

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/025/FUL

UPRN: 000192000598

Received on: 11 April 2023

Valid on: 17 October 2023

Application Expiry date: 12 December 2023

Neighbour expiry date: **9 November 2023**

Site notice posted: 19 October 2023

Site notice expiry: 9 November 2023

Applicant: Mr N Wolstenhome Tregarthen's Hotel

Site Address: Tregarthen's Hotel
Garrison Hill
Hugh Town
St Mary's
Isles Of Scilly
TR21 0PP

Proposal: Installation of pedestrian safety lighting, comprising five number fixed wall lamps at 1.2 m height and five number wall lamps to rear elevations of Micro Lodges at 1.8 m height.

Application Type: Planning Permission

Recommendation: PER

Summary Conditions:

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

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: 23/11/2023

Site Description and Proposed Development

This is an application to install external lighting as par to the Tregarthen's Hotel redevelopment. The Council have previously approved a number of schemes within the garden, with the scheme now being implemented. The permission to construct 5 micro lodges within the garden was approved in 2020 under P/20/090/FUL. This was approved at Full Council in March 2021.

The location of the 10 downlighters are identified clearly. The cube light is a die-cast aluminium frame which is identified as being corrosion resistant. The lights are 'dark sky approved' and a lighting strategy has been produced to support the application. This sets out a clear impact assessment, obtrusive light mitigation measures and detailed lighting design.

As part of the installation of new lights, the applicant will be removing several non-dark sky approved lights from the site. The report recognizes the importance of maintaining a dark sky and as a result of the stricter controls, balanced with the need to create a safe development outlines the plan to install sensitive outdoor lighting:

- 5 luminaries, mounted at a height of 1.2 metres or less
- 5 luminaries, mounted at a height of 1.8m or less

All lights face into the site, using LED's, of a warm white, directed downwards only.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (19/10/2023 – 09/11/2023). The application appeared on the weekly list on 23rd October 2023. Due to the nature of the proposal one external consultation has been carried out. This was to the AONB Partnership. No comments were received.

Representations from Residents:

Neighbouring properties written to directly:

- **Gunners Well, The Garrison**
- **Calico Jacks, The Bank**
- **Flat 1, Quay House**
- **The Old Cottage, Garrison Hill**
- **Harry's lookout, Garrison Lane**
- **Pilots Gig Restaurant, The Bank**
- **Pier House, The Bank**

[0] letters of objection have been received

[0] letters of support have been received

[1] letters of representation have been received. The following comments were sent through:

Thank you for the planning application notice.

- On what basis is this amount of lighting necessary on Scilly? St Mary's is not a city!
- Scilly is attempting to achieve dark skies. The proposal is not going to help in achieving this.
- Scilly does not have the security and personal safety issues that would apply to a hotel on the mainland where such lighting is necessary.
- The number of lights proposed is excessive for the entrance to the units.
- A few ground lights would suffice.
- Lights should have a proximity switch as there is no requirement the lights should be on all night.
- Why not supply a torch in each unit?

Relevant Planning History:

Application	Description	Decision (DATE)
P/16/055/FUL	The demolition of three lower ground floor hotel bedrooms and replacement with 6 self-contained holiday let units, the change of use of the staff block to form 2 self-contained holiday let units as well as a myriad of other additional and ancillary works and alterations.	Approved (2016)
P/18/031/FUL	Revised scheme for redevelopment of Tregarthens Hotel including (1) Erection of a pair of semi-detached dwellings for restricted holiday letting (use class C3) including associated landscaping. (2) Alterations to external facade of hotel lounge and hotel bedrooms including replacement windows/doors, formation of new windows and removal of existing chimney. (3) Formation of a new pedestrian opening in the existing wall adjacent to Garrison Hill. (4) Formation of external seating areas and new balustrades to hotel rooms and hotel lounge. (5) Installation of a package treatment plant for foul drainage. (Amended Plans/Amended Title)	Approved (2018)
P/18/078/NMA	Application for non-material amendment to planning permission for the repositioning, by 1 metre west, of the pair of semi-detached dwellings only.	Approved (2018)
P/18/089/NMA	Application for non-material amendment to planning	Approved 2018

