

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/22/080/COU

**UPRN:** 000192000773

**Received on:** 18 November 2022

**Valid on:** 21 November 2022

**Application Expiry date:** 16 January 2023

**Neighbour expiry date:** **12 December 2022**

**Consultation expiry date:** 13 December 2022

**Site notice posted:** 21 November 2022

**Site notice expiry:** 12 December 2022

**Applicant:** Mr & Mrs Green

**Site Address:** Freesia  
3 The Parade  
Hugh Town  
St Marys  
Isles Of Scilly  
TR21 0LP

**Proposal:** Change of use from guesthouse (use class C1) to house in multiple occupation (use class C4).

**Application Type:** Change of Use

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**Recommendation:** PER

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## **Summary Conditions:**

1. Standard time limit

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## 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 D Marcus

Date: 03/01/2022

## Site Description and Proposed Development

Freesia is a mid-terraced multi storey property that is situated in the heart of Hugh Town. It is a grade II listed building known as Stanmore House which was added to the National Heritage List for England (NHLE) for its group value in 1975. It is a coursed granite construction with timber windows and doors with modern interlocking concrete tiles and two front facing pitched roof dormer windows. It comprises three bays with a central door on the front elevation. The property is a double pile construction with additional extension to the rear. The list entry describes the property as:

*House. Early C19. Coursed granite blocks; late C20 interlocking tiles to half-hipped roof; rendered end stack. Double-depth plan with central entrance hall. 2 storeys; 3-window first-floor range. Semi-circular arch with voussiors over mid C20 door with plain fanlight. Granite lintels over 8/8-pane sashes.*

*Curved corner to left (west). Mid C20 rear addition. Interior not inspected.*

The property is centrally located in Hugh Town, it is listed for its group value as a period property that relates well to a high proportion of buildings from this period in the vicinity. The property is considered to be an important building in terms of the wider character of the conservation area and retain a traditional appearance.

In 2021 the property owner secured a certificate of lawful use for the use of the house as a guesthouse. In early 2022 planning permission and listed building consent were conditionally granted to convert the guesthouse to owners accommodation on the upper floors with a self-contained self-catering holiday let on the ground floor. This scheme will now no longer be implemented and the current proposal is a material change of use only to convert the guesthouse, as it is currently laid out, to a house in multiple occupation (HiMO) which is being leased to the NHS for healthcare workers.

Certificate: A

Other Land Owners: None

### Consultations and Publicity

The application has had a site notice on display for 21 days (21/11/2022 – 12/12/2022). The application appeared on the weekly list on 28<sup>th</sup> November 2022. Due to the nature of the proposal only one external consultation has been required, which is Cornwall Fire and Rescue. No formal response was received.

### Representations from Residents:

Neighbouring properties written to directly:

- Nornour, 4 The Parade
- Bourdeaux Shop, 2 The Parade
- Thorofare Cottage, Thorofare

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

### Relevant Planning History:

Ref	Description	Decision	Date Determined
P1896	The installation of ventilated roof lights to attic on front elevation of roof of Stanmore House, The Parade, St Mary's	Permitted	1980
P5198	General improvements and renovations.	Permitted	2002
P5199	General improvements and renovations.	Permitted	2002
P5664	Installation of new hardwood front door.	Permitted	2005
P/06/090	Internal Alterations	Permitted	2006
P/21/043/CLE	Application for a Certificate of Lawful Use of the dwelling (Use Class C3) as a guest house (Use Class C1).	Granted	2021
P/21/077/COU and P/21/078/LBC	Combined application for Planning and Listed Building Consent for a Change of use of guest house to self-contained holiday let with owners accommodation and associated works (Listed Building).	Granted	2022

### Constraints:

- Conservation Area

- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Multiple (Spatial)
- Listed Buildings ID: DCO14336. Grade: II. Name: STANMORE HOUSE
- ST Mary's Flood Prone Land St Mary's FPL: Mary1

### Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
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?	n/a
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

<b>Amenity</b>	<b>YES OR NO</b>
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?	n/a
Is the proposal acceptable with regard to any significant change or intensification of use?	y

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, <ul style="list-style-type: none"> <li>a) Will the development preserve the character and special architectural or historic interest of the building?</li> <li>b) Will the development preserve the setting of the building?</li> </ul>	y
Within an Archaeological Constraint Area	n/a

