

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

**Application Number:** P/23/103/COU

**UPRN:** 000192000495

**Received on:** 6 December 2023

**Valid on:** 15 December 2023

**Application Expiry date:** 9 February 2024

**Neighbour expiry date:** 5 January 2024

**Consultation expiry date:** 19 January 2024

**Site notice posted:** 19 December 2023

**Site notice expiry:** 9 January 2024

**Applicant:** Mr And Mrs Browne

**Site Address:** Signal Rock  
Higher Town  
St Martin's  
Isles Of Scilly  
TR25 0QL

**Proposal:** Conversion of an existing residential store barn into seasonal staff accommodation studio apartment and the creation of an opening in the adjacent boundary wall to provide access and new PV solar panels to existing flat roof of main house

**Application Type:** Change of Use

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**Recommendation: Permit**

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Seasonal staff use
4. No external illumination
5. Hours of noisy construction operation

## 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: 02/02/2024

## Site Description and Proposed Development

The application site is Signal Rock, Higher Town on the island of St Martins. The dwelling is a single storey with a pitched roof a single-storey flat roof extension to the rear. To the east, the dwelling joins Studio Cottage.

Several heritage assets are sited in the immediate vicinity including Rock Cottage / Rock House a Grade II listed building which has been converted into two dwellings and the Grade II listed Methodist church. The site also falls within the Isles of Scilly Conservation Area.

To the immediate west of the dwelling is an existing residential single storey barn of stone construction with a pitched clay tile roof, one window and one door. The barn has an internal area of approximately 21.5 sqm, and is currently accessed from the north via the residential garden of Signal Rock. The barn shares a party wall with staff accommodation which is not under the ownership of the applicant.

The proposal seeks:

- Change of use of an existing residential barn into seasonal staff accommodation to provide accommodation for one member of staff for St Martin's Watersports.
- Associated work to the existing residential barn including relocation of existing door and installation of 2 rooflights.
- Creation of an opening within the existing boundary wall to be fitted with a timber gate to provide access to the proposed staff accommodation.
- Installation of PV solar panels on the flat roof of the main house.

Certificate: B

Other Land Owners: Duchy of Cornwall

### Consultations and Publicity

The application has had a site notice on display for 21 days (19/12/2023–09/01/2024). The application appeared on the weekly list on [18<sup>th</sup> December 2023](#). Due to the nature of the proposal **one external** consultations has been required.

Consultee	Date Responded	Summary
Cornwall Fire and Rescue	12/01/2024	<p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B,</p> <p>Vehicle Access. Adequate water supplies for firefighting purposes will be achieved by complying with the requirements of Part B5 of Approved Document B.</p> <p>Should planning permission be granted, the fire authority would remind the applicant the Regulatory Reform (Fire Safety) Order 2005 applies, and the responsible person will be required to carry out a fire risk assessment to identify the risks and take reasonable measures to ensure people are safe from fire.</p>

### Representations from Residents:

Neighbouring properties written to directly:

- **Studio Cottage, Higher Town**
- **Rock House, Higher Town**
- **Poreath, Higher Town**

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

### Relevant Planning History:

**P/15/085/FUL** – Conditional approval of planning permission for demolition of existing rear extension and erection of replacement extension to rear, extension of roof over redundant rainwater storage tanks to create additional bedroom and en suite bathroom, and replacement of rear facing lounge window with French window: Approved 24.11.2015

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

### 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?	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

<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?	Y
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, 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	N
<b>Other Impacts</b> 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?	Y
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?	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
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	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	N
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

<b>Waste Management</b>	<b>YES OR NO</b>
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	Y
Does the proposal include a Site Waste Management Plan	Y
Is a condition required to secure a Site Waste Management Plan	Y

<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	Y
Does the proposal include a any site specific sustainable design measures	Y
Is a condition required to secure a Sustainable Design Measures	N

## **Analysis:**

### **Principle of Development**

Policy LC4 supports the development of additional staff accommodation to meet seasonal demands of established or viable businesses where a functional need can be demonstrated and there is no loss of amenity to neighbouring dwellings.

The submitted design and access statement demonstrates the proposal would provide accommodation for an additional full time member of staff for St Martin's Watersports. The business has previously shared staff with Adams Fish and Chips who provide their own staff accommodation, however, as the business has grown additional staffing is now required. This is considered to sufficiently demonstrate the functional need for an additional unit of staff accommodation.

