and take reasonable measures to ensure people are safe from fire.</p> <p>The works may be considered 'controlled work' and therefore building control approval may also be required.</p>
Cornwall Fire & Rescue Service- Updated Comments	20/06/2024	<p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access. Adequate water supplies for firefighting purposes will be achieved by complying with the requirements of Part B5 of Approved Document B. The works are considered 'controlled work' and therefore building control approval would also be required.</p>
South West Water		No comment received.
National Landscape Partnership		No comment received.
Environmental Health	22/03/2024	<p>The applicant confirmed to Environmental Health the two rooms on the site plan, owners and staff accommodation, would be self-contained, with a separate entrance to the staff accommodation. The applicant confirmed the site plan will be updated to make this clearer. With this set-up the accommodation would not be classed as a House in Multiple Occupation (HMO).</p>
Environmental Health – Updated Comments	24/06/2024	<p>Environmental Health have confirmed with the applicant the intended staff accommodation for this application will be classed as an unlicensed House in Multiple Occupation Health (HMO) under the Housing Act 2004 (as amended), as there will be at least two households, with one, the 'Staff Bedroom' lacking a basic amenity, cooking facilities. (Note: There is a separate shared cooking facility on the premises)</p>

Representations from Residents:

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received

Relevant Planning History:

P1060 – Conversion to public house (from boathouse) – 1971

P1557 – Kitchen extension – 1976

P2193 – First floor bedroom extension – 1983

P3690 - Conversion of outbuilding to staff accommodation – 1994

P4090 – Construction of sun lounge and kitchen extension – 1996

P5234 – Erection of staff house – 2002

Constraints:

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

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

Principal of Development: Policy LC4 supports the development of additional staff accommodation to meet the operational and functional demands of an established business. When located on an off-island, accommodation should be located within an existing building, or adjacent / well related to the existing business. WC5 supports proposals for new or upgraded tourism development where they are well sited and make a positive contribution to creating a sustainable, diverse and modern tourism economy.

As existing, accommodation at the Turks Head consists of:

- 1 bedroom within the first-floor accommodation above the pub. This serves as owners / full time accommodation.
- 1 Studio flat to the rear of the Turks Head. This serves as full time / owners' accommodation.
- 5 bedrooms within 2 accommodation blocks to the northeast of the Turks Head. These serve as seasonal staff accommodation.

The proposed extension would add a second bedroom within the owner's accommodation, consolidating the owner's accommodation and freeing the studio flat for use as staff accommodation. The flat will share kitchen and other facilities with the main accommodation in the dwelling, as part of a licensed HMO.

The submitted design and access statement outlines that the Turks Head recruit up to 14 seasonal members of staff and can only provide on-site accommodation for up to 5 seasonal staff members across the 2 accommodation blocks. The remaining staff are required to camp at Troytown Farm. The use of the studio flat as staff accommodation would increase the total onsite accommodation to 6-7 staff members.

The studio flat has a double bedroom with en-suite WC/shower and use of the communal facilities linked to the existing accommodation blocks. External access is available from the north elevation, in addition to access directly from the owner's accommodation for use by full-time members of staff during the off-season. The studio is therefore considered appropriate for use as staff accommodation.

The proposal extension would, therefore, support the operational needs of the business by consolidating the full-time accommodation and formalising an additional unit of staff accommodation. The proposal is therefore considered to accord with LC4 and WC5.

Design, Visual and Landscape, Seascape, Historic Environment Impacts: Policies OE1, SS2 and WC5 require proposals to respect the character of the site and conserve and enhance the landscape, seascape and scenic beauty and demonstrate an appropriate scale, density, layout, height, mass and use of materials. Policy OE7 seeks to conserve and enhance the significance of the AONB and heritage assets, including the Isle of Scilly Conservation Area.

The Turks Head is sited in a highly prominent location on the coast of St Agnes and is considered to substantially contribute to the character of the setting including of the conservation area and seascape. The existing conservatory is a modern and unsympathetic addition that detracts from the historic character of the pub and its setting. This harmful impact is amplified by the conservatory's prominent and elevated siting at first-floor level. The removal of the conservatory is therefore considered a positive enhancement to the setting.

The proposal seeks to replace the conservatory with a contemporary first floor extension that would have a flat lead roof, a large circular window on the front elevation and would be rendered and painted white. In this instance a contemporary design is considered appropriate and would allow the existing flat roof kitchen extension to integrate with the main building. The design would also provide a degree of contrast with the historic character of the main building and allow the extension to clearly read as a modern addition.

The proposed circular window, is considered to add interest to the front elevation and complement the contemporary design. The design and access statement also demonstrates a number of instances where circular windows feature across the Isles of Scilly. This aspect of the proposal is therefore considered acceptable.

In terms of scale, the proposal would occupy the same footprint as the existing ground floor kitchen, however, would increase the mass of the building on the south elevation. The height of the proposal is limited by the use of a flat roof, however would be increased by the introduction of a roof mounted solar array. Notwithstanding this, the proposal would remain below the ridge height of the existing building and would be set back from the footpath. The proposed increase in scale is therefore considered sympathetic to the setting and would not detract from the character of the area.

In summary, the proposal is considered to accord with OE1, SS2 and WC5.

