

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/010/FUL

UPRN: 000192001515

Received on: 1 February 2023

Valid on: 9 February 2023

Application Expiry date: 6 April 2023

Neighbour expiry date: 2 March 2023

Consultation expiry date: 3 March 2023

Site notice posted: 9 February 2023

Site notice expiry: 2 March 2023

Applicant: Mr Richard Hand

Site Address: R Hand Haulage
7 Porthmellon Industrial Estate
Porth Mellon
St Mary's
Isles Of Scilly
TR21 0JY

Proposal: Extension of office to include a reception area for clients and customers.

Application Type: Planning Permission

Recommendation: Approve

Summary Conditions

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. No external lighting without approval

Extension of time agreed until: 14th April 2023

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: Dan Marcus

Date: 24.03.2023

Site Description and Proposed Development

This site is a unit based on Porthmellon Industrial Estate used for the storage and distribution of freight and their associated vehicles. Full re-constructed in 2011, the unit is tightly placed between two neighbouring units. The vertically timber clad, steel framed building measures 10m x 10m with an area 4m x 3m extending out to the north west adjacent to the forecourt containing an office/part of a staff rest room. The building is 6.5m high with a pitched roof covered with a fibre cement corrugated sheet roof (with four translucent skylights on each pitch).

There are two galvanised steel roller shutter doors on the main north west elevation with black gutters and down pipes and grey painted timber framed windows and doors. The building includes an office, staff room, toilet, workshop area, storage area and two bays for vehicles.

This proposal is for the extension of the office area out a further 2.5m in a north westerly direction towards the road. The proposed finishes are the same as existing including additional windows and a door providing pedestrian access that would be protected from the road by railings. The roof is a continuation of the existing mono-pitched roof. The reasons for extending the office is to provide safer pedestrian customer access avoiding the working forecourt and also to enable the existing staff rest room to be separated from the public facing area.

Certificate: B

Other Land Owners: Council of the Isles of Scilly

Consultations and Publicity

The application has had a site notice on display for 21 days (09.02.2023–02.03.2023). The application appeared on the weekly list on 13th February 2023. Due to the nature of the proposal the following external consultations were required:

Consultee	Date Responded	Summary
Environment Agency	21.03.2023	Minor development in flood zone 2/3 therefore National Flood Risk Standing Advice applies.
Lead Local Flood Authority	-	-

Representations from Residents:

Neighbouring properties written to directly:

- Five Island Trading, 6 PMIE
- Island Carriers, 8-10 PMIE

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

No planning history relevant under the adopted 2015-2030 Local Plan. Under the previous Local Plan (2005):

- **P/11/028/FUL**: Construction of building to store and maintain haulage vehicles to include office and staff room facilities. APPROVED 19.05.2011

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Flood Prone Land – St Mary's
- SSSI – Lower Moors – 135m
- Archaeological Constraint Area
 - Donderry – 110m
 - Porthmellon – 110m
 - Lower Moors – 150m
- Environment Agency – Flood Zone 2-3

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 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?	Y
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?	N/A
Within an Archaeological Constraint Area	N/A
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
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?	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?	Y
Are there external lights	n

Protected Species	YES OR NO
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Does the proposal include any re-roofing works or other alteration to the roof	Y
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	Y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	Y
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

Waste Management	YES OR NO
Does the proposal generate construction waste	Y
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	Y
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 a any site specific sustainable design measures	N
Is a condition required to secure a Sustainable Design Measures	N

Analysis: The site is partially within Flood Zone 2/3 triggering the need for a Flood Risk Assessment. A simple FRA has been provided by the applicant, but this is not a detailed technical assessment carried out by a specialist and does not consider flood risk over its lifetime or how flooding would impact the site in the event of tidal surge situation. The use is not, however, vulnerable in nature but is a small extension to an existing storage and distribution building. The use therefore falls within the 'less vulnerable' classification. The extension is a single-storey lean-to that projects out a further 2.5m towards the road, to provide an improved customer entrance to the courier business. In accordance with the exception test as set out in the NPPF, as the existing unit is already located in this area, a small extension to it cannot be located elsewhere. Given the nature of the use, the development is likely to be safe over its lifetime and would not increase flood risk elsewhere. There are no consultation responses that identifies a critical flood risk at the site or elsewhere, as a result of the proposal, I do not consider the small extension warrants a more detailed FRA to address the issue in this case.

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 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	
Policy OE4 Protecting Scilly's Dark Night Skies	✓
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)	Condition Required
Site Waste Management Plan	Y	n
Sustainable Design Measures	Y	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).

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

- **Plan 1 Location Plan ref TQRQM23038135509433**
- **Plan 2 Block Plan ref TQRQM230102349633**
- **Plan 3 01 Elevation and Block Plan rev A**
- **Plan 4 Preliminary Roost Assessment dated 16th January 2023**
- **Plan 5 Design and Access Statement (Site Waste Management and Installation of Bat Boxes)**

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 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) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

Print Name:	Lisa Walton	14/04/2023
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	