

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/22/084/FUL

UPRN: 000192001798

Received on: 6 December 2022

Valid on: 9 December 2022

Application Expiry date: 3 February 2023

Neighbour expiry date: **2 January 2023**

Consultation expiry date: 2nd January 2023

Site notice posted: 12 December 2022

Site notice expiry: 2 January 2023

Applicant: Mr Jenkins, Mrs Jenkins & Miss Hiron

Site Address: Longstone Lodge & Cafe

Longstone

St Marys

Isles Of Scilly

TR21 0NW

Proposal: New build of 2 bedroom staff accommodation at rear of property at Longstone Lodge and cafe.

Application Type: Planning Permission

Recommendation: PER

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Seasonal staff use ancillary to Longstone Lodge only
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: 15/12/2022

Site Description and Proposed Development

Longstone Lodge and Café was converted from Longstone Heritage Centre in 2017. It is located to the west side of Longstone Farm in the centre of the island of St Mary's. It lies approximately 200 metres to the south west of Holy Vale and around 240 metres to the north east of Longstone Terrace. The site is approximately 200 metres to the west of the Higher Moors Nature Trail and is situated on a slope that lies between 25 metres and 33 metres (approximately) above sea level. The site is accessed principally from a 400 metre long farm track that extends from the A3111 to the south west of the site. This is a single width track that runs past a number of properties, including Longstone Terrace, Longstone Bungalow and Longstone Farm Barns.

The proposal is to construct a small detached structure suitable to use for seasonal staff accommodation employed at Longstone Lodge on a full-time seasonal basis.

Certificate: B

Other Land Owners: Duchy of Cornwall

Consultations and Publicity

The application has had a site notice on display for 21 days (12/12/2022 – 02/12/2023). The application appeared on the weekly list on 12th December 2022. Due to the nature of the proposal a number of internal and external consultations are required.

Consultee	Date Responded	Summary
SWW	20/12/2022	As there is no proposal to connect into mains water or

		<p>public sewer, there is no comment from SWW.</p> <p>As part of South West Water's strategy to improve the drinking water and waste water infrastructure on the islands an investment programme has been developed which will be focused on achieving a reliable wastewater service including being able to cope with extreme conditions, protecting the environment and providing long term benefits to the community with the Company committed to support the necessary improvements in water and wastewater services on the islands so that services are in line with standards on mainland UK by 2025 or 2030 in the case of Tresco. This includes the ability to provide new water and sewer connections to the network and therefore it is recommended that the applicant liaises directly with the Company to discuss the potential of connections to public assets.</p>
Archaeological Advisory Officer	03/01/2023	<p>We have consulted the Cornwall & Isles of Scilly Historic Environment Record and, in this instance, we consider it unlikely that significant archaeological remains will be disturbed by the proposed groundworks. No archaeological mitigation is required, and therefore no archaeological condition is sought.</p>
CIOS Environmental Health	13/12/2022	<p>It has been noted that the accommodation is to house two full time members of staff. If the accommodation occupancy is higher than three people who are not from one household, then the accommodation units may be seen as a House in Multiple Occupation and therefore subject to the Management of Houses in Multiple Occupation (England) Regulation 2006 (SI 372).</p>
Cornwall Fire and Rescue	15/12/2022	<p>ACCESS FOR FIRE APPLIANCES: Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.</p> <p>WATER SUPPLIES: Adequate water supplies for Firefighting purposes will be achieved by: Complying with the requirements as detailed in the attached guidance note W102.</p> <p>Compliance with Part B5 of Approved Document B, Fire Mains and Hydrants.</p> <p>Residential Sprinklers: Cornwall Fire and Rescue Service support the provision of domestic sprinklers into all new residential developments. These should be installed to BS9251 and will reduce the risk to life and significantly reduce the degree of damage caused by fire. This consideration if implemented will enhance the safety of the occupants and any attending firefighters whilst providing property protection and maintaining the buildings continuity.</p> <p>Important: We strongly recommend the installation of 32mm pipe (communication pipe) between the water main and all domestic premises to allow for the</p>

		provision of fire sprinkler system to be installed in the future.
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Representations from Residents:

Neighbouring properties written to directly:

- **Longstone Farm**
- **Longstone Bungalow**

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

Relevant Planning History:

Relevant planning history for this site includes :

In 2016 an application was submitted for Change of use from mixed use of café/restaurant (use Class A3) and exhibition centre (D1) to mixed use of café/restaurant (A3), hostel (Sui Generis) and managers flat (C3) including the erection of 2 no. poly tunnels, summerhouse and play equipment. P/16/034/FUL was approved at Planning Committee in May 2016.

In 2017 there was an application to amend the above plans (P/17/100/ROV) which was approved to permit the variation of condition 2 (carry out development in accordance with approved details) of planning permission P/16/034/FUL to allow amendments including replacement of windows with doors on North elevation, alterations to general fenestration and addition of a small porch to managers accommodation on East elevation.

In 2019 there was application (P/19/062/FUL) approved that permitted the construction of 4 two person self catering units in the existing lodge roof space and extension and alterations of managers flat (Amended Plans).

Constraints:

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

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?	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?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	y



Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, <ul style="list-style-type: none"> 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
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n/a

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

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/a
Are biodiversity enhancement measures required	y
Is a condition required to provide biodiversity enhancement measures	y

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	y
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	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: The proposal is to provide seasonal staff accommodation for Longstone Lodge and Café as an existing and established tourism development. A condition to restrict such a use on the basis that the accommodation falls below the minimum space standard requirements, they do not have amenity space, or separate highway access. The units can only be used in conjunction with the lodge. The site is well screened and does not impact on any issues of acknowledged importance such as neighbouring amenity, highway safety, historic environment or biodiversity.

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	
<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 and Proposed Rear Elevation, drawing number: L12-A**
- **Plan 2 Block Plan, drawing number: L14**
- **Plan 3 Proposed Floor Plans and Elevations, drawing number: L12**
- **Plan 4 Supporting Statement, Ref: L12-SD**

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 in connection with Longstone Lodge 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. 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 Garrison Dark Sky

Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

C5 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.

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

Print Name:	Lisa Walton	03/02/2023
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	