Residential Amenity: Policies LC4 and WC5 require proposals to ensure there is no loss of amenity to neighboring dwellings including through staff working unsociable hours. The Turks Head is not within the immediate vicinity of any neighboring dwellings. The proposal would therefore not give rise to any unacceptable adverse overbearing,

overshadowing or overlooking impacts to residential amenity. Consequently, the proposal accords with policies LC4 and WC5.

Dark Skies: Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution. The proposed development would result in a net decrease in glazing and the potential for upward light spill due to the removal of the existing conservatory. Furthermore, no external lighting is proposed. The proposal is therefore considered to accord with OE4.

Ecology: Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

A Preliminary Roost Assessment has been conducted by the applicant finding conservatory has a negligible potential for use by bats and whilst historic evidence of nesting birds was present the report found no evidence of nesting birds within the areas of the buildings to be impacted.

In addition, the proposed extension would be built on the footprint of the existing ground floor kitchen and is, therefore, not considered to directly result in the loss of any biodiversity.

In this instance the proposal is exempted from the statutory requirement to provide 10% gain in biodiversity. This is because the proposal would impact less than 25 sqm of on-site habitat and no priority habitat would be impacted. However, the proposal is still required to demonstrate a biodiversity net-gain under OE2.

As the applicant has not indicated how this gain will be delivered, it is considered appropriate to secure a scheme of native planting on the site which should be proportional to the proposed development. With this condition in place the proposal is considered to accord with OE2.

Site Waste Management: Policy WC5 requires proposals to demonstrate a reduction in waste, water and energy consumption. In addition, SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP).

The applicant has not provided a Site Waste Management Plan (SWMP) for the proposed development as required by the Local Plan, however, it is considered that a condition requiring the submission and agreement of a SWMP could be attached in the event that permission is granted. With this condition in place, the proposal is considered to accord with WC5 and SS2.

Archaeological Impacts: Policy OE7 7) outlines that proposal should preserve or enhance the significance of Scheduled Monuments or Archaeological Sites, including their setting. The application site falls within the Archaeological Constraint Area,

however, the proposal would be constructed on the existing single storey extension and is therefore considered to accord with OE7 7).

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 permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. 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	
Policy OE4 Protecting Scilly's Dark Night Skies	✓
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	

Policy	Tick if Used ✓
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	✓

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 Plan, drawing number: 3.LP.01. Dated Jan 2023**
 - **Plan 2 Proposed Site Plan Amended, drawing number: 3.SP.02, Dated Jan 2023**
 - **Plan 3 Proposed Floor Plans Amended, drawing number: 3.P.03, Dated Jan 2023**
 - **Plan 4 Proposed Elevations Amended, drawing number: 3.E.02, Dated Jan 2023**
 - **Plan 5 Proposed Sections Amended, drawing number: 3.S.02, Dated Jan 2023**
 - **Plan 6 Proposed Roof Plan Amended, drawing number: 3.P.04, Dated Jan 2023**
 - **Plan 7 Proposed 3D Views Amended, drawing number 3.V.01, Dated Jan 2023**
 - **Plan 8 Design, Access & Heritage Statement Amended, Dated 23/05/24**
 - **Plan 9 PRELIMINARY ROOST ASSESSMENT (PRA), reference 23-6-5**
- 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** **The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such for the lifetime of the development.**
Reason: To safeguard the appearance of the building and the character of the area.
- C4** **The bedroom as outlined in orange on revision H of plan 3.P.03 (Proposed Floor Plans Amended) shall not be used otherwise than for the provision of staff / sub-contractor accommodation in connection with The Turks Head business, and for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The owner or operator shall maintain a GDPR compliant register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.**
Reason: To ensure that the development is occupied as ancillary staff accommodation only, in accordance with Policy LC4 and Policy WC5 of the Isles of Scilly Local Plan 2015-2030.
- C5** **The Pub Owners' Flat as outlined in Blue on revision H of plan 3.P.03 (Proposed Floor Plans Amended) shall not be used otherwise than for the provision of staff accommodation in connection with The Turks Head business and for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The owner or operator shall maintain a GDPR compliant**

register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.

Reason: To ensure that the development is occupied as ancillary staff accommodation only, in accordance with Policy LC4 and Policy WC5 of the Isles of Scilly Local Plan 2015-2030.

- C6 Prior to the first occupation of the development hereby approved, a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. Planting should consist of native species. The scheme design shall include a layout of planting to show plant species, planting sizes, locations, densities and numbers. All such work as may be approved shall then be fully implemented in the first planting season, in strict accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.**

Reason: To ensure the development delivers biodiversity enhancements in accordance with OE2 of the Isles of Scilly Local Plan (2015-2030).

- C7 No external lighting shall be installed to the building or anywhere within the site. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.**

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 St Agnes Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C8 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.

- C9 Prior to the construction of the extension, hereby approved, details of the proposed Solar Panels (including size, method and angle of siting, colour and reflectivity) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be retained permanently as such.**

Reason: In the interests of preserving the character and appearance of the Conservation Area and its setting.

PRE-COMMENCEMENT CONDITION: Site Waste Management Plan

- C10 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).

Print Name: Lisa Walton 04/10/2024

Job Title: Chief Planning Officer

Signed: 

Authorised Officer with Delegated Authority to determine Planning Applications
