

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/18/073/FUL
Received on: 21 September 2018
Application Expiry date: 20 November 2018
Neighbour expiry date: 16 October 2018
Consultation expiry date: 16 October 2018
Site notice posted: 25 September 2018
Site notice expiry: 16 October 2018

Applicant: Mr Ian Sibley
Site Address: Sibleys Fuel and Marine Storage
28 – 29 Porthmellon Industrial Estate
Porthmellon
St Mary's
Isles of Scilly
TR21 0JY

Proposal: Change of use and alterations to redundant storage space to provide two self-contained, one-bedroom staff units. (Re-submission of withdrawn application P/17/081).

Application Type: Planning Permission

Recommendation

That the Application is REFUSED for the following reasons:

1. The proposal will result in unacceptable adverse impacts on the residential occupants of the proposed dwellings by virtue of their proximity to Industrial Uses, which can cause noise, dust, vibration, smell, fumes, smoke soot, ash or grit. In addition the size of the proposed dwellings do not comply with the National Space Standards and therefore provide poor living conditions to the future occupants contrary to paragraphs 124 and 180 of the National Planning Policy Framework 2018.
 2. The proposal will result in a conflict of land uses which are not compatible to be adjacent to one another and would cause unacceptable impacts on the amenity of both land users contrary to the Isles of Scilly Adopted Local Plan (2005), the Isles of Scilly Draft Local Plan (2015 to 2030) and paragraph 127 of the National Planning Policy Framework 2018.
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Contributors:

Public Representations:

N T Wolstenholme (10 October 2018)

C Freeman (2 October 2018)

Consultation Representations:

Environmental Health Officer (28 September 2018)

Environment Agency (18 October 2018)

Waste and Recycling Officer: NONE

Infrastructure Maintenance Officer: NONE

Water Officer: NONE

Constraints:

Scheduled Monuments: NONE

Listed Buildings: NONE

Archaeological Constraint Areas: NONE

Site Description and Proposed Development

The application site is located adjacent to the north-eastern site boundary of Porthmellon Industrial Estate. The detached building has rendered elevations and a shallow, dual pitched, corrugated roof. Access to the site is via the main road entering the Industrial Estate from Telegraph Road. The building has a tight site boundary which extends approximately 2.1 metres from the north eastern elevation of the building; 1.2 metres from the south-eastern elevation; 0.8 metres from the south-western elevation of the Ironing room and office; and 0.9 metres from the north-western elevation. Three parking spaces are currently provided along the south-western elevation of the building.

The building has a footprint of approximately 180 square metres with an eaves height of approximately 2.3 metres and a ridge height of approximately 6 metres. Internally, it is understood that the building has been subdivided and occupied as five units as outlined below:

- Bays 1 and 5: Occupied by Sibley's Fuel Marine and used for the garaging of vehicles and general storage;
- Bays 2 and 3: Occupied by Her Majesty's Coastguard and used as an Emergency Response Centre;
- Bay 4: currently vacant
- Office/Store/Ironing Room: Occupied by Sibley's Island Homes and used for predominantly as a commercial laundry.

Along the north eastern site boundary is mature vegetation, which separates the industrial estate from the adjacent agricultural land. Further industrial units are sited to the southeast, north-west and south west of the building.

Within the Industrial Estate, there are a mix of uses including B1, B2 and B8 Uses as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). B1 uses include offices (other than those that fall within use class A2), research and development of products and processes and light industry appropriate in a residential area. B2 uses include general industrial process other than one falling within class B1 (excluding incineration purpose, chemical treatment or landfill or hazardous waste). B8 uses cover storage and distribution including open-air storage.

Description of Proposal

This application proposes the change of use and alteration of Bay 5 of the Industrial Unit to two units of residential, staff accommodation. This re-submission application maintains the same number of units of accommodation, however, proposes various alterations to the previously withdrawn scheme of P/17/081/FUL, in respect of the scale of units of accommodation and the proposed internal and external alterations to the building.

