

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/086/COU

UPRN: 000192002877

Received on: 13 November 2023

Valid on: 16 November 2023

Application Expiry date: 11 January 2024

Neighbour expiry date: 7 December 2023

Consultation expiry date: 7 December

Site notice posted: 16 November 2023

Site notice expiry: 7 December 2023

Applicant: South West Water Ltd
Site Address: Land At Green Waste Processing Site
Parting Carn Lane
Parting Carn
St Mary's
Isles Of Scilly

Proposal: Temporary use of land as a construction compound with associated welfare facilities to support South West Water upgrade to waste and water infrastructure across the Isles of Scilly for up to four years.

Application Type: Change of Use

Recommendation: PER

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. Temporary 4 years use
5. Occupancy restriction – short let contractor use only

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: 12/11/20023

Planning History:

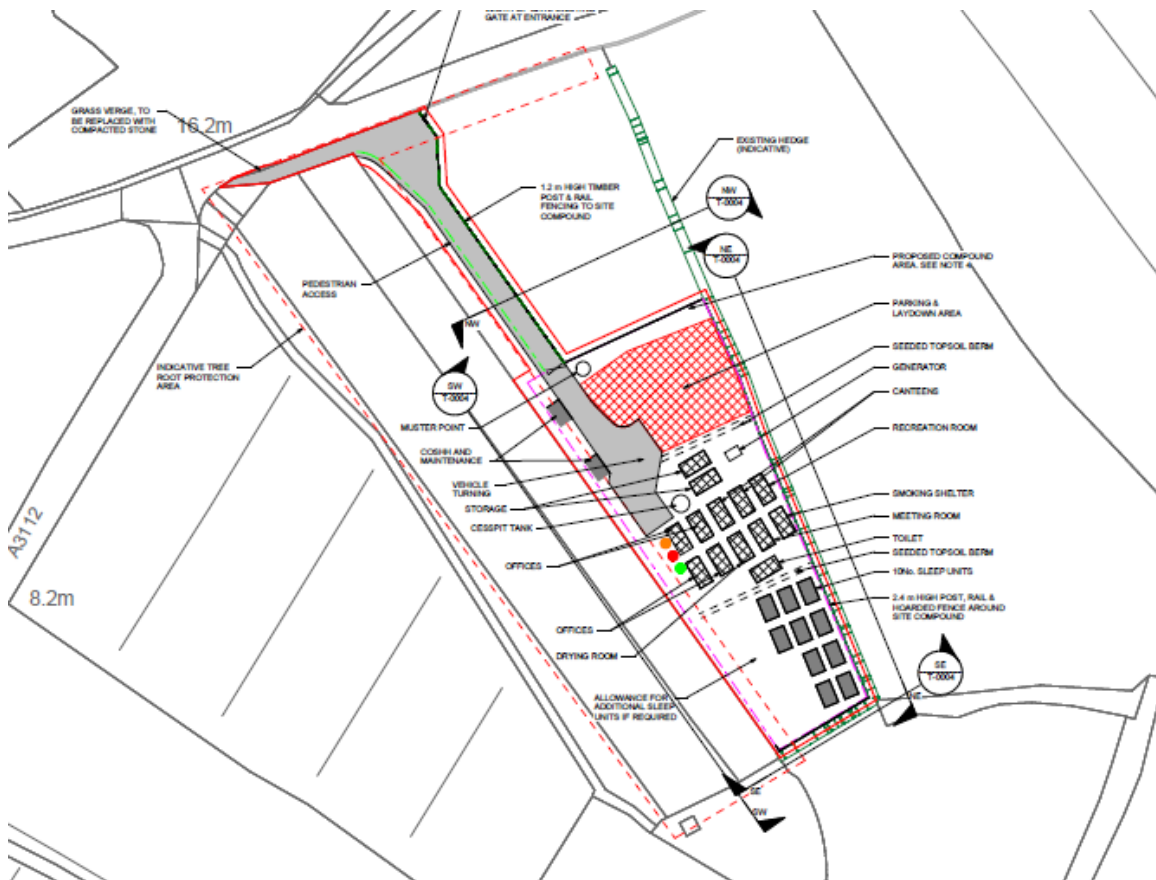
In January 2014 an application was submitted on behalf of Lagan Construction Ltd, in relation to works at St Mary's airport (P/14/004/FUL). This was for the temporary change of use of agricultural land to a mobile batching plant and construction compound together with temporary residential accommodation for workers associated with the upgrade of St Mary's Airport. This application was approved for a temporary period ending on 31st December 2014.

In November 2014 an application by Kier (P/14/057/FUL) was submitted to continue using the site for the production of concrete for the purposes of the St Mary's Harbour Quay Extension project. This was approved under delegated authority in December 2014. This temporary consent expires on 31st December 2015.

