

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/018/COU

UPRN: 000192001590

Received on: 27 February 2024

Valid on: 18 March 2024

Application Expiry date: 13 May 2024

Neighbour expiry date: 31 July 2024

Consultation expiry date: 8 August 2024

Site notice posted: 18 July 2024

Site notice expiry: 8 August 2024

Applicant: Mr And Mrs Churchill

Site Address: Porthloo House
Porthloo
St Mary's
Isles Of Scilly
TR21 0NE

Proposal: Change of use of redundant gallery/studio space to domestic area, replacement of second floor balcony with Juliet balcony, replacement of second floor window with French doors and Juliet balcony and erection of balcony to two elevations at first floor level including replacement of two windows with French doors. (Amended Plans) (Amended Title)

Application Type: Change of Use

Recommendation: PER

Summary Conditions

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works

Extension of time agreed until: 30.08.2024

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 Dan Marcus

Date: 01/08/2024

Site Description and Proposed Development

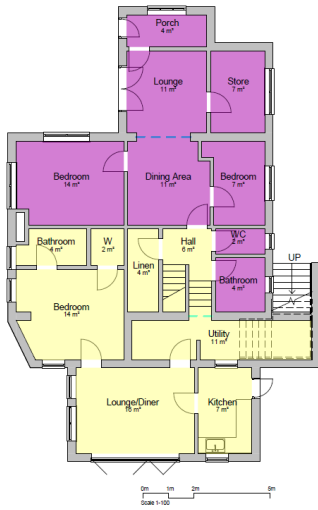
Porthloo House (formerly 'Glandore') is a three storey building with roof space accommodation located to the east of Porthloo Boat Park with access off Porthloo Lane. The main building comprises 3 holiday lets, owners accommodation and an artists gallery with large grounds and curtilage buildings around it.

The proposed developments are made up of a number of elements:

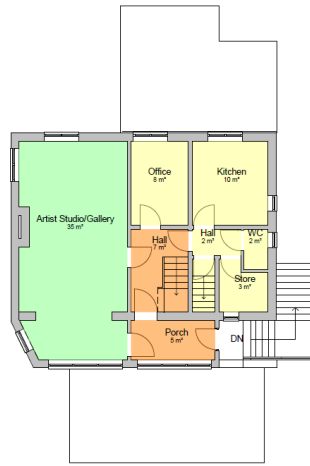
1. Change of use of former studio/gallery to residential forming part of the existing owners accommodation
2. Removal of existing balcony at second floor level on north elevation and replacement with French Doors/Juliet Balcony (Holiday let on second/third floor)
3. Replacement of existing window at second floor level on north elevation and replacement with French Doors/Juliet Balcony (Holiday let on second floor)
4. Erection of oak post/glass balustrade balcony wrapping round from the north to west elevations at first floor level including replacement of two windows with French doors

Change of Use

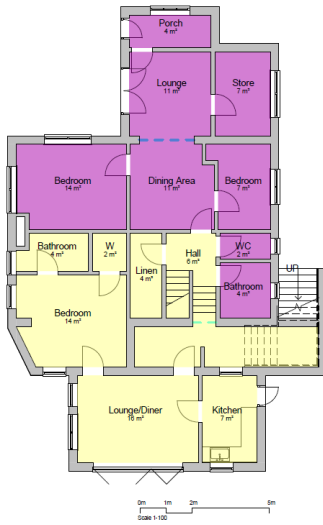
The below shows the existing and proposed uses at ground and first floor levels. There are no use changes proposed at second and third floor levels.



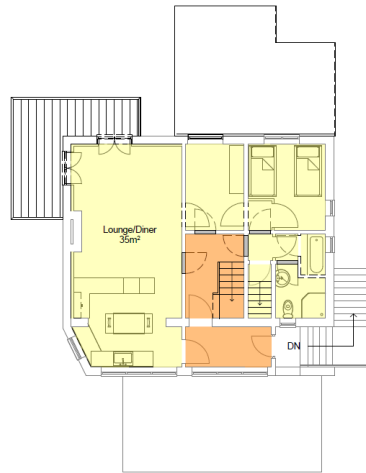
1 Level 0 Existing - Area Use
1 : 100



2 Level 1 Existing - Area Use
1 : 100



5 Level 0 Proposed - Area Use
1 : 100



6 Level 1 Proposed - Area Use
1 : 100

Level	Residence	Common	Gallery	Holiday Let	Holiday Let	Total
00	64.3m ²	-	-	59.0m ²	-	123.3m ²
01	61.4m ²	12.6m ²	-	-	-	74.0m ²
02	-	3.0m ²	-	30.8m ²	28.3m ²	62.1m ²
03	-	-	-	-	22.6m ²	22.6m ²
Total	125.7m²	15.6m²	-	89.8m²	50.9m²	282.0m²

Figures above are NIA (Net Internal Area)