<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	n/a
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/a
Are there external lights	n

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	n
Does the proposal include any demolition	n
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
Are biodiversity enhancement measures required	
Is a condition required to provide biodiversity enhancement measures	

<b>Waste Management</b>	<b>YES OR NO</b>
Does the proposal generate construction waste	n
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	n
Is a condition required to secure a Site Waste Management Plan	n

<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	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:** In determining planning applications for HMOs, the Council will have regard to Policy LC9 (Homes in Multiple occupation) of the Local Plan and each proposal will be considered on its own merits. Given the trend towards smaller households, coupled with the 'housing crisis' and problems of recruitment and retention of staff for many island-based businesses, the conversion of buildings into self contained units and houses in multiple occupation can be an effective way of providing small, relatively low cost accommodation. However, it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of such property does not adversely affect the need to maintain a good mix of housing types, or adversely affects the character and amenity of residential areas. It is also necessary take full account of other planning policies and material considerations when determining planning applications. For example, if a proposal for an HMO that involves an extension to the existing building, other policies and guidance will be applicable, including the Policy LC8 on Domestic Extensions and Alterations. Similarly, other policies may be applicable.

In general terms, Policy LC9 requires a) the use to not cause a detrimental impact upon adjacent and neighbouring residential amenity or neighbouring land uses; or b) the immediate area is not already imbalanced by a concentration of such uses and where the development would not create such an imbalance. Harm can be caused through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

Whilst new housing for permanent occupation is subject to occupancy restrictions and minimum and maximum space standards, this is not required for homes in multiple occupation. Space standards and room sizes are controlled through the licensing of the property at a HMO through Environmental Health. From a planning perspective, Homes in Multiple Occupation tend to be more suited to larger properties with an area of around 115 square metres or more, as this is considered to be a size at which a property can be converted into a HMO and provide a reasonable standard of accommodation for future occupants. Freesia, as a guesthouse has three floors of accommodation which comprises a one-bedroom owners flat with 4 guest bedrooms and 8 bedspaces. It is therefore considered that the property is an adequate size to be converted to a home in multiple occupation.

There is no on or off-street car parking provided with the property, but there is a yard area to the rear which would be adequate for outdoor seating, bicycle storage as well as storage of household waste. I do not consider the change of use results in an intensification that would have an adverse impact upon the amenity of adjoining properties. Statutory noise nuisances can be controlled under the Council's regulatory powers of Environmental Health. There is no imbalance of such uses in this area, and on this basis the proposal would comply with Policy LC9 of the Local Plan.

No changes are proposed to the fabric of the listed building, which would require a separate grant of listed building consent, separate to that granted under P/21/078/LBC (which was for a different change of use of the building). No external changes are proposed to the fenestration or the curtilage, there is therefore no impact upon the character or appearance of the listed building. The Council's Environmental Health

Department manage and license Homes in Multiple Occupation and an informative to advise of this is recommended.

**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.

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		n
Sustainable Design Measures	n		n
Biodiversity Enhancement Measures:	n		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).

**Informatives**

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 the National Planning Policy Framework 2021.
2. The Council of the Isles of Scilly must maintain a public register of Licensed houses of multiple occupation (HMOs). This is required under the Housing Act 2004 Part II. The register shows all licensed HMOs in the Isles of Scilly. Please contact the Council's Environmental Health Department: [environmentalhealth@scilly.gov.uk](mailto:environmentalhealth@scilly.gov.uk) to get advice on registering this property as a House in Multiple Occupation.
3. This is an application for a material change of use only with no internal or external alterations. Please ensure you obtain the necessary Listed Building Consent for any internal reconfiguration of this property. Any works granted under P/21/078/LBC can no longer be implemented as that consent related to a different change of use and is subject to a number of pre-commencement conditions. Advice can be obtained from the Planning Department: [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk) with respect to whether any further alterations require Listed Building Consent.
4. This decision is not a determination under the Building Regulations. Furthermore as no internal or external alterations have been approved in relation to this change of use, the Council do not expect any further reconfiguration or alterations of the building.

<b>Print Name:</b>	Lisa Walton	16/01/2022
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
Authorised Officer with Delegated Authority to determine Planning Applications		