In 2015 a further application (P/15/016/COU) was approved to use the field as contractor accommodation for Kier, whilst they undertook the quay extension works on St Mary's Quay.

Site Description and Proposed Development

The current application is to part of the farmland at Parting Carn Farm for the siting of mobile accommodation units for the purpose of contractor accommodation. The site is a field currently part of the farm, used for green waste composting and various for egg-laying chickens. Planning history shows it has been used in the recent past for contractors delivering significant projects on the islands, including the airport runway re-surfacing, road re-surfacing and the quay extension works. The land is now being proposed for contractor accommodation by South West Water, as part of their improvement works to the water infrastructure on the islands.



The local plan was adopted in 2021 and recognises the extended license of South West Water (SWW) to cover the Isles of Scilly, which took place in April 2020. In order to bring the islands up to meet the Water Framework Directive, SWW are required to undertake significant investments to improve the water supply and treatment of foul drainage. “SWW are investing in improving water quality and resilience to create a stable resource position. The project is also driven by the experienced seasonal population changes and projected increases. To enable programme delivery and effective construction management, the construction of a temporary welfare compound at St Mary’s is

required.” The Local Plan notes the water environment of the islands as being important for a number of reasons, not least its ecological value and as a source of drinking water for the islands’ residents and visitors. There are legal requirements through the Water Framework Directive to give full consideration to the quality and quantity of ground and surface water bodies, in order to aim to achieve ‘good’ status or ‘good ecological potential’ in all water bodies by 2027. As the Council has a role in supporting the delivery of these objectives, it is essential that development does not cause deterioration in the status of any bodies of water on the islands.

The proposed development is part of addressing the above issue and comprises the change of use of land for a temporary period to provide a construction compound with welfare facilities for up to four years. The compound will support a series of upgrade works to the waste and water infrastructure across the Isles of Scilly covering St Mary’s, St Martins, St Agnes, Bryher and Tresco. Due to the pressure on local accommodation particularly within the summer months, the proposed compound will provide cabin units for overnights stays with ancillary facilities.

Planning Assessment

The main issues for consideration are whether the proposed temporary use of the site will give rise to any detrimental impact upon the amenity of neighbouring land uses, whether it will give rise to harm to the character and appearance of the wider Conservation Area or Area of Outstanding Natural Beauty. It is important that there are no other detrimental impacts upon aspects of acknowledged importance which includes highway safety, environmental harm or harm to or loss of significance of aspects of the historic environment.

The temporary use of the site is required as a means to deliver critical infrastructure improvements as part of SWWs capital delivery programme. The contractors will be required to be on the islands during periods when there is unlikely to be alternative accommodation, through the summer for example. The proposal will therefore support the improvement and modernisation of the islands water infrastructure and as such I consider the principle of the proposal to be acceptable.

Impact upon Residential Amenity

As previously assessed for both the Lagan application (P/14/004/FUL and P/15/016/COU) and for the earlier smaller section of the site by Kier (P/14/057/FUL), the site boundary of the site is such that it is located in an area sufficiently away from the built-up areas of St Mary's. The closest residential neighbouring properties are over 180m to the west at Parting Carn. To the south west is Old Town Studio, which is around 150m away but not residential and to the east is Tremelethen, which is residential but located over 180m away from the site. Given the natural topography of the site and surrounding landscape, hedgerows and a belt of trees along the west boundary I am satisfied that, subject to the controls and measures set out in the application, residential amenity will not be significantly affected by the temporary use of this site for the purposes of a construction compound, sleeping accommodation and storage. I am satisfied that the nature of the use of the site is such that it will not have a detrimental impact in terms of noise, dust or emissions.

Light Pollution – The proposed location of the site is in a slight hollow and therefore wider views of the site are limited. I note the intention, during the construction phase, the intention to use task lighting during winter working and during dark hours. Other permanent lighting, to ensure adequate health and safety arrangements for workers, will be podium lights using prismatic lenses to ensure the direction of light spill is controlled. The design and access statement notes the parameters within which external lighting will be controlled

Noise Pollution - The contractors have indicated that a new power supply application will be raised with national grid (NG) /district network operator (DNO) for a mains connection (individually metered) for the compound. It is likely that the installation will include a pole mounted transformer with the LV supply cable to the site either run overhead or buried to the site compound which will be confirmed by NG/ the DNO. This would be a temporary supply and removed when the compound is demobilised and reinstated. It is noted that power supply applications can take several months, therefore the use of an on-site generator is proposed whilst connection is awaited. The generator and associated fuel storage tanks will be located within the grassed central portion of the site, adjacent to the site storage cabins.

