

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/075/FUL
Received on: 7 November 2019
UPRN: 000192000725
Application Expiry date: 3 January 2020
Neighbour expiry date: 29 November 2019
Consultation expiry date:
Site notice posted: 8 November 2019
Site notice expiry: 29 November 2019

Applicant: Mr Keith Buchanan
Site Address: Schooners Waterfront Hotel
The Thorofare
Hugh Town
St Mary's
Isles of Scilly
TR21 0LN
Proposal: Extension of rear patio joining harbour.
Application Type: Planning Permission

Recommendation

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1. That the Application is APPROVED for the following reason/subject to the condition set out below.
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Site Description and Proposed Development

This is an application for an extension of an existing beach-side terrace at Schooners waterfront hotel in Hugh Town on St Mary's, Isles of Scilly. The existing hotel is a large 4 storey end of terrace hotel building that is rendered and painted cream/magnolia. It has a main entrance from the Thorofare, which is a back street from the main Hugh Street primary frontage, it has an existing rear access to a small terrace which is located on Town Beach which is within St Mary's Harbour area.

The proposal is to extend the existing terrace to bring it in line with the main hotel building, which projects out by a further 3 metres, and would result in a patio/terraced area of 5 metres overall with a width of 5.75 metres. The height of the proposed patio extension will be 0.75m, which would align with the height of the existing terrace.

Background and Relevant History

Planning history for this property starts in 155 when application for alterations to the building were made under P136. This was approved in July 1955. In 1961 an application was submitted for an owners flats. P324 was approved in June 1961. In 1963 an application was made for alterations to a fish café. P469 was approved in November 1963. In 1968 an application was made to enclose a small area on the beach. P749 was approved in April 1968. In 1970 an application for the demolition of a ground floor store (chandlery) and erect a 2 storey store was submitted. P947 was refused in November 1970.

In 1970 an application for an additional storey for a flat was submitted P958 was refused in December 1970. In 1971 an application for a resubmission of P958 was submitted for a 4th storey. This was refused in February 1971. In 1974 an application was submitted for an amalgamation of store with the guest house. P1297 was approved in March 1974. In 1978 an application for amendments to P1296 was submitted. P1720 was refused in July 1978. In 1980 an application for a patio on the beach was submitted. P1916 was refused in August 1980. This proposal was resubmitted in under P1932 and was also refused in November 1980. In 1981 an application was submitted for a walled garden on the beach. P2014 was refused in September 1981.

In 1990 an application was made for an extension to the staff accommodation. P3145 was refused in January 1991. In 1991 an application was submitted for the erection and extension of owner's accommodation. P3204 was refused in April 1991. This was later allowed on appeal, dated 25/02/1992. In 1993 an application was submitted for the construction of a balcony and additional windows. P3486 was conditionally approved with the exception of the balcony, which appears to have been removed from the permission.

In 1994 an application was submitted for amendments to the elevations. P3631 was refused in February 1994. This was later subject to an appeal which was dismissed. It was later subject to an enforcement notice, which was also appealed but this was withdrawn in October 1994.

Consultations and Representations

A site notice has been on display in the vicinity of the application site for a period of 21 days. No neighbouring properties have been written to directly as there are none sharing a boundary with the red line site area.

Public Representations: None

Consultation Representations: Sustainable Places Planning Advisor NONE

Constraints: Historic Landscape Character Types: Settlement and Rough Ground of blown sand

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

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) 2019

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.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

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 (SSSI); and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.

Policy 4 supports applications that promote employment and economic activity and proposals based on tourism will be supported where (a) such development contributes to the further diversification and essential modernisation of the islands' economy and (b) it demonstrably improves the quality of existing tourist accommodation.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Submission Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7). This emerging document also contains policies for tourism developments (Policy WC5) where proposals for upgraded tourism developments will be permitted where they a) make a positive contribution to the provision of high quality sustainable tourism on the islands; b) are located in sustainable and accessible locations; and c) are appropriate to the site and its surroundings in terms of activity, scale and design; and d) do not result in an unacceptable impact on the environment or residential amenities, in accordance with other relevant policies in the Local Plan; and e) in the case of conversions, do not result in the loss of homes that would otherwise be available for permanent occupation, unless there are wider public benefits demonstrated to offset the loss of permanently available homes.

As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight.

Planning Assessment

The main planning issues for consideration relate to whether the proposed terrace extension is acceptable in principle, its design, scale and materials, and its impact on the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty and its impact on neighbouring amenity.

Principle of Development

The proposed development comprises a small extension to an existing terrace, fronting on to Town Beach. The volume of the extension will be around 12.75m³ which will be constructed in an area of the beach and will be attached on to the existing area of terrace. The resulting size of terrace will be

around 28.75m² of which 17.25m² will be the extension. It will be faced with granite to match the existing and will be surfaced with sandstone flagstones. Given that the proposal is related to the existing tourism development and accommodation of Schooners Hotel and Bar it is considered that expanding on the existing terrace is acceptable in principle.

