



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/078	Expiry date: 17/11/2017
Received on: 29/09/2017	Neighbour expiry date: None
UPRN: 000192001320	Consultation expiry date: 20/10/2017
Legal agreement:	Site notice posted: 25/09/2017
Departure:	Site notice expiry: 16/10/2017
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr J & Mr D May
Site Address:	Land at Peninnis Farm, King Edwards Road, Hugh Town, St Mary's.
Proposal:	Replacement of two barns including extension.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17078>

### Description of site and development:

This application proposes the replacement of fire damaged, agricultural buildings and the erection of an extension to the original buildings' footprint. The two agricultural buildings, which were destroyed by the fire had timber-clad elevations under dual pitched, fibre cement, roofs and were sited on the north and western side of the building complex. The larger building had an original footprint of approximately 250 square metres and a ridge height of approximately 5.8 metres. The smaller building had an original footprint of approximately 144 square metres and a maximum ridge height of approximately 5.6 metres.

The proposed replacement building is to be sited within the same yard area of the building complex and are proposed to be extended in size from the original building footprints. The building design has altered from the original two buildings to one large building consisting 4 sections all with variations in the ridge height. The different sections from south to north of the site measure the following:

- Open fronted section: 9.1 metres by 6 metres with an eaves height of approximately 2.2 metres and a ridge height of approximately 4.8 metres.

- Section 2: 12.2 metres by 13.8 metres with an eaves height of approximately 2.2 metres and a ridge height of approximately 5.2 metres.
- Section 3: 19.4 metres by 13.8 metres with an eaves height of approximately 2.2 metres and a ridge height of approximately 7.1 metres.
- Section 4: 9.2 metres by 5 metres with an eaves height of approximately 3.5 metres and a ridge height of approximately 5 metres.

The overall building footprint will be approximately 537 square metres. The building is proposed with timber clad elevations and fibre cement roof sheeting and single translucent sheets for the roof coverings. A total of 6 x 10,000 litre rainwater storage tanks are proposed to be located adjacent to the northern elevation of section 3 of the building and the western elevation of section 4 of the building. The rainwater overflow will utilise the existing site soakaway system.

### **Site Description**

The site lies to the south/south-east of Hugh Town, a short walk from the main built-up area of the town. Access to the site is proposed to utilise the existing access via the King Edward's Road, which connects to the Old Town Road and currently serves the farm in addition to the Health Centre, Hospital and a number of residential properties. The site forms part of a working farm of approximately 19ha, which has moved to livestock from previously focusing on bulb production. In addition, the farm has also diversified by providing glamping activities on the holding to help support the farm income.

### **Background and Relevant History**

New agricultural buildings were approved at Peninnis Farm in 1986 (**P.2478**) with subsequent alterations and extensions granted in 1989 (**p.2948**), 1995 (**P.3744**) and 1997 (**P.4195**). In February 2006, planning permission (**P.5820**) was refused at Peninnis Farm for a serviced campsite, with a total of 45 tents and the part-conversion of buildings to accommodate ancillary features, including staff accommodation.

A subsequent planning application (**P/06/12**) was submitted for the change of use of land from agricultural to a serviced campsite for 17 units, together with part conversion of existing agricultural buildings to provide ancillary facilities. The application was refused and appeal against the decision was also dismissed. The Inspector acknowledged the support that the proposal would provide to the local economy but considered that the scale and extent of the development would cause unacceptable landscape harm.

Planning permission was granted in April 2012 (**P/11/101**) for the change of use of land from agricultural to a serviced camp site for 7 tents. Under Application **P/14/021** permission was sought to remove the condition that required the tents to be dismantled and removed from the camping field between 1 November and 28 February and permission was granted in June 2014.

The most recent application, **P/15/052/FUL**, sought permission for the change of use of land from serviced campsite for 7 tents to 7 more robust 'pod cabin' structures. This application was presented to Committee and approved on 24th November 2016.

#### **Public representations:**

A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

#### **Consultee representations:**

Cornwall Archaeological Group have considered the application and have no specific comments to make relating to the proposal.

The Isles of Scilly ANOB Partnership has not specific comments to make relating to the proposal, however notes that the application affects the nationally designated area and as such, the Planning Authority has a statutory duty to take the AONB designation into account in determining it.

Cornwall Fire and Rescue Service recommend a series of measures regarding access for fire appliances and water supply.

#### **Constraints and designations:**

Conservation Area, AONB and Heritage Coast.

