

# Council of the Isles of Scilly Delegated Planning Report Householder/other application

**Application Number:** P/20/061/COU and P/20/063/LBC

**Received on:** 10 August 2020

**UPRN:** 000192000888

**Application Expiry date:** 1 December 2020

**Neighbour expiry date:** 28/10/2020

**Consultation expiry date:**

**Site notice posted:** 7 October 2020

**Site notice expiry:** 28 October 2020

**Applicant:** Mr Dave Parr  
**Site Address:** Lynwood  
Church Street  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0JT

**Proposal:** Change of use of guesthouse (Use Class C1) to holiday letting units (Use Class C3) retaining a unit of owners accommodation. (Listed Building)

**Application Type:** Change of Use and Listed Building Consent

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**Recommendation:** Approve subject to conditions

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## Summary Conditions/Reasons for refusal

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. Short term holiday let use restriction on 2 self catering holiday lets
5. Permanent occupation of staff/owners accommodation only

**Pre-commencement conditions agreed:** N/A

**Extension of time agreed until:** N/A

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## Site Description and Proposed Development

Lynwood is a mid-terrace three storey dwelling that operates as a guesthouse with owners accommodation in a larger extension in the rear. It has a frontage on to Church Street and is a grade II listed building. It was added to the National

Heritage List for England (NHLE) in 1975 for its Group Value. It is described as:

Terrace of five houses. Early C19. Rendered granite rubble; half-hipped slate roofs and brick stacks. Double-depth plan with side-entry and rear stair hall to each house. 3 storeys; symmetrical 10-window range, of 2-window range to each house. Concave-chamfered granite eaves cornice. 8-fielded-panelled doors with fanlight to Albany House and rectangular over lights to Lynwood, mid C20 replacement door-with similar fanlight to Longras, similar early C19 door with 4 panels replaced by glazing to Westwood House and similar early C19 door with 2 panels replaced by glazing to Innisidgen. 6/6-pane sashes to ground and first floors and 3/6-pane sashes to second floor, except early/mid C19 canted oriel window with 4/20/4-pane sashes and moulded cornice to Lynwood and first-floor bay window to Westford House with 4/20/4-pane sashes. Interior: Westwood has paneled doors set in moulded architraves, open-well staircase with wreathed handrail and enriched cornice with palmettes etc. to first-floor front room. Other houses said to have similar staircases and other features. Subsidiary features: coursed and dressed granite forecourt walls with segmental coping to Albany House, Westford House and Longras; similar low walls to Lynwood surmounted by spear-headed railings with terminal urn finials.

The property has variously changed from a single dwelling house, to flats to its current use as a guesthouse with various interventions and alterations over the years. Planning history is set out below.

The current application is to convert the property back to 'flats' for self-catering holiday let purposes, whilst retaining the owners accommodation in the ground floor to the rear. The proposal includes 1 self-contained flat on the first floor and one self-catering flat on the second floor which runs into the roofspace.

### Consultations and Publicity

The application has had a site notice on display for 21 days (07/10/2020 – 28/10/2020). The application appeared on the weekly list on 12<sup>th</sup> October 2020.

Due to the nature of the proposal external consultations have been required and these are set out below, together with any consultation responses.

#### **SWW ✓ (No response)**

#### **Others: Cornwall Fire And Rescue (28/10/2020):**

Further to your letter dated the 15 October 2020 regarding the above planning application, this Authority makes the following observations:

Holiday Rental Advice. I note the proposal is for a holiday rental premises.

The Responsible Person should ensure the proposal complies with current Fire Safety Legislation and Guidance as this differs from Building Regulations before being used as a holiday rental.

Whilst not exhaustive advice the applicant should consider if the proposed



and be consistent with the general use of materials in the area?	
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?	Yes
Is the parking and turning provision on site acceptable?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	n/a
Is the scale proposed in accordance with NDSS	n/a

<b>Amenity</b>	<b>YES OR NO</b>
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	n/a
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	n/a
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Yes
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?	Yes Yes Yes
Within an Archaeological Constraint Area	No
<b>Other Impacts</b>	N/A
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
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?	N/A
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Yes
Are the Water connection/foul or surface water drainage details acceptable?	Yes

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?	No
Are there external lights	No

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	No
Does the proposal include any demolition	No
Does the proposal include tree or hedge removal	No
Is an assessment of impact on protected species required	No
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	No
Are biodiversity enhancement measures required	No
Is a condition required to provide biodiversity enhancement measures	No