Design, Scale and Materials

The proposed terrace extension is modest in scale with a single storey of accommodation, resulting in an enlargement of the outdoor seating area, but extending out no further than the main bulk of the hotel building. Facing materials will be to match the existing walls and the existing terrace and on this basis it is considered that the proposal will be in keeping with the existing building and the wider character of this area.

In reaching this opinion, Officers have had regard to the emerging Local Plan Policy OE1(b) which requires development proposals to take into account and respect the undeveloped and special character of the Heritage Coast. The small scale and nature of the proposal is therefore considered acceptable as it would very much be seen within the context of the built up area of Hugh Town. Overall, the design, scale and materials of the proposal are considered to be acceptable.

Impact on Character and Appearance of the Conservation Area

In context with the surrounding buildings and the built form of the existing site, the proposed terrace extension, by virtue of its limited scale is considered to have a negligible impact. It will be important to restrict any external illumination and it will be important to ensure no unnecessary external illumination is installed and a condition restricting this is recommended, in the interests of protecting Scilly's dark night skies, as required by emerging Policy OE5 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

It is considered that the proposed development would conserve the character and appearance of the Conservation Area and that there would be no harm to the scenic beauty and character of the Area of Outstanding Natural Beauty.

Impact upon the Historic Environment

As there are no proposed significant foundations and the site does not lie within the curtilage of a listed building or within the boundary of a scheduled monument or within an archaeological constraint area, there is no likely impact upon the historic environment.

The historic landscape character of this part of St Mary's is identified as rough blown sand. The proposed dwelling would be within the existing beach but it is considered that it would not detract from this historic landscape character. Given the nature of the structure, located in close proximity to existing buildings at the hotel site, the proposal is considered acceptable from a historic environment perspective.

Impact on Neighbouring Amenity

There are directly adjoining residential and non-residential neighbours to the application site, however as this area forms the largest of the built-up settlements on the islands, and will be connected to the existing external seating area of a hotel and bar, there are unlikely to be significant additional amenity issues arising as a result. On this basis it is not considered that the proposal would have any detrimental impacts upon the amenity of residential properties in the vicinity of the site, by virtue of its small scale and the nature of the surrounding buildings and town centre uses.

Other Issues

The site does not directly lie within any natural environment designations. It lies 65m to the south of the mean low water which is also the boundary of the Isles of Scilly Special Area of Conservation (SAC) which is designated under the Conservation of Habitats and Species Regulations 2017 as part

of a network of important high-quality conservation sites that make a significant contribution to conserving habitats and species defined in EC Directive 92/43/EE. The Isles of Scilly SAC is protected for the primary reason of its habitats which includes sandbanks which are slightly covered by sea water all the time, mudflats and sandflats which are not covered by sea water at low tide and reefs. Species protected by the SAC include Shore dock (primary species) and grey seal (non-primary species).

Given the scale of the proposed terraced extension it is not considered that it would give rise to any impact upon the above designations and there would be no direct impact on any of the SSSIs on St Mary's.

Conclusion

In light of the above assessment, it is considered that the proposal for a terrace extension would be in accordance with both local and national policies. The proposed development is considered acceptable in terms of its design, scale and materials and the proposal would conserve the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty. The proposed development would not materially harm the level of amenity currently enjoyed by neighbouring properties.

Recommendation

The application is recommended for approval, subject to the conditions set out below.

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:**



- **Proposed Plan, Looking NNE, Scale 1:50, date stamped 07/11/2019**
- **Proposed Plan, Side Elevation looking ESE, Scale 1:50, date stamped 07/11/2019**
- **Proposed Plan, looking SSW, Scale 1:50, date stamped 07/11/2019**
- **Schooners Hotel Site Plan, Scale 1:1500, date stamped 08/11/2019**
- **Schooners Hotel Location Plan, Scale 1:1250, date stamped 08/11/2019**

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 1 of the Isles of Scilly Local Plan 2005.

- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) no external artificial lighting shall be installed within the red line boundary without the prior agreement in writing of the Local Planning Authority. Any lighting agreed through a discharge of this condition, shall thereafter be installed in accordance with the agreed details only and be removed from the site once no longer required.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to preserve the dark night skies of the Isles of Scilly in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

Signed: 	Dated: 18/12/2019	Signed: 	Dated: 18/12/2019
Planning Officer		Senior Manager	

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:
Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Living Community										
	LC1	LC2	LC3	LC4	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Working Community										
	WC1	WC2	WC3	WC4	WC5	WC6				
Clause/Part (State)					1					
Contrary to (tick)										
In accordance with (tick)					✓					