

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/038/COU

UPRN: 000192000794

Received on: 30 April 2024

Valid on: 07 May 2024

Application Expiry date: 02 July 2024

Neighbour expiry date: 29 May 2024

Consultation expiry date: 29 May 2024

Site notice posted: 08 May 2024

Site notice expiry: 29 May 2024

Applicant: Mr Adam Peters

Site Address: The Town Hall
The Parade
Hugh Town
St Mary's
Isles of Scilly,
TR21 0LP

Proposal: Temporary change of use of land for use as a fenced site compound including the siting of x1 site office (2 units), x3 welfare units and x2 storage units for a period of up to 2 years in conjunction with the development of the Town Hall under planning permission P/23/047/COU and Listed Building consent P/24/048/LBC (Affecting the setting of a Listed Building.)

Application Type: Change of Use (Temporary)

Recommendation: Permit

Summary Conditions

1. Temporary 2 year time limit
2. Adherence to approved plans
3. Working hours

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: Dan Marcus

Date: 15.05.2024

Site Description and Proposed Development

The application site includes the Town Hall building and side extensions and two areas of hardstanding to the north-east (front) and south-west (rear) of the main building. The hardstanding area to the rear of the building incorporates the junction between Silver Street and Porthcressa Road and 10 delineated parking bays. The site falls within Flood Zone 1

The proposals seeks the temporary change of use of the land to provide 1No site office, 3No welfare units and 2No storage units for a temporary two year period during the main construction works associated with the Town Hall development approved under planning permission P/23/047/COU and Listed Building consent P/24/048/LBC. The welfare and storage units, which include a staff canteen, will be located to the south of the Town Hall, and the site office will be located on a scaffold platform to the north of the building, allowing public access to the building to continue. The site will be fenced with braced V mesh temporary 2.4m high fencing with a gated vehicular and pedestrian site entrance at the south-east corner. Public access to the main building will be provided via a gate in the north eastern corner.

Certificate: B

Other Land Owners: Council of the Isles of Scilly

Consultations and Publicity

The application has had a site notice on display for 21 days (08.05.2024 – 29.05.2024). The application appeared on the weekly list on 13 May 2024. Due to the nature and location of the application a number of internal and external consultations have been carried out. These are set out in the summary below.

Consultee	Date Responded	Summary
Cornwall Fire & Rescue	14/06/20024	<p>As there will be a perimeter fence erected around the Town Hall it must be ensured access for the fire service remains at least within The 45mtrs to all parts of the premises as required by Building Regulations.</p> <p>We would advise additional pedestrian gateways on top of the vehicle gateway proposed are installed in the perimeter fence where There is an entrance/exit door to the Town Hall.</p> <p>Keys or codes required to access all gateways to the perimeter fence should be given to the local fire service so access can be gained in the event of a fire When the site is not operating.</p>
Environment Agency	24/05/2024	<p>We have no objection to this planning application from a flood risk perspective, subject to the adherence of the following conditions:</p> <ul style="list-style-type: none"> • The lifetime of the planning application must be limited to a 2-year period, and the site shall be returned to its original condition once the permission has lapsed, or a renewed application must be submitted and approved. • The site office shall be placed on a scaffold that raises it above the anticipated depth of flood water modelled to occur within the next 2-year period.
Environment Team (Waste and Highways)	13/05/2024	No comments to make, as changes occur within approved fencing area
South West Water	04/06/2024	<p>We would be concerned of the units being placed over our water mains. Can the applicant provide insight into what the Welfare units be used for? I.e. desks, storage. And if we can have an estimated weight?</p> <p>We would also need further details on the access arrangements. SWW would need to be able to access our main 24/7</p> <p>Applicant confirmed the above would be kept clear for SWW access.</p>

Representations from Residents:

Neighbouring properties written to directly:

- 1-8 Parade Flats, The Parade
- 1-9 Spanish Ledge Flats, The Parade
- The Galley, The Parade
- 1-4 Porthcressa View
- Menawethan, 1 Porthcressa Road
- Porthcressa House, Little Porth

- Owners Accommodation, The Wheelhouse
- Silver Street:
- The Foredeck, 1 - 3
- Silver Street Gallery, 5
- South'ard Well, 7
- 2-16 (EVENS ONLY)

[1] letters of objection/representation and [0] letters of support were received. Concerns were raised regarding continued pedestrian access and whether shops would be allowed to advertise they were still open for business.