<b>Waste Management</b>	<b>YES OR NO</b>
Does the proposal generate construction waste	Yes
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	No
Does the proposal include a Site Waste Management Plan	Yes
Is a condition required to secure a Site Waste Management Plan	No

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	No
Does the proposal include any site specific sustainable design measures	No
Is a condition required to secure a Sustainable Design Measures	No

**Analysis:** From a planning perspective the application seeks to change from a C1 guesthouse to x3 C3 units of self-contained accommodation. Two will be for holiday letting purposes in place of the current guesthouse and the ground floor will be retained as owners accommodation. Policy 3 and Policy 4 of the adopted Local Plan are the primary policy considerations and given that the proposal seeks to retain the owners accommodation it is considered that the development is otherwise policy compliant with the adopted Local Plan (2005).

The emerging Submission Draft Local Plan similarly supports development proposals which support the economy, including tourism accommodation. Specifically, Policy

WC5(3) of the Main Modifications consultation draft (which did not attract any objections or comments to address) requires any loss of serviced accommodation to be replaced by another form of tourism accommodation, where an element of owners or staff accommodation is retained. In this case the conversion from guesthouse to self-catering units, which is based on the impacts of the corona virus pandemic during 2020, which retains staff/owners accommodation, is in accordance with the emerging Local Plan.

The proposal does not include any external alterations and as such there are not considered to be any wider impacts in terms of neighbouring amenity, overlooking, highway safety, biodiversity or other material harm as a result. The impact upon the fabric and character of the listed building will be assessed below. Overall however the proposal is otherwise considered to be policy compliant with the adopted and emerging Local Plans, in particular Policy 4 of the adopted Local Plan 2005 and Policy WC5 of the submission draft Isles of Scilly Local Plan 2015-2030.

**Impact upon the Listed Building:** The application is supported by a Heritage Impact Assessment, although it is noted that this is not produced by a person or persons suitably qualified in Historic Building Conservation or similar. This statement suggests the building has been substantially altered internally over the years. This is reflected in the full planning history, most notably in 1985 the dwelling was converted to two self contained flats (P2383 and P2405 later in the same year). In 1988 an application to provide a two bedroom dwelling and garage at the rear of Lynwood, fronting Porthcressa Road, was refused (P2786).

On carrying out a site visit it was noted that works to convert the property had commenced and the applicant was advised against carrying out further works that impact upon or affect the original features and character of the building, which could not be reversed. Works that had commenced included the removal of 20<sup>th</sup> century partition bathrooms (which the applicant advised me he had installed himself some 20 years earlier), the knocking through of a wall on the second floor, to form a doorway, the removal of the attic stairs and replacement with a Building Regulations compliant stairway as well as the insertion of sound attenuation between the first and second floor accommodation. This essentially was 'boxing in' the ceiling features including the ceiling rose and coving. Other than re-decorating the interior I was advised that no further structural work would be carried out to implement the proposal.

The significant elements are considered to be the principal front elevation of the front elevation of the terrace. Including those features set out in the listing description such as the rendered granite walls, brick chimney stack, rectangular overlights above the front door and a moulded cornice. Additionally the external railings that enclose the front garden are noted "spear-headed railings with terminal urn finial".

Given the evolution and progression of changes internally at this property it is considered that the external façade of Lynwood holds the highest significance which would be most sensitive to change, which would include the railings around the front garden. Whilst internally there remain a number of period features such as the original coving, ceiling details and stairwell, including hand rail, which remain of a high significance, and should remain, internally the property is less sensitive to change on the basis of the significant

changes that have taken place including the reconfiguration of internal space. Of neutral significance and therefore neither contributing or detracting from the significance as a whole, include the modern and much later installed en-suite bathrooms, stair access to the attic space, the larger rear extension and modern kitchen as well as the modern fixtures and fitting throughout the property.

The front façade of Lynwood would be retained without any modifications, there will be no change to the ground floor layout of the property. The creation of two self-contained flats on the two floors above and into the attic space will see some changes, through the removal of the later en-suite bathroom facilities and remodeling of the attic stairs/stairwell. As noted above these features do not contribute to the significance of Lynwood and are later additions, which are of neutral significance. There are other alterations which include the enclosure of some of the original period features and the blocking up of original doorways (although retaining the door so it would be a reversible process) and knocking through an original wall to form a doorway between two rooms on the second floor. Other than the knocking through of the wall on the second floor the changes either do not result in substantial harm or do result in some harm, but the works would be reversible.