External Alterations



2 Existing North Elevation
1 : 75



2 Proposed North Elevation
1:75



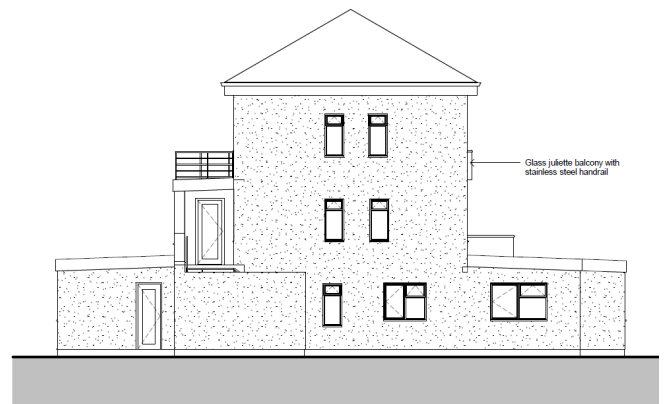
4 Existing West Elevation
1:75



4 Proposed West Elevation
1:75



1 Existing East Elevation
1:75



1 Proposed East Elevation
1:75

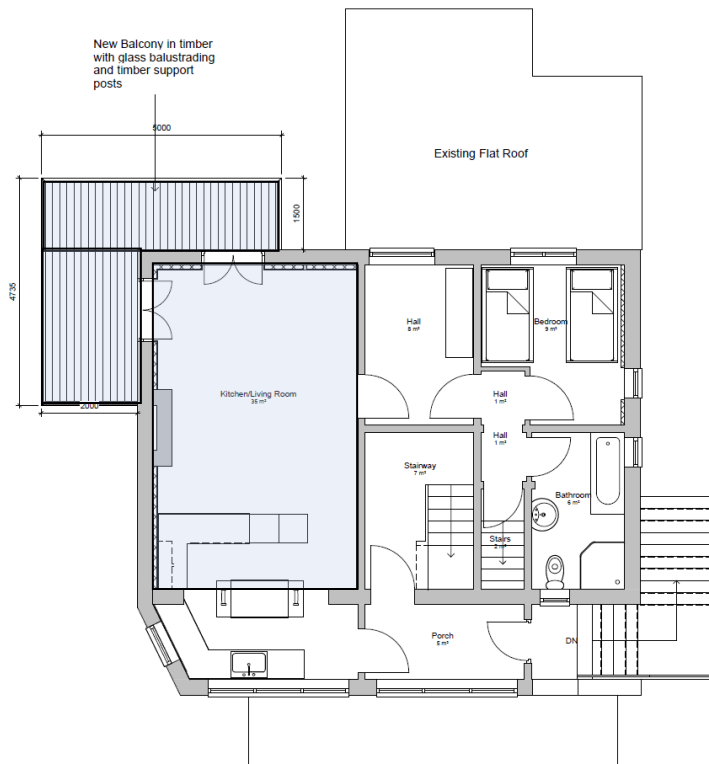


3 Existing South Elevation
1 : 75

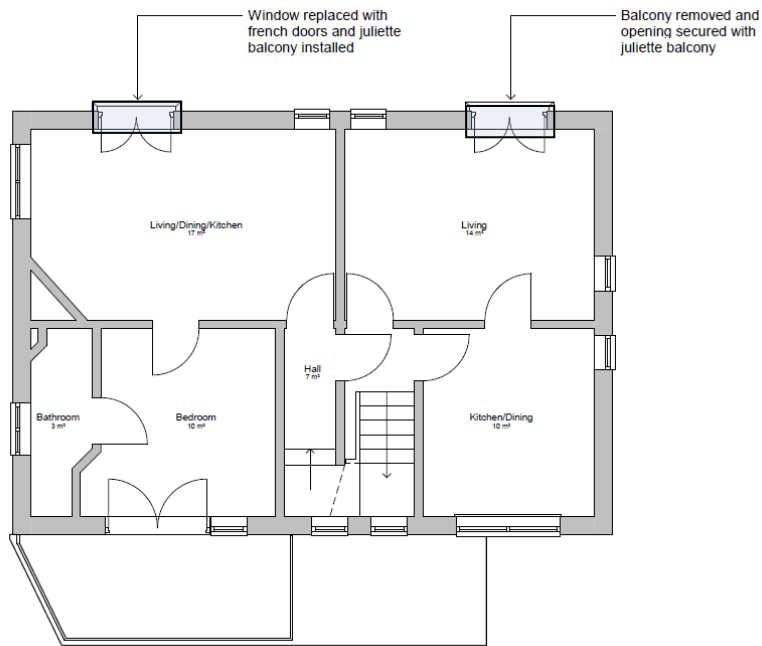


3 Proposed South Elevation
1 : 75

Proposed First Floor Plans



Proposed Second Floor Plans



Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (18/07/2024 – 08/08/2024). The application appeared on the weekly list on 25th March 2024. Due to the nature of the proposal the following consultations are required.

