

# Council of the Isles of Scilly

## Delegated Planning Report

### Other application

**Application Number:** P/24/029/ROV

**UPRN:** 000192002877

**Received on:** 15 April 2024

**Valid on:** 16 April 2024

**Application Expiry date:** 11 June 2024

**Neighbour expiry date:** 8 May 2024

**Consultation expiry date:**

**Site notice posted:** 18 April 2024

**Site notice expiry:** 9 May 2024

**Applicant:** South West Water Ltd  
**Site Address:** SWW Temporary Construction Compound  
Parting Carn Lane  
Parting Carn  
St Mary's  
Isles Of Scilly

**Proposal:** Application to vary condition C4 of planning permission P/23/086/COU (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) to also allow occupation of sleep units by contractors in connection with the construction of the Integrated Health and Social Care Facility at the St Mary's Hospital Site

**Application Type:** Removal or Variation of Condition

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**Recommendation: Condition C4 be varied**

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## 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 ✓

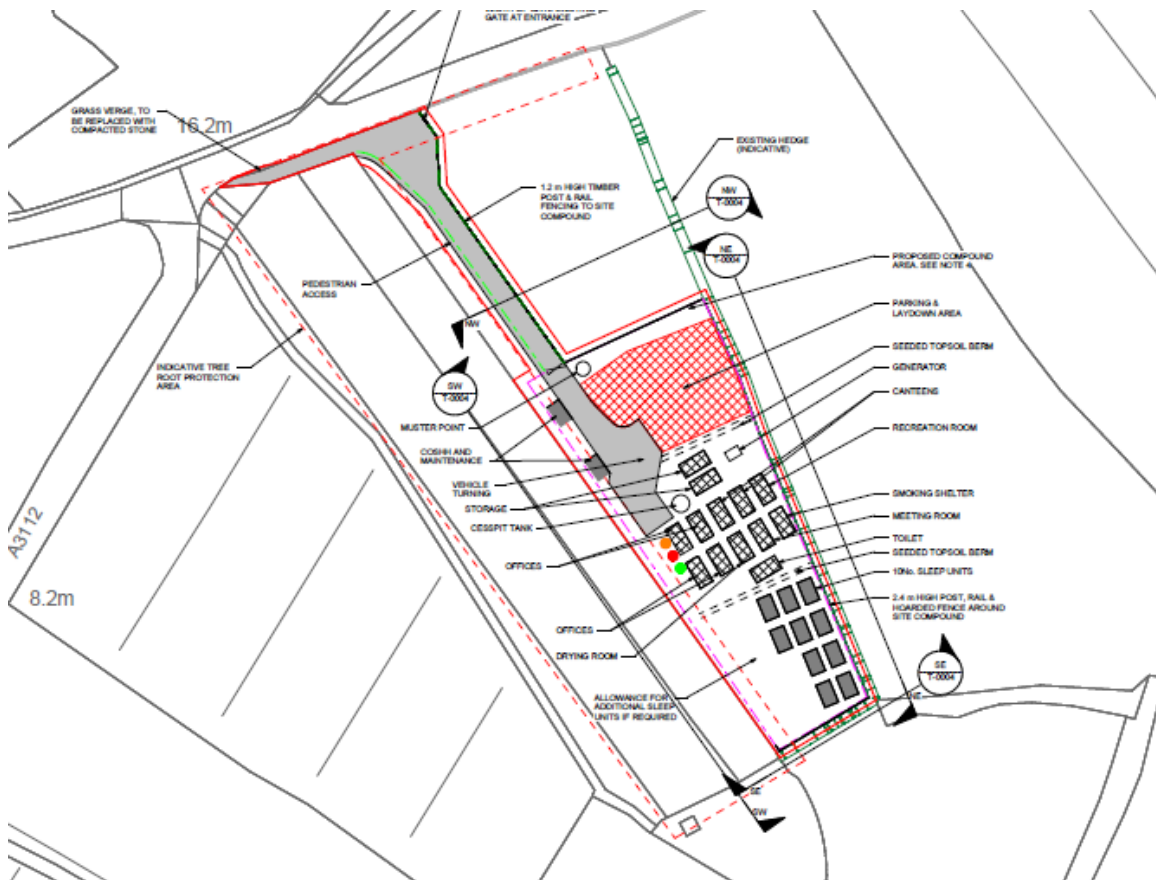
### Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 24/05/2024