Full details submitted with this application can be viewed online here: <http://www.scilly.gov.uk/planning-application/planning-application-p18073>

The proposed units of accommodation would both comprise an open plan living/dining room/ kitchen and one en-suite bedroom. The accommodation of Flat One is proposed across two floors providing approximately 43 square metres of internal floorspace. The accommodation of Flat Two is proposed at ground floor level only and would provide approximately 28 square metres of internal floorspace.

Externally, on the south-eastern elevation, changes are proposed to the existing fenestration number and positioning to include the removal of three single paned units, and the addition at ground floor level of two double casement units, one single paned unit and three partly glazed, pedestrian doors. At first floor level, two single paned units of fenestration are proposed within the gable end wall. A rainwater-harvesting tank is proposed to be installed adjacent to the eastern elevation and a solar thermal roof panel is proposed to be installed on the western roofslope measuring approximately 2.4 square metres. A pedestrian gate is proposed to be installed between the southern elevation of the building and the southern site boundary and a 1.82 metre high privacy fence is proposed to be erected along the southern site boundary.

The Design and Access Statement which accompanies the application notes “Sibley’s provide a range of services on the islands, including: general fuel merchants; marketing and sales of residential and commercial property; management of self-catering properties; cleaning and property maintenance and the provision of laundry and ironing services [...]. These businesses are labour intensive and rely heavily on good, reliable staff to enable us to provide the high-quality service our visitors, and indeed local customers, deserve. We endeavour to employ local staff wherever possible, who are already adequately housed. However, as our range of services increases, we have been unable to satisfy our staff requirements through the local market, and have had to employ staff from further afield. These staff require housing, and to recruit and retain quality, reliable personnel, we need to offer them secure, adequate accommodation. [...] our proposal for the creation of two units of staff accommodation will: increase the supply of modern, purpose-built staff accommodation on Scilly; erode the need for substandard accommodation; support the local economy by supporting local business; allow us to recruit and retain quality staff; support the businesses operating from the remainder of Plot 4 Porthmellon and avoid the need for “green field” development to provide much needed staff units.”

Background and Relevant History

Planning application **P3274** was granted in November 1991 for ‘the erection of a Joinery Workshop’. Although there was no specific use class conditioned under this permission, it is understood that the use would have fallen within use class B2. The industrial unit in more recent years is understood to have been used for storage and distribution with an element of B2 remaining. In 2016, the Industrial

Unit was subdivided into five units without the requirement for planning permission and now comprises a mix of B1, B2 and B8 units within one building.

The most recent planning history relates to application **P/17/081/FUL**. This application proposed the change of use and alterations of a redundant storage space within Unit 4, Porthmellon Industrial Estate, to provide two self-contained staff flats. This application was withdrawn on 21 February 2018.

Consultations and Representations

The Environmental Health Officer (EHO) has considered the application and states that the details of the resubmission has not significantly changed his comments on the original application, which were as follows:

"I visited the site today with the applicant and I am satisfied about the potential suitability for residential units. The possibilities for nuisance are limited currently and future changes of use to neighbouring premises could be abated by an incoming commercial venture taking appropriate measures. I would like the following to be considered:

1. The units should be expected to meet the standards for thermal comfort as Part L Building Regs. (A minimum standard for all rental properties by April 2018 is band E or above and these will not be exempt).
2. The fire resistance between the commercial and residential areas should be confirmed in writing with the manufacturer's evidence of what materials have been used. This will allow appropriate fire detection to be determined. If there is 30 minute fire separation then interlinked automatic detection system should be considered.
3. A suggested clause in permission only allowing "workers accommodation" for those associated with the Sibleys business could be considered appropriate due to the unusual nature of the location.

