



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

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OFFICER REPORT – DELEGATED

Application number: P/18/005/LBC and P/18/007/FUL	Expiry date: 28 March 2018 Extension of Time: 24 April 2018
Received on: 24 January 2018	Neighbour expiry date: 21 February 2018
UPRN: 000192000033	Consultation expiry date:
Legal agreement: NO	Site notice posted: 2 February 2018
Departure: No	Site notice expiry: 23 February 2018
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	Yes
Is this decision contrary to local council recommendation? No	

Applicant:	Mr Phil Moon
Site Address:	The Harbourside Hotel The Quay Hugh Town St Mary's Isles Of Scilly TR21 0HU
Proposal:	Extract Ventilation to rear of building which will include the formation of an aperture in the existing walls. (Listed Building)
Application Type:	Listed Building Consent

Description of site and development:

This is a combined delegated report for the Listed Building Application and Planning Permission Application for the installation of kitchen extraction ducting on the rear west elevation of the harbourside building on the Quay on ST Mary's, Isles of Scilly.

The Harbourside building is not a listed building in its own right but it is situated upon and is therefore listed as a fixture to the quay, which is a grade II listed building. The quay and the harbourside building are located on St Mary's on the north side of the west of St Mary's. The site is within the wider Isles of Scilly Conservation Area and Area of Outstanding Natural Beauty.

The harbourside building is a mixture of facing materials constructed of granite, it is two storey with a slated pitched and half-hipped gable roof with gables facing to the north and south. To the rear (west) is a single storey flat roof extension, on which the extract ducting has been mounted. This faces into an industrial yard area which comprises a mixture of businesses and storage uses. The front east facing elevation is the principal elevation and contains a colonnade, providing shelter for people on the quay and above an outside

seating area for the restaurant. The ducting proposed for the rear of this building is in connection with the first floor restaurant.

Planning History

Application Number:	P0290	alterations and improvements to pier and harbour
Decision Type:	PER	
Application Number:	P0941	The conversion of the ground floor store into additional restaurant area of the sunset restaurant.
Decision Type:	PER	
Application Number:	P1009	The use of the ground floor portion of the Sunset Restaurant, The Quay, for off sale purposes
Decision Type:	REF	
Application Number:	P1073	The provision of revised entrance frontage to the Sunset Restaurant as depicted in amended plan 337/1 C.
Decision Type:	PER	
Application Number:	P1158	The alteration to facade of front entrance to the Sunset Restaurant, The Quay, St Mary's
Decision Type:	PER	
Application Number:	P2150	The provision of a dormer window and roof extension to provide staff living quarters in order to replace existing accommodation lost to proposed Yacht Club facilities of Toilets, Sauna, club and games room at the sunset restaurant, the Quay, St Mary's
Decision Type:	PER	
Application Number:	P2722	The renewal of planning permission No P2150 for the construction of roof extension to provide staff accommodation at Sunset Restaurant, The Quay, St Mary's
Decision Type:	PER	
Application Number:	P2863	The change of use from Restaurant to Hotel Class C1 of the Town and Country Planning (Use Classes) Order 1987 at The Sunset Restaurant, Quay, St Mary's
Decision Type:	PER	
Application Number:	P2914	Amendment to approved design for change of use to hotel (elimination of dormer windows and provision of gable end elevation at The Sunset Restaurant, The Quay, St Mary's
Decision Type:	PER	
Application Number:	P2950	Conversion of Sunset Restaurant to hotel with amended elevational treatment to that approved under P2914
Decision Type:	PER	
Application Number:	P3099	Amendments to ridge height of Harbourside Hotel, The Quay, St Mary's
Decision Type:	PER	
Application Number:	P3212	The revised siting and size of sewage treatment plant at The Harbourside Hotel, St Mary's
Decision Type:	PER	
Application Number:	P3211	The revised siting and size of sewage treatment plant at the Harbourside Hotel, St Mary's
Decision Type:	PER	
Date Decision Issued:	24.05.1991	
Application Number:	P3673	A Notice Board 700 x 1100mm of blue PVC sheet, fixed to the wall of the Quay Building between the main passenger steps, as indicated on Drawing No. PB/109.03.
Decision Type:	PER	
Application Number:	P4378	Alterations to roof at rear
Decision Type:	WDN	
Application Number:	P4378A	Alterations to roof at rear.
Decision Type:	WDN	
Application Number:	P5284	Rigger Store, St Mary's Quay, St Mary's: Refurbishment and conversion of existing small storage building to form new quayside retail shop for the Sail Loft. [in S corner of Harbourside building]
Decision Type:	PER	
Application Number:	P/07/033	Replacement of existing porch window with new opening window
Decision Type:	PER	
Application Number:	P/07/032	Change of Use of the ground floor storage room to form part of the restaurant/coffee shop facilities (class A3) together with the replacement of the porch window with a new opening window for takeaway sandwiches/coffee
Decision Type:	PER	
Application Number:	P5283	Rigger Store, St Mary's Quay, St Mary's: Change of use from store to retail outlet. [South end of Harbourside building.]
Decision Type:	PER	
Application Number:	P/12/087/COU	External and internal alterations and change of use to Harbourside Hotel which is part of the listed pier at St Mary's
Decision Type:	PER	External and internal alterations and change of use to Harbourside Hotel which is part of the listed pier at St. Mary's.
Application Number:	P/13/040/FUL	Amendments to Planning Permission P/12/087 including addition of solar thermal panels, gas bottle enclosure, new pump housing, alteration to window and door openings and alteration to 1st floor staff accommodation from 2 self-contained flats to a 5 bedroom shared accommodation.
Decision Type:	Permitted	
Application Number:	P/13/041/LBC	Installation of solar thermal panels; external works, including new bottle storage enclosure, new pump housing and alterations to
Decision Type:	Permitted	