### Site Description and Proposed Development

The application site is part of the farmland at Parting Carn Farm which has planning permission under reference P/23/086/COU for the siting of mobile accommodation units for the purpose of contractor accommodation for a period of up to 4 years. Site plan for the approved development is below and full details of the planning permission can be found here: <https://www.scilly.gov.uk/planning-application/planning-application-p23086cou>



The approved 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 overnight stays with ancillary facilities.

This application is to vary condition C4 of planning permission P/23/086/COU which reads:

**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.

The application is requesting that the wording of Condition C4 is amended to allow construction workers associated with the Integrated Health and Social Care

Facility at the St Mary's Hospital site (approved under planning permission P/24/006/FUL) to use the sleep units at Parting Carn as well as construction works associated with the South West Water Capital Delivery Programme. The construction timescales for this NHS project are 19 April 2024 to 31 March 2025 and they are hoping to make use of any spare accommodation due to the anticipated difficulties in sourcing accommodation during the tourist season.

**Certificate:** B

**Other Land Owners:** Duchy of Cornwall & Andrew Watts

### Consultations and Publicity

The application has had a site notice on display for 21 days (18/04/2024–09/05/2024). The application appeared on the weekly list on 22<sup>nd</sup> April 2024. Due to the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

- Parting Carn Farmhouse, Parting Carn

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

### Relevant Planning History:

P/14/004/FUL January 2014 - 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 - Approved for a temporary period ending on 31st December 2014.

P/14/057/FUL November 2014 - Continue using the site for the production of concrete for the purposes of the St Mary's Harbour Quay Extension project. Approved for a temporary period expiring on 31st December 2015.

P/15/016/COU: Use of the field as contractor accommodation for Kier, whilst they undertook the quay extension works on St Mary's Quay. Approved in April 2015

P/23/086/COU - 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. Approved 08/01/2024

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty

- Heritage Coast

### Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	n/a
Would the materials, details and features match the existing development 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?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y

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

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	n/a
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
<b>Other Impacts</b>	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees	y

a) Will this be acceptable b) Can impact be properly mitigated?	
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

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	n/a
Does the proposal include any demolition	n/a
Does the proposal include tree or hedge removal	n/a
Is an assessment of impact on protected species required	n/a
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	n/a
Are biodiversity enhancement measures required	n
Is a condition required to provide biodiversity enhancement measures	n

<b>Waste Management</b>	<b>YES OR NO</b>
Does the proposal generate construction waste	n/a
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	n/a
Does the proposal include a Site Waste Management Plan	n/a
Is a condition required to secure a Site Waste Management Plan	n/a

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	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

**Analysis:** The main issues for consideration in planning application P/23/086/COU were whether the proposed temporary use of the site would give rise to any detrimental impact upon the amenity of neighbouring land uses and whether it would give rise to harm to the character and appearance of the wider Conservation Area or Area of Outstanding Natural Beauty. It was 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 which is the same in this case of the NHS development. 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 island's healthcare infrastructure.

The proposed variation of condition does not increase the physical development approved on the site it would only enable a higher occupation of the facilities provided and as such I consider the principle of the proposal to be acceptable.

**EIA:** Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

**Proactive working:** In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Planning Policy:** Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

#### **Isles of Scilly Local Plan, 2015-2030**

<b>Policy</b>	<b>Tick if Used ✓</b>
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	

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 Amended Condition C4:

**C4: ‘The occupation of the sleep units, hereby approved, shall be limited to contractors in connection with the South West Water Capital Delivery Programme and Cornwall Partnership NHS Foundation Trust projects 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.’**

<b>Print Name:</b>	Lisa Walton	07/06/2024
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	Authorised Officer with Delegated Authority to determine Planning Applications	