It is proposed that a 'super silent' generator is used, which has a standard noise range of 60 dBA to 70 dBA @ approx. 5mtrs. I note that it is expected that spill kits will be located at the generator, fuel tanks and any plant refuelling areas. Fuel storage tanks shall be double bunded. Power cabling is expected to be installed above ground to avoid the need for additional excavation.

I note the EHO comments regarding the control of the noise associated with a generator specifically, "The rating level (LAeq, T) from any generator installed

and run on site should not exceed the background noise level (LA90, T) at any time when measured at the nearest noise sensitive source.'

I note the submission of a noise assessment which covers the site and the proposed use in detail. This has concluded, even in a worse case scenario no adverse impact, as a result of noise generated at the site, is expected.

Subject to the management and control of the above, as set out in the submitted application, including the noise assessment, the impact upon the amenity of nearby residential properties will be minimised.

Impact upon the wider landscape

The proposed temporary use of the site will be within an area previously approved for temporary use by Lagan and Kier. It is the part of the site closest to the tree belt along the west boundary and sitting low down relative to the south side. The sleeper units will be visible when you are physically upon the site particularly from Parting Carn Lane but there are no wider or long-range views of the site from the surrounding landscape. The use is of a temporary nature until the end of 2028 following which it will be paramount that the site is restored to its original condition. The site has been successfully restored previously. The submitted planning statement notes that upon completion of the project, the compound will be decommissioned. The temporary structures will be dismantled and/or recovered and removed, in line with the requirements of the Design Stage Site Waste Management Plan (presented in 107780- PEF-XX-500-T.RP-GG-0001). It is expected that the site will then be reinstated to its former use as grazing pasture. Subject to these controlling measures being utilised at the site I consider the impact upon the landscape, as a result of the temporary use will be minimised.

Impact upon the natural environment

The residential units will have a potable water supply installed which will be individually metered through an existing water connection to the site. In terms of foul drainage, as there is no nearby mains sewerage connection, an existing cess pit will be reused. This will be located to the site, located at the lower part of the site, to allow gravity flows. This will be fitted with a high-level alarm to prevent over-flows and will be emptied regularly. Cess pit contents will be disposed of at the Biobubble at Old Town.

In terms of site drainage and as a means to limit silt run-off during construction, top-soil stripping will be limited to necessary areas (access track, parking, and laydown) and drainage ditches with topsoil berms will be constructed perpendicular to the slope to slow and direct flows through silt traps consisting of strawbales/geotextile. Proposed locations for these have been added to the site plan. No surface water drainage has been provided as part of the welfare compound design. It is intended that surface water will be allowed to infiltrate into

the ground. No construction activities or storage of hazardous chemicals is anticipated as the site is to be used as a welfare compound. As previously stated, fuel storage is to be bunded and spill kits will be available as a standard precautionary measure.

The site is located almost 300m from the nearest SSSI, which is Higher Moors and Porth Hellick Pool which will not be affected by the proposed temporary use of the site. Whilst there is likely to be some impact upon the natural environment I consider that subject to the measures set out in the submitted application the proposal will not lead to a significantly detrimental impact.

Impact upon the historic environment

The site does not contain any listed buildings, scheduled monuments, registered parks or historic environment records. The site is within the Isles of Scilly Conservation Area and the Historic Landscape Character is identified as 'farmland: anciently enclosed land (pre-historic to early post-medieval)'. I consider that as the site has previously been used for similar purposes, the ground has previously been disturbed and is unlikely to uncover any previously unknown below ground archaeological remains. I note that the site was previously monitored archaeologically prior to its use by Lagan under P/14/004/FUL and as such the site can be considered to have been archaeologically sterilised by the earlier development and no further archaeological works are required in relation to the current application. The nearest Scheduled Monuments is not visible from the application site and lies almost 500m to the east. This is a platform cairn 195m north of Salakee Farm. This will be unaffected by the proposed temporary use of the site. Given the above assessment on visual impacts I am satisfied that the proposed temporary use of the site will not have a significantly detrimental impact upon the wider character of the Conservation Area. Subject to the applicant carrying out all operations in accordance with the details set out in the planning statement I consider the application is acceptable in terms of the historic environment.

Impact upon Highway Safety

The site at Parting Carn Lane is located at the junction of the A3110 and A3112 where a temporary means of field access has been created on to the junction of these two roads. The A-roads are subject to the national speed limit of 60mph. I note however that the use of the fields is temporary; visibility is adequate to ensure that vehicles pulling in to or out of the site have maximum visibility to ensure accidents are avoided. It is likely that use of the site to sleep up to 20 employees could increase the number of vehicles travelling between the quay and the application site. However, I consider that vehicle numbers are low generally with vehicles unlikely to be travelling at 60mph. I am unaware of any accident reports to suggest that the increase in use proposed will be detrimental to highway safety. Additionally the use of this site previously by Lagan for 12 months and then Kier did not generate particular issues, from a highway

perspective. I am satisfied therefore that the proposed temporary use of the site, as proposed is acceptable in terms of highway safety.

