

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/068/FUL

Received on: 9 October 2019

UPRN: 000192001415

Application Expiry date: 6 December 2019

Neighbour expiry date: **NONE CONSULTED**

Consultation expiry date: 4 November 2019

Site notice posted: 14 October 2019

Site notice expiry: 4 November 2019

Applicant: Mrs A Jenkins

Site Address: Carn Friars Farm

Carn Friars

St Mary's

Isles of Scilly

TR21 0NZ

Proposal: Retrospective application for planning permission for the erection of new agricultural building to replace lost fire damaged farm building in a different location.

Application Type: Planning Permission

Recommendation

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| 1. | That the Application is APPROVED for the following reason/subject to the condition set out below. |
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Site Description and Proposed Development

This is an application for an agricultural building with a footprint of 18.1m x 8m. The building is single storey with an overall height of 3.3m (eaves) and 4.8m (ridge). The building is a 'fingle farm' building with a galvanized steel frame of a timber construction (lapped boarding) with a corrugated sheet roof and upvc gutters and downpipes. The building would sit on a concrete slab foundation.

The application site is located at Carn Friars Farm on the south side of the main road (A3110) on the east side of St Mary's. The existing field was previously used for crops and storage with a polytunnel, which has been removed. The site is enclosed by mature and traditional stone hedge banks and is situated close to existing buildings at the Carn Friars Farm site, including a farm shop which is situated to the west of the application site.

The building is required to replace an agricultural building lost to fire in 2018. A new position is required due to the proximity of the building to other residential properties. The Fire Service therefore advised that the position now proposed would be adequate to maintain fire safety at the site.

Background and Relevant History

Planning history starts in 1961 with application to erect a bungalow (P0339). This was permitted in October 1961. In 1987 an application was submitted to convert the loft area to a bathroom with WC. P2587 was approved in April 1987. In 2005 an application was submitted for the erection of 2 self-catering holiday let units and demolition of farm shed and barns. P5644 was approved in May 2005.

Consultations and Representations

Public Representations: None

Consultation Representations: Mr Terry Nottle - Fire Officer NONE

Constraints:

Historic Landscape Character: Bulb strip fields, late 19th or early 20th century origin

Listed Buildings: None

Scheduled Monuments: None

Archaeological Constraint Area: None

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

Planning Policy

National Planning Policy Framework (NPPF) 2019

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest (SSSI); and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.

Policy 4 relates to economic development and in order to promote employment and economic activity proposals are supported where these are based on the existing economic base of tourism, agriculture and fishing, as well as the distinctiveness of the islands. In particular (a) where such development contributes to the further diversification and essential modernisation of the islands' economy.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Submission Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7). Whilst the new local plan does not have specific policies for agricultural development, there is a policy on general employment (Policy WC1), this is supportive of development proposals that strengthen, enhance and diversify the islands' economy will be supported where they are appropriately designed, scaled and located, in accordance with other Policies in the Local Plan. As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight.

Planning Assessment

Given the nature of the agricultural use of the proposed building, although large at 145m² with a volume of over 500m³, it is considered that the principle is acceptable and would accord with Policy 4 of the adopted Local Plan and Policy WC1. It is necessary to consider the visual impact to establish whether it would be acceptable in terms of the wider conservation area and AONB, whether the proposal affects residential or neighbouring amenity, whether there would be any impact upon the natural and historic environment, including any protected species. Finally the proposal should not give rise to any issues of highway safety.

Landscape Impact and Conservation Area, AONB impact

The proposed building, under construction, is located within the Isles of Scilly Conservation Area and AONB designations, it is therefore necessary to consider whether the proposed scale, position and design would have any impact upon the wider landscape. The building is constructed of lapped timber, with a corrugated sheet roof. These are traditional materials for agricultural buildings which would ensure the building would not be visually prominent. Located behind high mature hedging and being located adjacent to an existing timber farm shop building, it is considered that as a relatively flat site, the building would be well screened within the wider landscape. The building is visible as you approach along the A3110 but it is not considered that it would otherwise be particularly prominent or noticeable more widely.

Although the replaced farm building is not located on the same site as that which burnt down in 2018, and would result in an irreversible loss of greenfield land, the applicant has made a clear case for repositioning building. It is considered that this is an area that has a focus of existing agricultural buildings that relate to Carn Friars Farm. The proposed building would be relatively well-related to existing buildings and whilst the proposed position of the building would extend the built development of the farm, into a greenfield site, it is considered that given this site was previously used for storage containing a polytunnel, and a new, safer location is required for fire separation reasons, there is justification for a new site in this case.