It is considered therefore that the proposed works, having regard to section 16, 17 and 18 of the Planning and Listed Buildings and Conservation Areas Act 1990, are acceptable. The proposal is considered to accord with adopted Policy 1 of the 2005 Local Plan and Policy OE7(6) of the submission draft Isles of Scilly Local Plan 2015-2030

**EIA:** Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

**Proactive working:** In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval/imposed conditions to enable the grant of planning permission and listed building consent.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This application has been considered in accordance with Sections 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Planning Policy:** Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and

following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft 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, adopted December 2005**

*Policy 1 Environmental Protection* ✓

*Policy 2 Sustainable Development* ✓

Policy 3 Housing

Policy 4 Economic Development

Policy 5 Transport

Policy 6 Infrastructure for Sustainable Communities

Policy 7 Fish and Livestock Processing

Policy 8 Safeguard Power Station, St Mary's

Policy 9 Waste Disposal

Policy 10 Air Travel Infrastructure, St Mary's and Tresco

Policy 11 Uninhabited Islands

Proposal A Housing Sites St Mary's

Proposal B Employment Land, St Mary's

Proposal C Sport and Recreation Facilities, St Mary's

Proposal D Quays

Proposal E Mixed Use Development Tresco

### **Submission Draft Isles of Scilly Local Plan 2015-2030**

#### **Sustainable Scilly**

*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

#### **Outstanding Environment**

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* ✓

### **Living Communities**

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  Choose an item.

Policy LC7 Windfall Housing:  Choose an item.

*Policy LC8 Replacement Dwellings and Residential Extensions* ✓

Policy LC9 Homes in Multiple Occupation

### **Working Communities**

Policy WC1 General Employment Policy

Policy WC2 Home based businesses

Policy WC3 New Employment Development

Policy WC4 Alternative Uses for Business or Industrial land and buildings

*Policy WC5 Safeguarding Serviced Accommodation* ✓

- *Site Waste Management Plan: Provided*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA N/A*

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.

### **Planning Permission P/20/061/COU 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, 1:1250 scale**
- **Plan 2 Site Plan, 1:500scale**
- **Plan 3 Proposed Floor Plan, Drawing Number DP-PA-A2b, Amended Date**

**November 2020**

- **Plan 4 Heritage Impact Assessment**
- **Plan 5 Site Waste Management Plan**

**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 Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy OE1 and OE7(5) of the Submission Draft Isles of Scilly Local Plan 2015-2030.

- C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**  
Reason: In the interests of protecting the residential amenities of neighbouring properties.

- C4 The two self-catering holiday let units hereby permitted, as show in green on the attached plan, shall not be used otherwise than for the provision of short let holiday accommodation. Neither unit shall be occupied as a permanent dwelling and they shall not be occupied by any person for a period exceeding 28 days in any calendar year. In accordance with the General Data Protection Regulations, the owner or operator shall maintain a 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 holiday accommodation in accordance with Policy 4 the adopted Isles of Scilly Local Plan 2005 and Policy WC5 of the Submission Draft Isles of Scilly Local Plan 2015-2030

- C5 The ground floor flat hereby permitted, as show in blue on the attached plan, shall not be used otherwise than for the provision of owners/staff accommodation in connection with the self-catering holiday lets (as per condition 5) at Lynwood, Church Street. The owner's accommodation shall not be occupied or used as short-term holiday letting accommodation and shall be retained as permanent accommodation.**

Reason: To ensure that the development is occupied as staff or owners accommodation in accordance with Policy 4 the adopted Isles of Scilly Local Plan 2005 and Policy WC5 of the Submission Draft Isles of Scilly Local Plan 2015-2030

**Listed Building Consent Conditions: P/20/063/LBC**

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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


- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- **Plan 1 Location Plan, 1:1250 scale**
- **Plan 2 Site Plan, 1:500scale**
- **Plan 3 Proposed Floor Plan, Drawing Number DP-PA-A2b, Amended Date November 2020**
- **Plan 4 Heritage Impact Assessment**

**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 Area, Area of Outstanding Natural

Beauty and Heritage Coast in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy OE1 and OE7(5) of the Submission Draft Isles of Scilly Local Plan 2015-2030.

<b>Print Name:</b>	Lisa Walton	01/12/2020
<b>Job Title:</b>	Senior Officer, Planning and Development Management	
<b>Signed:</b>		
<b>Authorised Officer with Delegated Authority to determine Planning Applications</b>		

*Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:  
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