Overall, I am satisfied that the extended use of this site, for the purposes set out in the application, will not have a significant impact upon issues of acknowledged importance.

Certificate: B

Other Land Owners: Duchy of Cornwall and Andrew Watts

Consultations and Publicity

The application has had a site notice on display for 21 days (16/11/2023 – 07/12/2023). The application appeared on the weekly list on 20th November 2023. Due to the nature of the proposal a number of internal and external consultations have been required.

Consultee	Date Responded	Summary
CIOS Environmental Health	13/12/2023	The rating level (LAeq, T) from any generator installed and run on site should not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive source.
Cornwall Fire and Rescue	23/11/20023	Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access. As the proposal seeks to provide sleeping accommodation for longer than 28 days the fire authority would advise the applicant a Building Regulations consultation with the local authority, or an Approved Inspector will be required should planning permission be granted. The Fire Authority should also be consulted as part of the Building Regulations application to ensure compliance with The Regulatory Reform [Fire Safety] Order 2005.
South West Water	-	-

Representations from Residents:

Neighbouring properties written to directly:

Parting Carn Farmhouse

[0] letters of objection have been received

[0] letters of support have been received
 [0] letters of representation have been received.

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 existing dwelling/street/area?	n/a
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

Other Impacts	y
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	y
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	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/a
Are there external lights	y

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	n/a
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

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	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/a

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/imposed conditions to enable the grant of planning permission.

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	✓		n
Sustainable Design Measures	✓		n
Biodiversity Enhancement Measures:	✓		n

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010: The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it

- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

Recommended Conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

- **Plan 1 Location Plan**
- **Plan 2 Proposed Site Layout Plan, drawing number: 107780-PEF-XX-500-D.DR-T-0003**
- **Plan 3 Proposed Site Elevations, drawing number: 107780-PEF-XX-500-D.DR-T-0004**
- **Plan 4 Cabin Details, Stackright Brochure: Pantone / PMS 7732 U / #498564 Hex Colour Code: green-cyan.**
- **Noise Assessment: Pell Frischmann, Ref: 14933A-20**
- **Preliminary Ecological Appraisal, Pell Frischmann, Ref: 107780-PEF-XX-500-T.RP-GE0002**
- **Sustainability Statement, Pell Frischmann, Ref: 107780-PEF-XX-500-T.RP-EN-0002**
- **Site Waste Management Plan, Pell Frischmann, Ref: 107780-PEF-XX-500-T.RP-GG-0001**
- **Transport Statement, Pell Frischmann, Ref: 107780-PEF-XX-500-T.RP-H-0001**
- **Design and Access Statement, Fisher German, Ref: FP121727-001**
- **Construction Environmental Management Plan, Ref: 107780-PEF-XX-500-T.RP-TE-0001**

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 This permission shall be for a limited period only expiring on within four years from the date of the first mobile accommodation unit being placed on the site. Before the first use of this site, the applicant shall confirm with the Local Planning Authority:**

- (a) the site and the commencement date of this permission; and**

(b) the current state and condition of the application site.

The use of the site hereby permitted shall be discontinued, the mobile accommodation units, and all other equipment, surfacing and structures shall be removed from the site and the site reinstated to its former condition within four years from that commencement date.

Reason: This is a pre-commencement condition that requires details on (a) the start date and (b) condition of the site, to be confirmed before it is first brought into use, this is to safeguard the long term visual amenity and landscape character of the Islands and to acknowledge the particular circumstances in this case and to retain control over the future use of the site in accordance with Policies OE1 and OE7(5) of the Isles of Scilly Local Plan (2015-2030).

- C4 The occupation of the sleep units, hereby approved, shall be limited to contractors in connection with the South West Water Capital Delivery Programme only. The applicant 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 temporary sleep units are occupied only by persons employed as external contractors.

- C5 No construction plant and/or machinery, as part of the implementation of this permission, shall be operated on the premises, 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.

Further Information

- 1. Statement of Positive Engagement:** In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework 2019.
- 2. Fire Safety:** Access and Facilities for the Fire Service as detailed in B5 ADB Volume 1 will be required. For dwellinghouses access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouses.
- 3. Non-Material Amendments:** In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
- 4. Discharge of Conditions:** In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on this planning permission. The fee is £116 for each request to discharge condition(s) and is payable for each individual request made to the Local Planning Authority.

Print Name:	Lisa Walton	08/01/2024
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	