The proposal makes use of an existing residential barn which is currently used for storage, is well located a short walk from the business, and would require minimal alterations in order to be converted into seasonal accommodation. The only alterations visible from the street scene would be the proposed gate within the boundary wall. This gate is proposed as a close boarded framed ledged and braced timber gate which is not considered to detract from the street scene.

### **Impacts on Neighbouring Amenity**

In addition, to the principal and design of the development, LC4(2)b) requires proposals to ensure there is no loss of amenity to neighbouring dwellings through staff working unsociable hours. The barn shares a party wall with existing staff accommodation as the most immediate neighbour. The gated access is appropriately sited so as to minimise potential disturbance to additional neighbouring dwellings and avoids the need for the occupant to enter the main garden of Signal Rock. In addition, the occupant would be employed by St Martin's Watersports who can be expected to operate primarily during daylight hours.

In summary, the need for additional accommodation for St Martin's Watersports has been demonstrated and the conversion of the barn to seasonal staff accommodation is considered appropriate. It is considered necessary to secure this occupancy via a suitably worded planning condition.

### **Landscape, Visual and Historic Environment Impacts**

Policy OE7 requires that great weight is given to the conservation of the islands irreplaceable heritage assets and policy OE1 seeks to protect the landscape and seascapes.

The proposal is within the setting of the Grade II Rock Cottage / Rock House and Methodist church. As previously stated, the only aspect of the proposed staff accommodation visible from the public realm would be the proposed gate which would open onto the lane running to the east of Rock Cottage / Rock House and Methodist Church. This single pedestrian wooden gate is considered to preserve setting of the listed building builds and presents no landscape concerns. Therefore, this aspect of the proposal accords with Policies OE1 (Landscape and Seascape) and OE7 (Heritage assets).

The application also seeks permission for the installation of solar panels on the flat roof of the main dwelling. The proposed panels would be mounted between the pitched roofs of Signal Rock and Studio Cottage. No windows overlook this roof and the panels would not be readily visible from the street and would not impact heritage assets. In addition, the proposed panels would be angled towards the pitched roof of Signal Rock minimising the risk of glare. Therefore this aspect of the proposal is also considered to accord with OE1 (Landscape and Seascape) and OE7 (Heritage assets).

**Dark Skies**

Policy OE4 seeks to protect and maintain the Isle of Scilly's dark skies by limiting external lighting to only where it can be demonstrated that the lights are essential for safety, security or community reasons. The proposal introduces 2 additional rooflights and a glazed door, however, no external lighting is proposed. The glazing would increase the potential for light pollution, however, is considered acceptable to ensure adequate natural light for the occupant. Whilst no external lighting is proposed, it is considered appropriate to secure future external lighting via a suitably worded planning condition. With this condition in place the proposed accords with 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.

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	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		
Sustainable Design Measures	✓		
Biodiversity Enhancement Measures:	✓		

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, Drawing Number 236 - 001, Dated 29.09.23**
- **Plan 2 Proposed Site Plan, Drawing Number 023 -102, Dated 29.09.23**
- **Plan 3 Proposed Sections, Drawing Number 236 - 005, Dated 29.09.23**
- **Plan 4 Proposed Elevation, Drawing Number 236 - 106 Dated 29.09.23**
- **Plan 5 Proposed Ground Floor Plan, Drawing Number 236 -103, Dated 29.09.**
- **Plan 6 Proposed Roof Plan, Drawing Number 236 - 104, Dated 29.09.23**
- **Plan 7 Design and Access Statement, Document Number 236/4.01\_DAS, Dated 26.09.23**
- **Plan 8 Sustainable Design Measures Statement, Document Number 236-4.01: SDMS-01, Dated 24.01.24**
- **Plan 9 Site Waste Management Plan, Document Number- 236-**

**4.01:SWMP-01, Dated 24.01.24**

- **Plan 10 Bat Presence and Absence Survey, IOS Ecology, Ref: 23-5-5 dated 23rd July 2023 (Precautionary Method of Works and enhancement measures)**

**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 The development hereby permitted shall not be used otherwise than for the provision of seasonal staff accommodation (1st March to 31st October) in connection with St Martin's Watersports business and for no other purpose, including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt the unit shall not be occupied as permanent accommodation. 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 seasonal accommodation only, in accordance with Policy LC4 and Policy WC5 of the Isles of Scilly Local Plan 2015-2030

- 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 St Martins Cricket Pitch/Pool Green Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

- C5 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.

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**Print Name:** Lisa Walton

02/02/2024

**Job Title:** Chief Planning Officer

**Signed:** 

Authorised Officer with Delegated Authority to determine Planning Applications

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