		fenestration; and internal works including reconfiguration of stairwell and 1st floor accommodation and other internal works.
Application Number:	P/14/034/FUL	Amendments to planning permission P/12/087 including revised fire escape staircase, installation of window at ground and first floor levels on South gable end, re-position first floor double doors on East facing balcony, replacement of 4 no. windows on West elevation with one single window.
Decision Type:	Permitted	
Application Number:	P/14/035/LBC	Amendments to fire escape staircase, installation of window at ground and first floor levels on South gable end, re-position first floor double doors on East facing balcony, replacement of 4 no. windows on West elevation with one single window.
Decision Type:	Permitted	
Application Number:	P/15/078/DISCON	Application to discharge condition 5 (external lighting scheme) of listed building consent P/12/088/LBC and Condition 11 (external lighting scheme) of listed building consent P/15/026
Decision Type:	Permitted	
Application Number:	P/15/098/DISCON	Application to discharge condition 10 (submission of a travel plan) of P/12/087/COU.
Decision Type:	Permitted	
Application Number:	P/16/028/ROV	Temporary variation of condition 8 of planning permission P/12/087/COU to allow the use of staff accommodation by staff of businesses on the Isles of Scilly other than the Duchy of Cornwall on a temporary basis until 01/10/2018 or until the restaurant is tenanted. (Amended Description).
Decision Type:	Permitted	

Public representations:

A site notice has been on display in the vicinity of the quay for a period of 21 days. One letter of representation has been received in relation to the visual impact of the ducting without any screening.

Consultee representations:

NONE

Constraints and designations:

HER Findspots Name: RAT ISLAND - Post Medieval lime kiln. Period: Post Medieval
 Historic Landscape Character Landscape Type: Communications.
 AONB, Conservation Area, Heritage Coast, Grade II Listed Building: St Mary's Quay

Relevant policies, SPGs and Government guidance:

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

The Conservation of Habitats and Species Regulations 2010

(Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) **Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings;** (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 4 of the Local Plan relates to Economic development. This policy essentially seeks to promote employment and economic activity based on the existing economy, including agriculture, and supporting opportunities that lead to modernisation and diversification of the islands economy.

Appraisal/key issues and conclusion:

The main planning issues are considered to be whether the proposed ducting, which will be situated on the flat roof of the rear extension, extending out from the rear wall of the harbourside building, is acceptable in principle and whether the proposal is acceptable in terms of the impact on the setting of the grade II listed building, on amenity and the wider Conservation Area; and the impact on the natural and historic environment.

It is considered that the occupation of the refurbished harbourside hotel building as a restaurant is an important consideration. The building was refurbished under planning and listed building consents granted initially in 2012, subsequently amended in 2014.