In addition to these comments, the EHO states:

"It is possible in law to "move nuisance" so it is essential that adequate noise attenuating properties are considered in the materials used during construction to prevent the occupiers suffering from potential noise nuisance from adjacent commercial activities. The D&A Statement highlights that this has been considered which is very reassuring. Failure to create adequate noise insulation could result in other local businesses potentially having to change business processes or working hours. The developer may want to commission a BS4142 noise assessment to fully determine the "likelihood of nuisance" before deciding on appropriate noise attenuation materials and measures pre-construction. My understanding is that night time noise from commercial practices is not expected to be an issue due to the operating hours of the industrial estate which Planning will be fully aware of. The Fire Rescue Service should be consulted on fire separation and detection between commercial and residential units. Environmental health remains fully supportive of viable solutions to create good quality and safe accommodation for staff."

The Environment Agency has no objection to the development providing that the mitigation measures recommended in the Flood Risk Assessment are duly considered and implemented. They note that they are satisfied that the information and conclusions presented in the report titled "Phase 1 Flood Risk Assessment" (Ambiental 2018) provides evidence that flooding risk from the sea has now been considered and that an appropriate level of awareness has been demonstrated. They recommend that

prior to any use/occupation of the finished buildings, the applicant should provide the Flood Evacuation Plan to the Planning Authority for review and approval.

A site notice has been on display in the vicinity of this property for a period of 21 days. Two letters of public representation have been received in support of the application, from local business owners, who note that the proposal appears to be in support of the policies within the Island's Partnership's Destination Management Plan and Draft Local Plan regarding the problem of recruiting and retaining quality staff and the quality of the accommodation being offered. In addition to this, the respondents note that the accommodation seems sensible as it utilises an area, which has no direct road access and is of limited commercial value.

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

The Conservation of Habitats and Species Regulations 2010

(Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2018

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that Local Planning Authorities should have an up-to-date plan in place. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council

commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at a draft stage, which has gone through one further Regulation 18 Public Consultation and is supported by a raft of evidence on these issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

Policy 3 relates to housing and requires new housing to meet the housing needs of the islands to promote sustainable communities with no general open market housing being permitted. Development proposals, which result in an inappropriate mix of dwelling sizes, will not be permitted. To ensure that suitable housing is available to meet the long term needs of the community, residential development will only be permitted where: it is required to meet an identified and recognised local need or to accommodate a key worker whose needs cannot be met by the existing housing stock; or for the provision of staff accommodation for businesses on or near the premises where possible and where it can be demonstrated that there is no other accommodation available and it is not possible to recruit staff already housed on the islands.

Proposal B of the Adopted Local Plan relates to an allocated development site for employment uses, which is accessed via and adjoins Porthmellon Industrial Estate. The area is allocated for employment uses of Classes B1, B2 and B8. The preamble notes that this allocation is an important component in providing a framework where established businesses can thrive and new initiatives are actively encouraged.

Isles of Scilly Design Guide (2007)

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required. Page 58 of the Design Guide states that the layout of a new building, or extensions to an existing building, on a plot must take account of the need to respect the privacy of adjacent households. This is particularly important on the Isles of Scilly as in many settlements the house plots are quite small, with the house taking up a relatively large proportion of the site. This section of the Design Guide also goes on to state that privacy has a visual dimension (i.e. freedom from overlooking of private rooms and sitting-out space) and an aural dimension (i.e. freedom from the nuisance of excessive neighbour noise). Privacy can be achieved by; (a) distance (usually the imposition of a standard spacing of 21 metres between opposite living room windows) and (b) by design (the layout of one building in relation to another, the careful definition of the public and private side of a house and the size and disposition of windows on an elevation).

Consultation Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). This emerging document also contains policies for the following policies relevant to this proposal:

Policy SS1 (Principles of Sustainable Development): requires development to meet the economic and social needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment. Development will be required to make a positive contribution towards the social, economic and environmental sustainability of the Isles of Scilly, while minimising its environmental footprint and taking into consideration climate change.

Policy SS2 (Sustainable Quality Design and Place-Making): requires new development design to contribute to the creation of high quality, distinctive, functional and sustainable places. Development will not be permitted if it is considered to be of poor or unsustainable design. Development proposals that involve the construction or conversion of buildings will need to be supported by a Statement of Sustainable Design Measures (SDM) as well as a Site Waste Management Plan (SWMP).