Relevant Planning History:

App. No.	Description	Date
P/21/022/COU	Change of use from Town Hall to mixed use of Town Hall and Museum including small gift shop.	29.04.2021 Approved
P/22/033/COU	Change of use of a Grade 2 listed Town Hall & Museum to Museum & Cultural Centre (Sui Generis) for the Isles of Scilly including demolition of the existing modern boiler house provide space for the extension and reconfiguration of the existing 1970s extension including a new roof to accommodate new air source heat pumps. (Listed Building)	11.08.2022 Approved
P/22/034/LBC	Change of use of a Grade 2 listed Town Hall & Museum to Museum & Cultural Centre (Sui Generis) for the Isles of Scilly including demolition of the existing modern boiler house provide space for the extension and reconfiguration of the existing 1970s extension including a new roof to accommodate new air source heat pumps. (Listed Building)	11.08.2022 Approved
P/23/047/COU	The conservation, upgrading and extension, including a change of use of a Grade II listed 1887 Town Hall to provide a new cultural centre and museum for the Isles of Scilly. Includes the demolition of the existing modern boiler house and the reconfiguration of the existing 1970s extension including a new roof to accommodate new air source heat pumps. Integration of the Parade Cottage Outbuilding into the Cultural Centre and Museum and link extension in part of Parade Cottage yard. Minor alterations to the back elevation of Parade Cottage. (Listed Building) AMENDED PLANS	20.11.2023 Approved
P/23/048/LBC	The conservation, upgrading and extension, including a change of use of a Grade II listed 1887 Town Hall to provide a new cultural centre and museum for the Isles of Scilly. Includes the demolition of the existing modern boiler house and the reconfiguration of the existing 1970s extension	24.11.2023 Approved

	including a new roof to accommodate new air source heat pumps. Integration of the Parade Cottage Outbuilding into the Cultural Centre and Museum and link extension in part of Parade Cottage yard. Minor alterations to the back elevation of Parade Cottage. (Listed Building) AMENDED PLANS	
PA/24/033	Pre-application advice for temporary compound	05.04.2024

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Areas: The Parade & Town Hall, Hugh Town
- Historic Landscape Character Landscape Type: Settlements.
- Listed Buildings: Town Hall and Parade Cottage and Outbuilding – all 3 are Grade II

Planning Assessment

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 preserve 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	Y
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
Impact on protected trees	N/A

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?	N/A
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	N/A
Are the Water connection/foul or surface water drainage details acceptable?	N/A
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	N
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
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	N
Is a condition required to provide biodiversity enhancement measures	N

Waste Management	YES OR NO
Does the proposal generate waste	Y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N
Does the proposal include a Site Waste Management Plan	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 any site-specific sustainable design measures	N/A
Is a condition required to secure a Sustainable Design Measures	N

Analysis:

Principle of Development: The principle of development for the town hall works has already been established via permission P/23/047/COU. The temporary use of the land to the rear to store associated materials, plant and staff welfare facilities is therefore acceptable in principle, subject to relevant material planning considerations including landscape and heritage impacts, highway safety, waste management, and neighbouring amenity.

Landscape and Heritage Impacts: OE1 seeks to protect the AONB and Heritage Coast, and any development in this location must conserve and enhance the landscape, seascape and scenic beauty of the area and be consistent with its special character and the importance of its conservation. Policy OE7 seeks to conserve and enhance the significance of heritage assets, including the Conservation Area, Scheduled Monuments and Archaeology. In addition to being within the Conservation Area, the falls within the Parade & Town Hall Area of Archaeological Constraint.

