

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/24/094/COU

UPRN: 000192001834

Received on: 11 November 2024

Valid on: 16 December 2024

Application Expiry date: 10 February 2025

Site notice posted: 17 December 2024

Site notice expiry: 10 January 2025

Case Officer: SWhitehouse

Applicant: Mr George Farrington

Site Address: Chandlery,
The Thorofare,
Hugh Town,
St Mary's,
Isles Of Scilly,
TR21 0LN

Proposal: Change of use of the ground floor of the building from Use Class E (shop/office/light industrial) to a mixed sui generis use (Use Classes B8 and E(g))

Application Type: Change of Use

Recommendation: Permit subject to conditions

Summary Conditions

1. Approved Plans
2. Usage
3. Outdoor Storage
4. Hours of Operation
5. Flood Resilience Measures

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: 04/02/2025

Site Description and Proposed Development

The application site is The Chandlery, a pitch roofed building located centrally within Hugh Town on the Island of St Mary's. The building is set over 2 floors with double entrance doors and a small area of hard standing to the west elevation.

A number of residential dwellings are sited within the immediate vicinity.

The first floor of the building is accessible from the north elevation and was granted permission for conversion to a residential flat in 2023 (P23/001/COU).

The ground floor of the building is stated to have been previously used for “varied marine engine services and retail/trade sales of related materials” within use Class E. Commercial, Business and Service, however, is understood to have been used for storage since approximately 2021.

The proposal seeks to retrospectively change the ground floor use of the building to a mixed sui generis use comprising:

Use Class B8:

Use for storage or as a distribution centre.

Use Class E(g):

- (i) an office to carry out any operational or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (17/12/20025 – 10/01/2025). The application appeared on the weekly list on 06/01/2025. Due to the nature of the proposal the following external consultation is required.

Consultee	Date Responded	Summary
Lead Local Flood Authority	20.12.2024	<p>The planning application relates to a change of use from Class Use E (shop/office/light industrial) to Class Use B2 (general industrial) and B8 (storage and distribution).</p> <p>A previous application to convert the 1st floor of the building into residential accommodation has been granted under planning application (P23/001/COU).</p> <p>The Flood Risk Assessment from this application has been used to support this application. This report does assess the likelihood of flooding from all sources in sufficient detail and confirms that the main source of flooding is likely to be tidal.</p> <p>The Flood Risk Assessment is detailed in that it confirms that the FFL of the unit is 3.81mAOD and the modelled 1 in 200 year return period with no climate change has confirmed the ground floor would flood to 0.03m – confirming the ground floor is located in Flood Zone 3 – High Risk. With climate change the likely flood level will be 5.29mAOD for the 1 in 200 year event (Flood Zone 3) and 5.41mAOD (Flood Zone 2). This means that the likely flood depths on the ground floor will be 1.48m and 1.6m deep. Some allowance for storm surge caused by low pressure or wave action has been provided, which have been taken from the Environment Agency IOS Coastal Model 2019), where the estimated flood depth for the 1 in 200 year event would increase to 1.79m.</p> <p>The application refers to a change of use from Class E to Class B2 and B8. The former and proposed use would be described as “Less Vulnerable”. Therefore, there is no increase in the vulnerability. The submitted Flood Risk Assessment meets the requirements of the site-specific Flood Risk Assessment.</p> <p>The Sequential Test and Exception Test do not need to be applied for Change of Use applications. Property Flood Resilience Measures have been proposed in the Flood Risk Assessment. Namely :</p> <ol style="list-style-type: none">1) FFL’s will remain the same as existing2) Any new alteration works below 5.89mAOD (1 in 200 year event, plus climate change plus 600mm freeboard) would be carried out using flood resilient materials where possible.3) All wooden pedestrian access doorways, 1st floor patio

		<p>doors will be UPVC / composite flood doors and new double glazed windows throughout the ground floor.</p> <p>4) All electrical circuitry to be above the 5.89mAOD, where practical.</p> <p>5) A Detailed Flood Emergency Plan is to be completed. It is recommended to ensure that the above are implemented and secured by way of conditions on this planning application.</p>
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Representations from Residents:

None

Relevant Planning History:

App. No.	Description	Date
P5015	Conditional approval of planning permission for Old Workshop, Thorofare, St Mary's: Change of use to shop for Marine Engines etc with work area and roofspace storage. (South'ard Engineering Chandlery)	10.07.2001
P/07/044	Conditional approval of planning permission for Stationing of mobile van for sale of wet fish	07.06.2007
P/20/077	Permission granted for the creation of doorway from the exterior into a small storeroom, currently accessed only from inside the building	26.11.2020
P/23/001/COU	<p>Conditional approval of planning permission for the change of use of first floor to create one bedroom flat including alterations to fenestration and replacement of existing timber windows and doors with UPVC/composite units (AMENDED PLANS)</p> <p>S106 Planning obligation restricting occupancy to those with a specific local need.</p>	02.08.2023

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Landscape Type: Settlements.

