

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/063/ROV

UPRN: 000192001308

Received on: 15 August 2024

Valid on: 16 August 2024

Application Expiry date: 11 October 2024

Neighbour expiry date: NONE CONSULTED

Consultation expiry date:

Site notice posted: 20 August 2024

Site notice expiry: 10 September 2024

Applicant: Mr Adam Peters Cornwall Partnership NHS Foundation Trust

Site Address: Hospital
Hospital Lane
Hugh Town
St Mary's
Isles Of Scilly
TR21 0LE

Proposal: Application to vary condition C10 (Sustainable Construction Report) of planning permission P/24/006/FUL (Extension of existing hospital to provide an integrated health and social care centre (Major Development) to permit at design stage demonstration of water usage of at least BREEAM 1 no Wat 01 credits instead of BREEAM 2

Application Type: Removal or Variation of Condition

Recommendation: Condition C10 to be varied

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:

Date:

Site Description and Proposed Development

The application site is St Mary's Hospital which has planning permission under reference P/24/006/FUL for the extension of existing hospital to provide an integrated health and social care centre (Major Development).

Full details of the planning permission P/24/006/FUL can be found here:

<https://www.scilly.gov.uk/planning-application/planning-application-p24006ful>

Condition C10 on the planning permission is as follows:

PRIOR TO SLAB LEVEL CONDITION: Sustainable Construction Report

- C10** Prior to any development above slab level, a design stage Sustainable Construction Report shall be submitted to and agreed in writing by the local Planning Authority. The report shall include details of:
- Design stage water usage demonstrating at least BREEAM 2no Wat 01 credits;**
 - Number and location of air source heat pumps;**
 - Extent and location of pv panels.**

Thereafter the development shall be carried out and operated in full accordance with the approved details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change, in accordance with Policy SS1 of the Isles of Scilly Local Plan 2015-2030.

This application to vary that condition relates to part C10)i) in respect of the fact that 2 no. Wat 01 credits are not achievable. The supporting documentation states that this is due to a conflict between BREEAM WAT01 and the requirements of BS 8300/HBN (Health Building Notice) WC specification. Sinks, hand wash basins and scrubs troughs can be omitted from calculations leaving

WC's only which to comply with HBN do not have sufficient flushing capacities to satisfy BREEAM 2no WAT 01 credits. Showers are able to meet the requirement.

The revised condition as proposed by the applicant reads:

- C10 Prior to any development above slab level, a design stage Sustainable Construction Report shall be submitted to and agreed in writing by the local Planning Authority. The report shall include details of:**
- I. Design stage water usage demonstrating at least BREEAM 1no Wat 01 credits;**
 - II. Number and location of air source heat pumps;**
 - III. Extent and location of pv panels.**

Thereafter the development shall be carried out and operated in full accordance with the approved details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change, in accordance with Policy SS1 of the Isles of Scilly Local Plan 2015-2030.

Certificate: B

Other Land Owners: Duchy of Cornwall & NHS

Consultations and Publicity

The application has had a site notice on display for 21 days (20/08/2024 – 10/10/2024). The application appeared on the weekly list on 19th August 2024. Due to the nature of the proposal no external consultations are required.

Representations:

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received

Relevant Planning History:

App. No.	Description	Date
P.0483	Conditional permission granted for an extension	27.06.1964
P.1569	Permission granted for an extension to geriatric ward	14.12.1976
P.2021	Application withdrawn for a decompression building	08.09.1981
P.3110	Permission granted for the DOE Circular 18/84 procedure to provide standby generator	16.10.1990
P.3239	Application refused for the erection of extension: amended proposals	08.10.1991
P.3239/A	Conditional permission granted for the erection of extension (amended proposal)	10.12.1991
P.4013	Conditional permission granted for the replacement of the roof	04.06.1996

P.4747	Application withdrawn for the installation of white PVC windows to replace existing.	06.01.2000
P.5789	Conditional permission granted for the installation of a fuel tank and support piers to serve existing generator.	06.02.2006
P/18/016	Permission granted for the installation of new fire escape door on North West Elevation.	15.05.2018
P/18/066	Permission granted for the installation of new flat roof covering over existing, replacement of fascias and soffits with PVCu, PVCu cladding to raised roof light and the installation of an external medical gas store.	29.10.2018
P/24/006	Extension of existing hospital to provide an integrated health and social care centre (Major Development)	19.04.2024

Constraints:

Refer to original committee report:

<https://committees.scilly.gov.uk/documents/s30699/P-24-006-FUL%20Committee%20Report.pdf>

Planning Assessment

The applicant has stated that only 1 BREEAM WAT 01 Credit can be achieved because of the requirements for the British Standards that exist for Healthcare establishments and the specifications for facilities. It is stated that the proposed installations meet the required standards. On this basis a variation of this condition as required is considered appropriate.

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.

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	

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:

The revised condition as proposed by the applicant reads:

- C10 Prior to any development above slab level, a design stage Sustainable Construction Report shall be submitted to and agreed in writing by the local Planning Authority. The report shall include details of:**
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Thereafter the development shall be carried out and operated in full accordance with the approved details.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change, in accordance with Policy SS1 of the Isles of Scilly Local Plan 2015-2030.

Print Name: Lisa Walton

04/10/2024

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