Consultee	Date Responded	Summary
Cornwall Fire & Rescue	15.04.2024	<p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.</p> <p>Adequate water supplies for firefighting purposes will be achieved by complying with the requirements of Part B5 of Approved Document B.</p> <p>Should planning permission be granted, the fire authority would remind the applicant 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>

Representations from Residents:

Neighbouring properties written to directly:

- 1-4 Porthloo Studios
- Porthloo Cottage
- Newfort House

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

No planning history relevant under the 2015-2030 Local Plan but:

- P.4609 - Conditional permission granted for the conversion of guest house into self catering serviced accommodation including artist studio. SECTION 106 not allowing land to be sold let or otherwise disposed of separately. 25.05.1999
- P/06/051 - Conditional permission granted for an extension to provide kitchen. 08.08.2006
- P/12/016 - Conditional permission granted for the construction of balcony at second floor level (North elevation) with French doors in place of existing window. 30.04.2012

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Flood Prone Land – St Mary's
- SSSI – Porthloo (190m)
- Scheduled Monument – WWII Pillbox (73m)
- Archaeological Constraint Area
 - Porthloo (88m)
 - Newford Island (140m)

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
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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 architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
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?	Y
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	Y – balcony
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/A
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	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	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: Although an element of demolition is proposed, this is a small section of second floor balcony, not demolition of a building that triggers a protected species assessment.

Although sited in Flood Zone, the works are primarily the change of use of the existing building, not an extension. The first floor replacement balcony similarly would not have any impact on a flooding situation or increase flooding elsewhere.

The main issue in relation to this application is the increase in gross internal floorspace that would be a result of the change of use. The property was approved to be converted from a guesthouse to a property with an artists studio and a unit of self-contained holiday let, this was in 1999 with later enlargements to the property to account for the space lost by the floor space lost to accommodate the artist's studio and gallery. The property will retain elements of self-contained holiday accommodation, but the studio will revert back to being part of the owners accommodation.

Although the original dwelling will become larger (as a result of bringing back the artists studio in addition to subsequent extensions in 2006), this proposal will not result in any extensions or other alterations that physically enlarge the property (in terms of gross internal floor space). Although a small second floor balcony extension will be removed and relocated to the first floor, this will be in a less prominent location. The proposal will remain as mixed use of dwelling with an approved self-contained holiday letting accommodation. The property retains a S106 to ensure the holiday let units are not separated from the main dwelling.

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 and 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.

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	✓		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.

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 Site Location & Block Plan, drawing number 2303-MWA-XX-XX-DR-A-1000 rev 3, dated 24 February 2024**
- **Plan 2 Existing & Proposed Area Use, drawing number 2303-MWA-XX-XX-DR-A-1006, dated 17 March 2024**
- **Plan 3 Proposed Elevations, drawing number 2303-MWA-XX-XX-DR-A-1011 rev 4, dated 23 March 2024**
- **Plan 4 Proposed Floor Plans Levels 0 & 1, drawing number 2303-MWA-XX-XX-DR-A-1004, dated 24 February 2024**
- **Plan 5 Proposed Floor Plans Levels 2 & 3, drawing number 2303-MWA-XX-XX-DR-A-1005, dated 24 February 2024**
- **Plan 6 Flood Risk Assessment ref J-3477-rev.01 dated May 2024**
- **Plan 7 Site Waste Management Plan date stamped 16 July 2024**

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 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.

Print Name:	Lisa Walton	12/09/2024
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework 2023.
2. **NON-MATERIAL AMENDMENTS:** In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer. There is a fee to apply for a non-material amendment and the most up to date fee will be charged which can be checked here: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
3. **BALCONY:** Should there be any revisions to the balcony hereby approved to meet the requirements of building regulations; the applicant is advised that further approval from the Local Planning Authority may be required.
4. **BUILDING REGULATIONS:** This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: buildingcontrol@cornwall.gov.uk.
5. **REGISTERING FOR APPROPRIATE BUSINESS RATES/COUNCIL TAX:** To ensure appropriate contributions, are made to fund services provided by or on behalf of the

Council on the Isles of Scilly please ensure you contact the Council's Revenues Department: revenues@scilly.gov.uk.

6. **CONVERSION ONLY:** This planning permission has been granted on the basis that the development relates strictly to the conversion of the building(s) as shown on the approved planning application drawings forming part of this permission. Any works of rebuild or new build other than as detailed on the approved planning application drawings and any departure from these drawings will require separate planning permission and the Local Planning Authority should be notified at once in the event in works being required or having taken place outside the scope of this planning permission as such works could have the effect of invalidating the planning permission. This planning permission does not grant or imply any form of building control approval for which separate notification will be required under the Building Regulations.
7. **FIRE ACCESS:** 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.
8. **FIRE RISK ASSESSMENT:** Please be aware that 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.