#### **Relevant policies, SPGs and Government guidance:**

##### **Primary Legislation**

##### **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) 2012**

At the heart of the NPPF is 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. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

#### **Isles of Scilly Local Plan 2005**

Policy 1 relates to environmental protection and seeks to permit development proposals 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, (c) Preserve or enhance the character or appearance of the Conservation Area (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; 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 through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

Policy 4 of the Local Plan relates to Economic development. This policy essentially seeks to promote employment and economic activity based on the existing economy, including agriculture, and supporting opportunities that lead to modernisation and diversification of the islands economy.

#### **Appraisal/key issues and conclusion:**

The principal planning issue for consideration is whether the replacement and extended agricultural buildings at this site are in accordance with policy 4 of the Local Plan. Additionally, it is necessary to assess the impact of the proposed development upon the wider natural and historic environment, its design, scale and materials and its impact on highway safety and amenity of the area.

#### **Economic Development Impact.**

Policy 4 of the Local Plan supports development proposals where they seek to promote economic activity by providing opportunities for businesses to support viable communities. Where the development proposed is seeking to support the existing economic base of tourism, agriculture or fishing then it is likely to be acceptable where it is considered to be contributing to the further diversification and essential modernisation of the islands' economy.

Peninnis Farm is an agricultural holding covering approximately 19ha focusing on livestock production with glamping activities supporting the main farm income. The farm has a range of agricultural buildings situated to the western side of King Edwards Road, separate from the farm dwelling. In July 2017, the Design and Access Statement explains that some of the buildings were subject to a fire, which resulted in the loss of two buildings and fire damage to other attached agricultural buildings. The proposed development is therefore required to replace the building loss on site in support of the existing agricultural activities on site. The proposal also seeks to extend the agricultural building. The extension together with the replacement of the fire-damaged buildings is considered to continue to support the island's existing economic base of agriculture in accordance with policy 4 of the adopted Local Plan.

### **Design, Scale and Materials.**

The Design and Access Statement which accompanies the application states that the replacement building has a differing design to the original two buildings, as the applicant wishes to maximise the functionality and usability of the shed by creating one large unit instead of two units. The proposed building would have the appearance of a typical agricultural building and is considered to not be oversized for its intended purpose. The erection of the proposed building would not constitute overdevelopment of the site.

Regarding building materials, agricultural buildings on the Islands typically take form from traditional materials, such as timber cladding and stone. The proposed use of timber cladding and corrugated fibre cement roof sheeting is considered appropriate for this type of building and in the context of the existing agricultural buildings on site. The design, scale and materials of the building are judged to be acceptable in this context and would not be out of keeping within a farmyard setting.

### **Visual Impact upon the wider landscape**

The proposed replacement building is a large purpose built agricultural building that will mirror the style of agricultural buildings in the area. It is designed to facilitate the usability and functionality of the storage of agricultural machinery and equipment. The building is proposed to be set back from King Edwards Road and constructed on the same footprint as the fire-damaged barns. The proposed building will extend further south, east and north of the original buildings' footprints, however the distance from the proposed building to the highway on the east of the site will remain unchanged from that of the previous buildings at approximately 12 metres. The position will ensure that the proposed building will be partially obscured by the existing buildings on site in addition to the existing hedgerows and boundary treatments. Although the ridge height of the proposed building is higher than the original fire damaged buildings' ridge height, the use of a staggered ridge helps to break up the bulk and mass of the building in keeping with the existing mix of ridge heights within the building complex. The surrounding landscape to the building complex is enclosed farmland. Both the surrounding landscape and the materials of construction will ensure that its immediate impact will quickly lessen within a short period of time. It is considered that the siting and design are sufficient to ensure the proposed building will not have a significantly detrimental impact upon the scenic beauty of the islands at this point. Any views from public vantage points into the site will view the building in the context of the existing building complex on the farm. As such, it is considered that the proposal will not have a significantly detrimental impact upon the visual landscape of St Mary's.

### **Impact upon the historic environment**

The proposed site does not contain any designated heritage assets. Cornwall Archaeological Group has considered the application and has no specific comments relating to the proposal.

There are no listed building or scheduled monuments, which could have settings affected by the proposed building. As there are no known archaeological constraints at this site, it is considered that the proposal will be acceptable in terms of the historic environment of St Mary's.

### **Impact upon the Natural Environment**

The Isles of Scilly have a number of important environmental designations, including Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Sites of Special Scientific Interest (SSSI). The SAC is a strictly protected marine designation under the EC Habitats Directive. The Isles of Scilly Complex forms part of the European network of important high quality conservation sites that make a significant contribution to conserving the 189 habitat types and 788 species of plants and animals. The sites selected around the coastal waters of Scilly encompass extensive sandy sediments between the islands that are contiguous with the intertidal sandflats. The SAC will not be affected by the proposed agricultural building. There are no SPAs within the vicinity of this site.