	permission P/16/113/ROV to retain existing windows on East elevation, blocking up of window in bedroom 2 of unit 8 and widening of window in same room.	
P/19/016/ROV	Retrospective application for minor material amendment to planning permission P/16/113/ROV (as amended by P/18/089/NMA) to retain window on West elevation of unit 7 (shown in floor plan of application P/18/089/NMA but not the elevations). (Amended Title).	Approved 2019
P/19/037/ROV	Variation of condition 2 (approved plans) of planning permission P/18/031/FUL to alter the fenestration of hotel rooms 30, 31 & 32, relocate and reduce the scale of the new units known as 'Crump' & 'Kittern' cottages including amendments to the landscaping details as approved under condition 16 of P/18/031/FUL to accommodate these changes.	Approved 2019
P/20/038/COU	Change of use of 16 hotel bedrooms from Use Class C1 (Hotel) to 4 self-contained restricted holiday letting units Use Class C3 (Dwelling) with associated internal works to hotel rooms 41 and 42 with revised fire escape.	Approved 2020
P/20/090/FUL	Erection of five 'micro lodges' - detached C3 use class dwelling units for restricted holiday letting (Amended Plans)	Approved 2020
P/22/018/ROV	Variation of condition 2 (approved plans) of planning permission P/18/031/FUL (Part (4) - Formation of external seating areas and new ballustrade to hotel rooms and hotel lounge) in order to alter the fenestration of hotel rooms 30, 31 & 32 including amendments to landscaping detail.	Approved 2022
P/22/023/ROV	Variation of condition 2 (Approved Plans) of planning permission P/20/090/FUL (Erection of five 'micro lodges' - detached C3 use class dwelling units for restricted holiday letting) in order to revise the design of the approved units.	Approved 2022
P/22/088/NMA	Application for a Non-Material Amendment to planning permission P/20/090/FUL (Erection of five 'micro lodges' - detached C3 use class dwelling units for restricted holiday letting (design amended by application P/22/023/ROV) to revert to a horizontal timber cladding finish from vertical timber cladding.	Approve 2023

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Areas Name: The Garrison. Island: St Mary's
- Historic Landscape Character Multiple (Spatial)
- Listed Buildings Multiple (Spatial)
- ST Mary's Flood Prone Land St Mary's FPL: Mary1
- Scheduled Monuments: DESIGUID: DCO603. NAME: POST-MEDIEVAL BREASTWORK, CURTAIN WALL AND ASSOCIATED DEFENSIVE STRUCTURES ON THE PERIPHERY OF THE GARRISON, ST MARY'S

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 building(s) 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

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?	y
Within an Archaeological Constraint Area	y
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n
Impact on protected trees a) Will this be acceptable	y

b) Can impact be properly mitigated?	
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?	n/a
Are there external lights	Y*

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	n/a
Does the proposal include any demolition	n/a
Does the proposal include tree or hedge removal	n/a
Is an assessment of impact on protected species required	n/a
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/a
Is a condition required to provide biodiversity enhancement measures	n/a

Waste Management	YES OR NO
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

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 any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

Analysis: This is an application to install external lighting in connection with the micro

lodges at Tregarthen's Hotel. There are 10 lights in total, which are for the purposes of safety along the steps behind the two cottages: 5 lights behind Gibson and Hendra, and 5 lights for lighting the rear yard areas associated with each lodge. The 5 along the pathway, to the rear of Gibson and Hendra are to replace existing lights. They are positioned on the building at a height of 1.8 metres. The lights behind the lodges, will see one low level light per lodge. Positioned at a height of no more than 1.2 metres. They are set with a curfew of 12 midnight through to 7am. All lights are on a curfew to switch off after midnight and not come on again until 7am. For safety reasons they are on a passive infrared (PIR) sensor to come on only when required between midnight and 7am, then go off after 5 minutes. The lights are downlighters and 'dark sky approved'.

In terms of Policy OE4 (Protecting Scilly's Dark Night Skies):

1) Development proposals that include external lighting will only be permitted where it can be demonstrated that the lights are essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution, including:

- a) costs to the environment (including the unnecessary use of electricity);
- b) skyglow (visible glow caused by scattering and reflection from clouds and the atmosphere);
- c) light nuisance (creating amenity nuisance, highway hazards and restricted views of the night sky); and
- d) glare (over-bright and poorly directed lights that dazzle or discomfort those who need to see, by concealing rather than revealing).

The lights proposed will see less sensitive lighting removed from this area, and whilst additional lights will be the result, 5 are located to the rear of the lodges, they will light downwards only. I consider the lighting proposed, subject to a curfew, will not give rise to harm. I consider the lighting scheme to be well-designed in terms of the wider tranquility of the landscape as an Area of Outstanding Natural Beauty and would accord with Policy OE4.

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.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 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	

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 Location and Block Plan
- Plan 2 Layout and Horizontal Luminance Plan, dated 13 October 2023
- Plan 3 Light Specification, Ligman LEEDS 2 (LEE-30001)
- Lighting Strategy, DFL-UK, P02 Dated 13/10/2023
- Design and Access Statement, Jackson Planning Ltd, date stamped 17 October 2023

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.

C4 The external lighting, hereby approved, shall only be installed following the removal of lights numbered 34, 35, 36, 37, 38, 39, 40, 41 and 42 in Plan 1, shown on Appendix 2 of the DFL Lighting Strategy Report and set out in the accompanying schedule. The replacement lighting shall be installed in accordance with the specifications and at the locations set out in the plans and documents listed in condition C2, and these shall be maintained thereafter in accordance with the design agreed under this condition. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. All new lighting shall be switched off between midnight and 7am only, with Passive Infrared (PIR) sensors used for safety purposes after midnight or before 7am.

Reason: In the interests of the character and appearance of the landscape and local amenity, and in the interests of the tranquility and dark sky experience of the Islands in accordance with Policy OE4 of the Isles of Scilly Islands Local Plan 2015-2030.

Print Name: Lisa Walton 12/12/2023
Job Title: Chief Planning Officer
Signed: 

Authorised Officer with Delegated Authority to determine Planning Applications