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	Y

existing dwelling, street and area?	
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	N/A
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?	N/A

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?	N/A
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
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	N
Is a condition required to provide biodiversity enhancement measures	N

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

Analysis:

Principle of Development: Scilly Local Plan policy WC1 supports proposals that strengthen, enhance and diversify the islands' economy where they are appropriately designed, scaled and located.

SS3 supports the re-use of redundant buildings for commercial use where the building would not require substantial rebuilding and/or alteration, the proposal would not result in

the requirement for another replacement building elsewhere and the use would be restricted to the building.

The proposal seeks to change the use of the ground floor of the building from marine engine services and retail/trade sales to a mix of light industrial, storage and distribution (E8/E(g)) uses. This change of use is sought retrospectively.

The proposal would not result in the demand for an additional building to fulfil the prior function.

The proposal seeks only a change of use and no works to the building are proposed.

The change of use is therefore acceptable in principle under WC1 and SS3. The wider acceptability of the proposal is subject to there being no unacceptable adverse impacts in terms of design or amenity, and the proposals accordance with other relevant policies in the Local Plan.

Design, Placemaking and the Conservation Area: Isle of Scilly Policy SS2 requires proposals to demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. Proposals should demonstrate an appropriate scale, density, layout, height, mass and use of materials. SS3 requires proposals that re-use of redundant buildings to not harm their immediate setting and protect the amenity of neighboring dwellings and land uses. In addition, policy OE7 outlines that the proposal within the island's conservation area should preserve or enhance the character or appearance of the area and its setting.

The proposal seeks to change the ground floor of the building to a mixed sui generis use (Use Classes B8 and E(g)). The proposal does not seek any external works and will therefore conserve the character of the conservation area.

Uses within class E(g), including industrial processes, are restricted to those which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As such, this use is not considered to result in any harmful impact on residential amenities, providing that hours of operation can be secured by a suitably worded planning condition.

The proposal also includes the use of the building for storage and distribution (B8). Given the limited size of the building, this is not considered to result in significant traffic movements or impacts upon neighbouring amenities.

The building has a small courtyard leading from the double doors on the western elevation. This space is suitable to allow the movement of vehicles, however, given the building's siting within the Conservation area and the proximity of residential dwellings, this space would not be appropriate for outdoor industrial processes or any outdoor storage. This can be secured via a suitably worded planning condition.

In summary, the proposal is considered to conserve the setting of the area and the conservation area and would not result in impacts to neighboring amenities in accordance with SS2, SS3 and OE7.

Flooding: The application site is located within Flood Zone 3 and has therefore been reviewed by the Lead Local Flood Authority (LLFA).

The proposal is accompanied by a Flood Risk Assessment which sets out a series of Property Flood Resilience Measures. The LLFA have raised no objection where the proposal is carried out in accordance with these measures. This includes the completion of a Detailed Flood Emergency Plan. This can be secured via a suitably worded planning condition.

It is noted by the LLFA that the change of use would be to a “less vulnerable use” and the Sequential Test and Exception Test do not need to be applied for Change of Use applications.

Waste Management: The proposed development would not result in any waste from construction or demolition. In addition, the proposed change of use is not considered to result in a material increase in waste. The proposal therefore accords with SS2.

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	
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	

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 carried out in accordance with the approved details only including:

- **Plan 1 Site Plan, received 11.12.2024**
- **Plan 2 Chandlery East & West Elevations, received 16.12.2024**
- **Plan 3 Chandlery North Elevations, received 16.12.2024**
- **Plan 4 Proposed Ground Floor Plan, received 10.02.2025**
- **Plan 5 Flood Risk Assessment received, 16.12.2024.**

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).

C2 The ground floor of the building as outlined with a solid red line on plan “C2c - Chandlery Ground Floor – Proposed” received on 10/02/2025 shall not be used otherwise than for uses within use class B8 and/or use class E part (g). These uses pertain to:

Use Classes B8:

- **Use for storage or as a distribution centre.**

Use Class E(g):

- **an office to carry out any operational or administrative functions,**
- **the research and development of products or processes, or**
- **any industrial process, limited to that being a use, which can be carried out in any residential area without detriment to the amenity**

of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Reason: In the interests of protecting the residential amenities of the islands.

- C3 The area of hard standing as outlined with a dotted red line on plan “C2c - Chandlery Ground Floor – Proposed” received on 10/02/2025 shall not be used for any outside storage and / or industrial process.**

Reason: In the interests of protecting the residential amenities of the islands.

- C4 No vehicles, plant or machinery shall be operated and no process carried out and no deliveries taken or dispatched from the site outside the following times:-**

- a) 08:00 – 17:00; Mondays to Saturdays,**
- b) 08:00 – 13:00; Sundays, Bank or Public Holidays.**

Reason: In the interests of protecting the residential amenities of the islands.

- C5 The proposal hereby approved shall be carried out in strict accordance with the Property Flood Resilience Measures set out within the Flood Risk Assessment received 16.12.24.**

Reason: To prevent any increased risk of flooding.

- C6 Within a period of 3 months from the date of this permission a detailed Flood Emergency Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the approved plan.**

Reason: To prevent any increased risk of flooding.

Print Name: Lisa Walton

13/02/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