The proposal is for temporary storage purposes and does not involve any permanent works. Although there will be visual and audible disturbance during the construction phase which will negatively affect the character of the conservation area, these impacts will be temporary in nature. Impacts will be mitigated via the imposition of a condition to control working hours to avoid evenings, Sundays and bank holidays. On this basis It is considered the proposals are capable of complying with the requirements of OE1 and OE7.

Amenity and Highways Impacts: Policy SS2 1) requires proposals to safeguard the amenity of individuals and properties in terms of unreasonable noise and disturbance. Policies SS9 and SS10 seek to protect transport links and associated infrastructure and ensure development proposals do not have an adverse impact on the local highway network.

The application is supported by a Traffic Management Plan which indicates how the development will be managed to mitigate impacts on the highway network and neighbouring amenities. This includes traffic and pedestrian diversions and temporary crossing points. The applicant has also indicated that external lighting will be provided within the compound up to 6pm during winter months, and lighting on the external fence for reasons of highway safety.

Both the Highway Authority and the Environmental Health Officer have also advised that the proposal is acceptable in terms of highway safety and neighboring amenity. As above, noise and disturbance will be, to some extent, mitigated via the imposition of a condition to control working hours to avoid evenings, Sundays and bank holidays.

Permission P/23/047/COU is subject to a planning condition requiring a Construction and Environmental Management Plan (CEMP.) To ensure the

development accords with policies SS2, SS9 and SS10 overall, it is appropriate to require the CEMP to be extended to cover the construction compound subject of this planning application by means of a suitably worded pre-commencement planning condition. The condition also includes a requirement to manage control/minimise the emission of vibration, light and air pollution during demolition/construction.

A representation was received raising concerns regarding continued pedestrian access and the ability for shops to advertise they were still open for business. The submitted Traffic Management Plan indicates that pedestrian access will be maintained throughout the construction phase. Separate agreement to place temporary notices on highway owned land may be required from the Highway Authority.

Waste Management: Policy OE5 requires proposals to manage pollution and demonstrate sustainable waste management during construction.

The submitted topographical survey indicates that foul waste arising from the staff welfare facilities will be piped over ground to avoid excavation to the main sewer via a temporary manhole cover.

The development therefore accords with Policy OE5.

SWW have confirmed that provided 24/7 access is available to manholes within the vicinity and structures and equipment do not restrict this access, they would have no objection to the temporary change of use.

Other Matters: The development will be carried out entirely within an area of existing hardstanding with no ecological or habitat features. The proposal is therefore not considered to raise any ecological considerations, and is not subject to statutory Biodiversity Net Gain requirements.

Flood Risk: The Environment Agency raised no concerns subject to the raising of the site office above the anticipated depth of flood water modelled to occur within the next 2-year period. The site office will be located on top of a scaffolding rig at first floor level to allow pedestrian access to the Town Hall and will be located well outside the anticipated flood water depth for this period.

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

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act

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

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

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	✓
Policy SS10 Managing Movement	✓
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
Policy OE4 Protecting Scilly's Dark Night Skies	
Policy OE5 Managing Waste	✓
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	

Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		No
Construction Management Plan	✓		No

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 is granted for a limited period only (two years) expiring on 21.06.2026 on or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored to its former condition.**

Reason: The use hereby approved is associated with temporary construction works and not considered suitable as a permanent form of development.

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

- **Location Plan**
- **Proposed Block Plan**
- **Methodology and Logistics Plan**
- **Surefire Canteen Plan**
- **Surefire Brochure**
- **Cabin**
- **Topographical Survey**
- **CEMP dated June 2024**

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 Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3 No construction plant and/or machinery shall be operated on the premises, as part of the temporary use of this site, 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 in accordance with Policy SS2 of the Isles of Scilly Local Plan 2015-2030.

Informatives:

1. 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 2023.
2. Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.
3. The Regulatory Reform (Fire Safety) Order 2005 applies, and the responsible person will be required to carry out a fire risk assessment to identify the risks and take reasonable measures to ensure people are safe from fire. The works may be

considered 'controlled work' and therefore building control approval may also be required.

Print Name: Lisa Walton

21/06/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