Policy SS3 (Re-use of Buildings): allows for the re-use of non-residential buildings as new homes subject to the careful balance of the importance of retaining buildings which are capable of helping the islands' economy. Conversion to residential use will only be allowed if it is specifically required to meet a permanent or local housing need for staff accommodation and has been demonstrated that commercial uses are not viable.

Policy SS7 (Flood Avoidance): Development proposals situated within an area at risk of flooding or coastal erosion area must be supported by a Flood Risk Assessment demonstrating how the flood risk will be managed.

Policy LC1 (Isles of Scilly Housing Strategy to 2030): requires new development to contribute towards the creation of a sustainable, balanced and inclusive island community by making a positive contribution to addressing the local housing needs of present and future generations through the provision including staff accommodation to support the continuity and viability of businesses and organisations.

Policy LC4 (Staff Accommodation): recognises that additional staff accommodation may be required for businesses and organisations in order to help to retain a balanced workforce and development proposals must demonstrate that there is a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation in the area.

Policy WC4 (Alternative Uses for Employment Land and Buildings): It is important that existing employment sites are safeguarded as an important resource for the islands. Policy WC4 seeks to ensure that existing employment sites and buildings remain available for perspective purchasers. This policy seeks to safeguard other parts of the islands' from industrial and commercial development together with minimising the need to develop new sites. Protecting existing employment sites from alternative uses ensures that impact upon residential amenity as well as landscape character and environmental quality is minimised.

Porthmellon Industrial Estate is also included under Proposals Map 'D' as proposed employment land protection. Clearly, the consultation draft Local Plan has not yet been adopted. At the time of writing this report, these policies can only be given limited weight.

Planning Assessment

The main planning issues are considered to be whether the impact of the proposed development is acceptable in relation to the principle of development, the living conditions of the occupants, the impact on the surrounding land uses, the impact on flood risk, and the impact on the natural and historic environment, the Conservation Area and the wider area.

Principle of Development

The proposal involves the conversion of part of an Industrial building into two units of staff accommodation providing one bedroom per unit. Proposals for staff accommodation would need to accord with Policy H3 of the Adopted Local Plan and Policy LC4 of the Draft Local Plan.

Policy H3 of the Adopted Local Plan states under criterion 2(b) "that residential development will only be permitted where it is required to meet the provision of staff accommodation for businesses on or near the premises where possible and where it can be demonstrated that there is no other accommodation available and it is not possible to recruit staff already housed on the islands." Draft Policy LC4 requires proposals to demonstrate a functional and operational need for the proposed accommodation that cannot be met by existing suitable accommodation in the area. The details included in the Design and Access Statement, which supports the application, confirm that the associated business's – Sibleys- are labour intensive and staffing requirements utilise local people where possible however, the increasing range of services of the business means that staffing requirements are fulfilled through employing staff from further afield who also require accommodation. The proposal for the creation of two staff units of accommodation in connection with the Sibley businesses is considered to be acceptable in principle however there is concern regarding the other material planning considerations outlined below, including: the conflict of land uses, the amenity and living conditions of the residential occupants.

Living Conditions of Occupants

Paragraph 180 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution health, living conditions and the natural

environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Policy SS2 of the Draft Local Plan requires new development design to contribute to the creation of high quality, distinctive, functional and sustainable places. Development will not be permitted if it is considered to be of poor or unsustainable design. Criterion 2(e) of the draft policy requires new development to safeguard the amenity of existing occupiers and create a high quality environment for future occupiers.

The living standards of occupants and their amenity are therefore key considerations for an application for the creation of new staff units within a business premises.

