

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/22/024/COU

UPRN: 000192000501

Received on: 8 March 2022

Valid on: 28 March 2022

Application Expiry date: 23 May 2022

Neighbour Expiry date: NONE CONSULTED

Consultation expiry date: 21st April 2022

Site notice posted: 31 March 2022

Site notice expiry: 21 April 2022

Applicant: Mr Andrew Walder SC Dogs

Site Address: Carron Farm
Higher Town
St Martin's
Isles Of Scilly
TR25 0QL

Proposal: Single storey extension of the existing SC Dogs Distillery on the footprint of a former glasshouse, to include storage areas and a tasting room including the retrospective change of use of the premises from agricultural to Class E(g)(iii) industrial process which can be carried out in a residential area without detriment to its amenity.

Application Type: Change of Use

Recommendation: PERMIT

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Installation of Biodiversity Enhancement Measures
4. Hours of Operation for Construction Works
5. Details of external illumination
6. No change of use

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: 07/04/2022

Site Description and Proposed Development

Carron Farm is an existing farm holding at Higher Town on the island of St Martin's, Isles of Scilly. They have recently diversified into artisan distillery of alcohol including rum and vodka.

The proposal seeks to utilise the remains of the original greenhouse structures and create an improved space for the production of spirits, accessible by existing farm machinery, storage for materials, good ventilation, sustainable energy as well as space for small groups of visitors for tasting and tours.

Principally the applicants propose to create a linear building in place of a former larger greenhouse, for which there remains a small, shuttered concrete and polycarbonate structure used for growing plants and vegetables, attached to an existing series of farm buildings. These are currently used for the distilling of alcohol and securing the alcohol.

The proposal, utilising the original rear wall of the original larger greenhouse structure, will be a linear mono-pitched building with the lower wall facing south, connecting the farmyard to the west with the residential property and pedestrian access to the east side. The structure is generally agricultural in nature with hit and miss timber cladding for the walls and corrugated steel roof panels with PV panels. It is noted that upvc windows are proposed.

Certificate: B

Other Land Owners: The Duchy of Cornwall

Consultations and Publicity

The application has had a site notice on display for 21 days (31/03/2022 – 21/04/2022). The application appeared on the weekly list on 4th April 2022. Due

to the nature of the proposal there have been three external consultations for which responses are set out below.

Consultee	Date Responded	Response
Cornwall Archaeological Unit	30/03/2022	<p>We note that a greenhouse was first recorded on the site on the <i>circa</i> 1908 Ordnance Survey map, however, we note the information in the submitted Design and Access Statement and drawings that the principal surviving historic fabric is formed by the high granite back wall, a distinctive feature and a legible part of the early greenhouse on the site.</p> <p>The greenhouse was associated with the development and expansion of the flower growing industry in the early 20th century – a distinctive and significant aspect of the heritage of the Isles of Scilly – and forming an important part of the historic character of St Martin's and the Isles of Scilly Conservation Area, however, in this respect we consider that the current greenhouse does not make a significant contribution as it has been greatly altered. For this reason, we consider that an historic building record would not be proportionate to the heritage significance of the present greenhouse (and remains of the earlier structure) and therefore, no recording condition is required.</p> <p>In terms of conservation, the proposal will reinstate the historic footprint of the former greenhouse and retain the granite-built backwall. By reusing the historic footprint of the greenhouse, the back wall will again become an important part of a building and the scheme is a good opportunity for its long-term conservation.</p> <p>In this respect, we note that there is no submitted information about how the wall will be conserved as part of the proposal. As raking out and repointing will be required, the proposed methodology and materials to be used should be sensitively done to ensure that the back wall retains its heritage significance and make a valuable contribution to the character of the new building on the site.</p>
Environmental Health Officer	No Response	
Cornwall Fire and Rescue Service	No Response	

Representations from Residents:

Neighbouring properties written to directly: NONE

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received.

Relevant Planning History:

No planning history relevant under the adopted 2015-2030 Local Plan. Planning history under previous local plans:

- P1480 Conditional permission granted for the erection of two holiday chalets. (Approved 03/02/1976)
- P1793 Conditional permission granted for the provision of a septic tank and drainage. (Approved 22/05/1979)
- P2757 Conditional permission granted for the erection of a timber framed agricultural building adjacent to the Western side of Carron Farm Buildings (Approved 07/06/1988)
- P5108 Permission granted for the rebuilding of original roof (Approved 31/01/2004)

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Landscape Character Landscape Type: Settlements.

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 building/site, street and area?	y
Would the materials, details and features match the existing building/site 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?	y
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

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	y

overbearing impact?	
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 Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	n/a
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	n

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	y
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	y
Are biodiversity enhancement measures required	y

Is a condition required to provide biodiversity enhancement measures	y
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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	n
Is a condition required to secure a Site Waste Management Plan	y

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	y
Does the proposal include a any site specific sustainable design measures	y
Is a condition required to secure a Sustainable Design Measures	n

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 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	
<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:	✓		y

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:

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

- 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, Drawing Number PL010 Dated 21/02/2022
- Plan 2 Block Plan, Drawing Number PL014, Dated 16/03/2022
- Plan 3 Proposed Elevations and Sections, Drawing Number PL021, Dated 21/02/2022
- Plan 4 Proposed Plan, Drawing Number PL020, Dated 21/02/2022
- Plan 5 Proposed Roof Plan, Drawing Number PL022, Dated 01/03/2022
- Preliminary Roost Assessment (PRA) (Appendix 2), Ref: 22-3-3 Report Dated 23/03/2022 IOS Ecology.
- Design and Access Statement, Rev A, Arbor Architects Dated March 2022
- Site Waste Management Plan

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).

Pre-First Use Condition: Installation of bird enhancement measures

C3 Prior to the first use of the Distillery Building, hereby approved, the biodiversity enhancement measures (Birds), as set out in the Preliminary Roost Assessment (page 6) Ref: 22-3-3, dated 23/03/2022, shall be installed as recommended and be retained as such thereafter.

Reason: In the interests of securing appropriate and proportionate biodiversity net gains at this site in accordance with Policy OE2, SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

Pre-Installation Condition: submission of details of external lighting

C4 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.


Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the St Martins Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C5 The premises shall be used for the purposes of distillery and ancillary uses or for agricultural purpose as part of Carron Farm only, and for no other purpose (including any other purpose in Class E(g) (iii) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt the site shall not be used for any separate commercial purpose including leasing or any other commercial activity without the prior grant of planning permission from the Local Planning Authority**

Reason: To restrict the use of the premises in the interests of the amenities of the locality.

- C6 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

Print Name:	Lisa Walton	19 th May 2022
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		