Around 225 metres to the southwest of the proposed site is Peninnis Head (St Mary's) SSSI. This is a 16.31 hectare site that runs along a section of the coast on the west side of St Mary's. Its condition is identified as 'unfavourable- recovering'. The proposed agricultural building will not have any impact upon this SSSI designation.

### **Impact upon residential amenity**

There are no immediate neighbouring properties at Peninnis Farm. The proposed agricultural building at this farm would not have any detrimental impacts upon the privacy or amenity of neighbouring properties or land uses.

### **Impact upon Highway Safety**

The existing Farm site has a very good vehicular access from King Edward's Road. As the proposal is for a replacement building, it is considered that this will not give rise to any increase in current traffic movements and utilises the existing access and off road parking areas on the site. The proposal is therefore not considered to adversely affect highway safety or give rise to issues on the local highway network.

### **Sustainability Issues**

All new development should be 'sustainable' as required by both Policy 2 of the Isles of Scilly Local Plan and the NPPF. Fundamentally sustainable development is about positive growth, making economic, environmental and social progress for the present and future generations. The NPPF makes it clear that where development is sustainable it should be permitted without delay. It is therefore important to consider whether the proposed development is sustainable. Fundamentally Policy 2 requires that development proposals contribute to the sustainability of the islands' environment, economy or local communities through (a) conserving and enhancing

landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance and landscaping; (b) ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations; and (c) utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

It is considered that a timber agricultural building required in connection with an existing agricultural business, with the objective of replacing existing, fire damaged buildings, will be a relatively sustainable form of development. The submitted plans include the provision of rainwater harvesting tanks to collect and reuse the water runoff for farming activities. It is considered that the proposed building will be sustainable and in accordance with Policy 2 of the Isles of Scilly Local Plan.

#### **Other considerations.**

The Cornwall Fire & Rescue Service have highlighted within their consultation response, the requirements that it will be necessary to meet the British Standards for fire safety. An informative note can be added to any subsequent decision notice.

#### **Conclusion**

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

#### **Recommendation:**

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2. The development hereby permitted, shall be carried out in accordance with the approved details only including:**
  - The Location Plan, date stamped by the Local Planning Authority on 13 September 2017**
  - Proposed Block Plan, date stamped by the Local Planning Authority on 13 September 2017**
  - Proposed Elevations Plan, drawing number: PFS-3A**
  - Proposed Floorplan, drawing number: PFS-2A**

**These are signed and 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.

- 3. The building, hereby approved, shall be constructed with anthracite grey, cement fibre roof sheets and translucent sheets, as shown on the approved plans, unless otherwise previously agreed in writing with the Local Planning Authority. The roof shall be covered and maintained in the approved material thereafter.**

Reason: In the interests of the appearance of the development and to ensure the development harmonises with its surroundings in the interests of the visual amenities and character of this area.

- 4. In addition to Condition 3, the building hereby approved shall be constructed with timber boarding to the external elevations as shown on the approved plans, unless an alternative material has previously been agreed in writing with the Local Planning Authority. The elevations shall remain externally clad with the agreed material thereafter.**

Reason: In the interests of the appearance of the development and to ensure the development harmonises with its surroundings in the interests of the visual amenities and character of this area.

- 5. The development hereby approved shall be used solely for the purposes of agriculture or horticulture as defined under Section 336 of the Town & Country Planning Act 1990.**

Reason: To ensure that the development hereby permitted is used solely for the purposes of agriculture and horticulture.



- 6. Prior to installation on the building hereby approved, details of external lighting or floodlighting to be installed shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the position of the light(s) on the building, its design and direction of light beam. The external lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To retain control over external lighting in the interests of visual amenity.

#### **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 paragraphs 186 and 187 of the NPPF.
- 2 In accordance with the Town and Country Planning (fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 a fee is payable to discharge any condition(s) on this planning permission. The fee is £28 for each request to discharge condition(s). The fee is payable for each individual request made to the Local Planning Authority.

- 3 In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £28 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
- 4 **CORNWALL FIRE AND RESCUE SERVICE INFORMATICE**  
 Access for fire appliances: Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, 2007. Water Supplies: Adequate water supplies for Firefighting purposes will be achieved by: Complying with the requirements as detailed in the attached guidance note W102

Signed: 	Dated: 17.11.2017	Signed: 	Dated: 17.11.2017
Planning Officer		Senior Manager	