Porthmellon Industrial Estate is located to the east of Hugh Town and provides a key area of commercial space for businesses on the Island. The application building is located to the north-eastern side of the Industrial Estate. The site has a mix of commercial uses, including A1, B1, B2 and B8. The established mix of commercial uses, is considered to be inappropriate if sited adjacent to residential accommodation, as they could give rise to harm and are considered detrimental to the amenity of the residential occupiers by reason of the potential for noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Wherever practical, noise sensitive development, such as residential development, should be separated from major sources of noise.

The Environmental Health Officer has considered the application and notes that they are satisfied about the potential suitability of the site for residential units subject to appropriate measures being undertaken by any incoming commercial ventures within the neighbouring commercial units to abate the possibilities for nuisances. The existing building has a tight site boundary and has other commercial units to the south-east, south-west and north-west. There is no outdoor amenity space associated with the proposed residential units shown on the submitted plans, however it is understood from the Design and Access Statement that a “closed boarded fence” is to be erected along the south-eastern boundary with a gated entrance from the front pavement to provide a separate access to the accommodation units within the building from the commercial units. The fence is understood to be located approximately 1.2 metres away from the south-eastern elevation of the building and within this access area, a bin enclosure is also proposed to be provided for the accommodation units. The proposal is therefore considered to provide inadequate residential amenity for the future inhabitants of the two staff units and would therefore be contrary to Policy SS2 of the Draft Local and Paragraph 180 of the NPPF.

Safeguarding Employment Sites and The Conflict of Land Uses

Draft Policy SS3 allows for the re-use of non-residential buildings as new homes subject to the careful balance of the importance of retaining buildings, which are capable of helping the island's economy. Conversion to residential use will only be allowed if it is specifically required to meet a permanent or local housing need for staff accommodation and has been demonstrated that commercial uses are not viable. The applicant makes the case that the existing space to be converted is of ‘very little commercial use, located at the rear of the property, with no vehicular access, limited head room to the rear and no external doorways.’ The applicant states that the area ‘has sat empty for a number of years and has contributed nothing at all to the economic well-being of the islands.’ It is noted that when the building was originally erected, it was used as one whole unit. More recently, the applicant segregated the building into the smaller units and it was this segregation that provided the current space, which the applicant considers could have better use as residential accommodation. Two letters of support from local

business owners have been received noting that the use of the unit would be better as staff accommodation.

Porthmellon Industrial Estate provides a strategic commercial area for the provision of encouraging and supporting economic growth on the Islands. The Industrial Estate, under the adopted Local Plan, also has a further strategic land development allocation under 'Proposal B' for the future expansion of the Estate for employment uses of Classes B1, B2 and B8. Under the draft Local Plan, the Industrial Estate continues to be recognised as protected employment land under Proposals Map 'D'. The Estate is therefore recognised as providing a place where established businesses can thrive and new initiatives can be encouraged. Draft Policy WC4 seeks to ensure that existing employment sites and building remain available for perspective purchasers, thereby safeguarding other parts of the Islands from industrial and commercial development together with minimising the need to develop new sites. Protecting existing employment sites from alternative uses ensure that impact upon residential amenity as well as landscape character and environmental quality is minimised.

As previously mentioned there are land uses, which conflict and are not suitable or compatible to be adjacent to one another. Use Class B1, under the Town and Country Planning (Use Classes) Order 1997 (as amended) includes light industry appropriate in a residential area. However, Porthmellon Industrial Estate also includes B2 and B8 uses which are adjacent to the proposed residential units. These commercial uses by their very nature are not considered to be compatible uses to have adjacent to residential properties due to the potential adverse impacts the commercial uses can have on the amenities of the residential occupants by way of noise, air and water pollution for example. In addition to this, The Environmental Health Officer has advised that the impact on incoming commercial ventures could be abated by taking appropriate measures. This indicates that the proximity of the new residential units would influence how the industrial units could be used. It therefore should be noted that in such scenarios, if the proposal is permitted, the occupants of any residential unit could serve some form of nuisance/ abatement notice on the industrial building operators to cease or amend their use. There is limited dedicated industrial space on the Islands and the way to protect such uses is to not allow incompatible uses within their midst. The proposal is therefore not considered to be a compatible land use within the Industrial Estate and therefore is contrary to Policy 3 of the adopted Local Plan and Draft Policy WC4.