Overall it is considered that the existing building would have a neutral impact upon the wider character of the Conservation Area and would not impact upon the scenic beauty of the AONB. The

proposal would therefore not have a detrimental impact upon the wider landscape and as such it is considered to be in accordance with Policies 1 and 2 of the adopted Local Plan 2005 and emerging Policies OE1 and WC1 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

Impact upon residential amenity

The site is not located adjacent to any residential property that is not already connected to Carn Friars Farm. The nearest residential property, outside Carn Friars Farm, is Lunnon Cottage, which is around 55 metres to the north west of the proposed farm building, across the A3110 road. Given the nature of the landscape and the nature of the proposed building it is not considered that an agricultural building for farm storage, to replace a building which was previously closer to this cottage, would give rise to any particular nuisance issues that could impact upon the amenity of this neighbour. On this basis it is considered that the proposal would be acceptable and would accord with Policies 1 and 2 of the adopted Local Plan (2005) and Policy WC1 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

Impact upon the Natural and Historic Environment

The proposed site is not located within the curtilage of a Listed Building or within the boundary of a Scheduled Monument. There are no archaeological constraint areas in the vicinity or historic records on the Historic Environment Register that would suggest the laying of a concrete slab of this scale would give rise to any harm to potential below ground archaeological remains. Any archaeological remains in this area is likely to have been lost through ploughing given the use of this site, historically, for flower growing.

The site is not located within any natural environment designations. The closest SSSI is the Higher Moors SSSI which lies 170m to the south west of the site. The site is also outside the Environment Agency's defined Source Protection Zone 2 for ground water. The proposal could give rise to increase in surface water, which could flow down towards this site but given that this building is now further away than the building it replaces, it is not considered that it would be significant. The applicant has stated that the downpipes are connected through installed underground pipes. The applicant has stated:

"Realising that extra roof water guttered would exaggerate the already at times quite severe flooding problems suffered on the farm that is, rain water that runs down the road from Normandy often floods through our farm in times of heavy rain. By routing this water away and dealing with it we will if anything, hope to be a little better off by hopefully reducing the rain water from that area. This 4" underground pipe which takes the water away is already joined into our existing network of underground rainwater collection pipes which already collect from most of the other farms roofs. These pipes which are accessible in places for maintenance via manhole covers, lead down to a 500-litre underground collection sump tank which already collects water from much of the other farm roofs. From here there is an electric sump pump which when activated by a level switch, pumps the rain water back up through another feed pipe towards the top of the farm into out two x 7000-litre green tanks (which can be seen from the road). This rainwater harvesting and collection system has been in place and working well on our farm irrigating fruit and vegetable plants for about 6-years, we will be quite simply adding to the volume of the harvested water."

Whilst there have been structures lost through fire at this site, a collection of buildings of this nature does have the potential to provide habitat for protected species and as such installing a new agricultural building has the potential to create bio-diversity enhancements around the site. So whilst no hedgerows or trees are proposed to be lost, or indeed be planted, the applicant could install features on the building that provides appropriate habitat for birds and bats.

The applicant has sought advice from the Isles of Scilly Wildlife Trust who have advised that 2 bat boxes situated as high up as possible on each of the north east and south west gable ends, with a third on the south facing aspect to provide different thermal conditions for the bats. A bird box on the northern aspect, which would be up against the hedge. It is considered that a condition to require

these specific boxes to be installed as stated, prior to the first use of the building, would be sufficient to ensure biodiversity net gains are achieved at this site.

On this basis it is considered that the proposal would be acceptable and would accord with Policies 1 and 2 of the adopted Local Plan (2005) and Policies OE2 and OE7 of the Submission Draft Isles of Scilly Local Plan (2015-2030).

Highway Safety

As Carn Friars Farm is an existing and long-standing farming business and the proposal is not part of an expansion of operations, but aimed at replacing a building unfortunately lost through fire, it is not considered that the proposal would increase use of the local highway network. No new accesses are proposed on to the A3110 and vehicles would access the site from the existing entrance to Carn Friars Farm. Overall therefore the proposal is not considered to give rise to any impacts upon highway safety.

Conclusion

Based on the above assessment and subject to the conditions below, it is considered that the proposed agricultural building is acceptable and would comply with Policies 1, 2 and 4 of the adopted Local Plan (2005) and Policies SS1 (d), SS2 (g), OE2(8) and WC1.

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:**



- **Location Plan (1:250), date stamped 09/10/2019**
- **Proposed Plans and Elevations, Drawing Number 1314, dated 10/07/2019**
- **Bat and Bird Box Specifications as set out in email dated 20/11/2019**

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 1 of the Isles of Scilly Local Plan 2005.

- C3 The scheme for the provision of bat boxes and bird boxes and related specifications as set out in the submitted details shall be fully implemented prior to the first use of the application building, hereby permitted. Once fully implemented the bat and bird boxes shall be permanently maintained.**

Reason: To retain control over the development, to safeguard bats and these roosts which are specifically protected by law, in accordance with Policy 1(e) of the adopted Isles of Scilly Local Plan (2005) and Policies SS1(d), SS2(g) and OE2(8) of the Submission Draft Isles of Scilly Local Plan (2015-2030).

Signed: 	Dated: 21/11/2019	Signed: 	Dated: 22/11/2019
Planning Officer		Senior Manager	

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:

Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)	d	g								
Contrary to (tick)										
In accordance with (tick)	✓	✓								

Our Outstanding Environment							
	OE1	OE2	OE3	OE4	OE5	OE6	OE7
Clause/Part (State)		8					
Contrary to (tick)							
In accordance with (tick)		✓					

A Strong Living Community									
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9
Clause/Part (State)									
Contrary to (tick)									
In accordance with (tick)									

A Strong Working Community						
	WC1	WC2	WC3	WC4	WC5	WC6
Clause/Part (State)	✓					
Contrary to (tick)						
In accordance with (tick)	✓					