Since completion, the building has been unoccupied. Heritage assets that are capable of being occupied but remain empty are more likely to decline faster than occupied buildings. The occupation of the building therefore not only ensures it is maintained but it also provides an important and sustainable economic use for the islands that supports the tourism sector, which is a significant part of the islands' economy.

Nevertheless it is essential that any works to the building are sympathetic to the character of the listed building and enhance its setting and do not result in substantial harm to the building's significance.

Extensive and industrial ducting has been installed on the rear of the harbourside building. The ducting extends out of the back of the building, at first floor, over a flat roof in a westerly direction to the end of the flat roof building where it turns north to expel extracted cooking air out into the service yard at Rat Island to the rear of the harbourside building.

As set out above the harbourside building is not a listed building in its own right and as evidenced in the planning history has been extensively altered over the years. It is however important that the works are appropriate for the maritime context of this site. The ducting is located at first floor, as the restaurant which it serves is on the first floor. To the front elevation is raised balcony offering outdoor seating with views across the harbour, below which is a sheltered colonnade which provides a covered area for other uses within the harbourside building, including the waiting room, café and toilets. To the rear is a single storey flat roof extension, which provides important freight storage for the islands as well as other industrial uses including fuel storage. Within this rear service yard area is the location of numerous other industrial service pipes, extraction/conditioning equipment (for refrigerated freight storage), car parking and miscellaneous storage buildings as well as outside storage.

Although the rear of the harbourside building remains highly visible within the conservation area, particularly from boats on the water approaching the quay but from the islands itself from Tregarthen's Hotel and the Garrison, it is recognised as very much the 'back' service yard area that serves a functional and important quay and harbour facilities for all of the islands. Given the location of the restaurant within the harbourside building and the fact that it is an approved restaurant that has remained vacant for a number of years, there are few locations in which kitchen extract equipment could be located.

Located at first floor, although of a 'matt' finish, the ducting remains visible particularly on the approach to the building from St Mary's on foot. This could be addressed by sympathetic screening which would hide the ducting from being prominent. To address this the applicant has submitted plans to show planted screening together with a planting schedule of appropriate and hardy coastal planting, which is considered appropriate. In order to ensure this is installed it is recommended that a condition is imposed to require its installation within 28 days. As views of the rear directly are only from a distance, with very little public traffic at close proximity it is not considered necessary to screen this ducting along the west elevation.

Subject to the above condition it is considered that the wider visual impact on the conservation area and setting of the quay will be minimised and ensure there is no harm to these designated heritage assets. It is not considered that the proposal should be refused on grounds of harm to designated heritage assets.

In terms of general amenity issues then it is not considered that the installation of ducting to serve a kitchen extraction system, which would be operational when the restaurant is open, would give rise to any significant amenity issues. There is no reason to suspect that noise or odour would cause any particular nuisance on the quay where there are no direct neighbouring properties to be affected. The accommodation within the harbourside building is ancillary to the restaurant and will be occupied by staff or owners of the restaurant. It is not considered that the proposal should be refused on grounds of adverse amenity issues.

It is not considered that there are any other material planning considerations to assess in relation to the proposed ducting on the harbourside building on St Mary's Quay

Recommendation:

It is recommended that the applications for listed building consent and planning permission are approved subject to the conditions set out below.

Planning Application and Listed Building Consent Decision Notices:

1. The development hereby authorised shall be begun not later than three years from the date of this consent.

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved details only including:

- o Proposed Elevations (AMENDED), Drawing Number: 3572-02 Drawn Date: 01.03.18
- o Block and Location Plans (AMENDED), Drawing Number: 10/0302-05 (Rev A), Drawn Date:18.11.17
- o Proposed Screening to Ventilation, Drawing Number: 10/0302-07 (Rev A)
- o Planting Schedule


These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Planning Application – Additional Condition

3. All planting in the approved planting schedule shall be carried out within 28 days following the date of this decision notice. Any plants which within a period of 5 years from the completion of the development 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 ducting is not a prolonged and visually harmful discordant feature that would be harmful to the wider character of the conservation area and setting of the quay as a Grade II listed building, in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Signed: 	Dated: 04/05/2018	Signed:	Dated:
Planning Officer		Senior Manager	