Space Standards

The Government's Technical Housing Standards Paper outlines the nationally described space standard, which was introduced in March 2015. The standard deals with internal space within new dwellings and is suitable for application across all tenures, setting out the minimum Gross Internal floor Area of new dwellings. Flat One is proposed with an internal floorspace of approximately 43 square metres over two floors and Flat Two is proposed with an internal floorspace of approximately 28 square metres. The minimum gross internal floor area of a one bedroom, one storey building which is to be occupied by one person would be 39 square metres and the minimum gross internal floor area of a one bedroom, two storey building which is to be occupied by one person would be 58 square metres. The proposed units are therefore under the national set minimum space standard for new dwellings and therefore the proposal is considered be contrary to the Standard and would provide an inadequate level of space for the inhabitant to enjoy contrary to draft policy SS2.

Flood Risk

Draft Policy SS7 requires development proposals situated within an area at risk of flooding or coastal to

be supported by a Flood Risk Assessment demonstrating how the flood risk will be managed. The application site lies within the flood extent for the 1:200 year flood event, plus 100 years of sea level rise, to represent the envisaged coastal flood risk to the area and over-topping, which would exacerbate the risk. A Flood Risk Assessment has been submitted in support of the application and the Environment Agency have considered the details of this Report and have raised no objection to the development providing that the mitigation measures recommended in the Flood Risk Assessment are duly considered and implemented. The proposal is therefore considered to accord with draft policy SS7.

Design, Scale and Materials

External changes are proposed to the south-eastern elevation of the building only. Changes are proposed to the existing fenestration number and positioning to include the removal of three single paned units, and the addition at ground floor level of two double casement units, one single paned unit and three partly glazed, pedestrian doors. At first floor level, two single paned units of fenestration are proposed within the gable end wall. The proposed windows and doors will be UPVC, which is in keeping with the existing external materials of the building and the additions are considered to be in keeping with the existing design and character of this industrial building. A rainwater-harvesting tank is proposed to be installed adjacent to the eastern elevation and a solar thermal roof panel is proposed to be installed on the western roof slope measuring approximately 2.4 square metres. The proposed use of energy generation and re-use of rainwater are considered to be in accordance with Policy 2 of the adopted Local Plan and Policy SS1 of the Draft Local Plan.

Impact upon the Wider Landscape and the Natural and Historic Environment

The development proposed minimal changes to the external appearance of the building, and the reuse of an existing building is considered to have a minimal impact upon the wider landscape. The proposed alterations under this application are considered to cause minimal disturbance and visual impact on the wider designated areas surrounding the site and would have a mutual impact on the character and appearance of the Conservation Area.

There are no nearby listed buildings within the vicinity, which would be impacted by the proposal nor would the proposal directly affect the various Scheduled Monuments and undesignated heritage assets within the immediate area.

The proposal is adjacent to the existing built form and the layout and design are considered to be appropriate in its context reflecting the character of St Mary's. Consequently, the proposal is not considered to give rise to any harm to the scenic beauty of the landscape including the AONB.

Other Considerations

The Ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/ the Development Plan and Central Government Guidance.

Conclusion

In conclusion, it is considered that the principle of creating new residential units for staff accommodation would be acceptable but not in the location proposed. The proposed location of the residential staff units gives rise to conflicts of land uses, poor living conditions, space standards and poor amenity for the future occupiers of the accommodation contrary to the policy requirements of the adopted Isles of Scilly Local Plan 2005, the emerging Draft Local Plan (2015-2030) and the requirements of national policy as set out in the NFFP.

Links


Not applicable.

Conditions

Not applicable.

Informatives

1. Statement of Positive Engagement
2. Appeal

Signed:	Dated:	Signed:	Dated: 19/11/2018
<i>S. Wade</i>	14/11/2018		
Planning Officer		Senior Manager	