



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/095/FUL	Expiry date: 01/01/18
Received on: 06/11/2017	Neighbour expiry date: 27/11/17
UPRN: 000192000999	Consultation expiry date: 04/12/17
Legal agreement:	Site notice posted: 07/11/2017
Departure:	Site notice expiry: 28/11/2017
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 A Miller
Site Address:	The Craft House, Old Town Lane, Old Town, St Mary's
Proposal:	Change of use from existing use as soft play facility (use class D2) to use as a small craft distillery (use class B1).
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17095>

Description of site and development:

This application proposes the change of use from an existing use as a soft play facility (use class D2) to use as a small craft distillery (use class B1) at The Craft House, Old Town Lane, Old Town, St Mary's.

Site Description

The Craft House is a single storey building that currently has a soft play facility at ground floor and a residential unit at first floor in the roof space. The Craft House is of stone construction with a tiled roof, painted timber doors and multi-paned windows and six no. rooflights. The residential accommodation is accessed via a separate door to the building (on the north east elevation) and uses an internal staircase. The ground floor is accessed via a door on the south east elevation.

Description of Proposed Development

The proposed works are to change the use of the ground floor from a soft play facility (use class D2) to a small craft distillery (use class B1). There are no external changes proposed.

Background and Relevant History

In 1997 an application was submitted and refused (**P4277**) for the conversion to shop with

store. This was subject to an appeal which was upheld in 1998. In 2006 an application was submitted and approved (**P/06/065**) for the change of use from a retail outlet (A1) to a children's craft centre (D1) – childminding and art and craft classes open to the public. In 2013 an application was submitted and approved (**P/13/028**) for the change of use of building from D1 (Day Nursery) to D2 (Soft Play Facility) including internal works and an outside shelter for parking buggies.

Public representations:

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

Consultee representations:

The Cornwall Archaeological Unit, The Isles of Scilly Water department, The Isles of Scilly Environmental Health department and Cornwall Fire and Rescue were consulted and any responses can be found below. A site notice has been on display outside the site for a period of 21 days. Three letters of representation have been received.

Cornwall Fire and Rescue Service

This Authority makes the following observations: Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, 2007 and adequate water supplies for firefighting purposes will be achieved by complying with the requirements as detailed in guidance note W102.

Cornwall Archaeological Unit

The CAU have no comments to make on this application.

The Isles of Scilly Environmental Health Officer

Comments on the gin distillery from a EH perspective;

- Confirmation from the operator it is a sealed process for any boiling/steeping/fermenting and distillation and therefore no issues with the escape of fumes/odours or if a vapour infused process. Some yeasts can produce sulphur gases (eggy smell).
- Ingredients stored in pest proofed room/sealed containers (aware any waste produced will be bagged in sealed commercial waste bins).
- Confirmation bottling by hand and therefore no automated bottling plant noise impact
- Set opening times for early deliveries to prevent disturbance during unsocial hours.
- Likely movement of vehicles throughout the day including deliveries and distribution
- Is there a retail shop/visitor centre element which may impact from a noise perspective.

Note: Gin distillery classed as a food business and the Food Business Operator will need to register with us as a food business and programmed in for future inspections.

A further email has been received from the Environmental Health Officer and states that the applicant has addressed their concerns.

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 consideration 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 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, (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 relates to economic development and seeks to promote employment and economic activity by providing opportunities for businesses to support viable communities. Proposals based on the existing economic base of tourism, agriculture and fishing, as well as the distinctiveness of the islands, will be supported in the following cases: (a) where such development contributes to the further diversification and essential modernisation of the islands' economy.

Appraisal/key issues and conclusion:

The principal issue for consideration is the impact the change of use will have on the wider character of the Conservation Area and AONB designations. It is also a material planning consideration to consider the impact of the proposed development upon the privacy and amenity of neighbouring properties.

Principle of Development

The proposed works are to change the use of the ground floor of The Craft House from a soft play facility (Use Class D2) to a small craft distillery (Use Class B1). There are no external changes proposed. The change of use to a small craft distillery involves the storage of water in IBC tanks, which will be held inside the building and the water will be used in the cooling process of distilling, the water will be re-used, thus minimising use from mains water supply. The water usage for the actual distillations will be 440 litres per full distillation and they project that run one full distillation per month initially and growing to two distillations per month in the future.

The applicant has also confirmed that the distillery will be used for small batch productions of spirits in accordance with the ERDF Voucher Scheme project for this new business, which was approved by the Island Futures Board.

The applicant has also confirmed that the proposed distillery still/s to be installed, are fully contained, sealed units (thereby having no external extraction complications), and the used botanicals from each distillation will be managed through existing Council waste management services/facilities. The applicant is already working with Isles of Scilly Wildlife Trust in respect of harvesting local botanicals from agreed designated areas, as per the conditions and their commitments within the ERDF Voucher Scheme project.

In relation to Policy 1 of the Local Plan it is considered that the proposed works will maintain the quality of the islands environment as there are no external changes proposed to the building.

In relation to Policy 2 of the Local Plan it is considered that the proposed works will contribute 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.

In relation to Policy 4 the proposed change of use will promote employment and economic activity by providing the opportunity for a business to support its local community. It will allow the continued use of a business premises to be used as such and contributing to island life and communities.

Impact upon the character of the Conservation Area and the AONB.

The application building is of typical Scillonian stone construction. The building itself is of no significant architectural style or historic importance. There are no external changes proposed to the building and it is considered that the proposed change of use will not cause harm to the wider character of the Conservation Area and will therefore preserve its character and appearance.

The proposed works to change the use of the building will also not cause any harm to the AONB designation.

The proposed development will accord with the Local Planning Authority's statutory duty under sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 because it would preserve the character and appearance of the Conservation Area.

It is considered that the small scale nature of the proposed use falls within use class B1. It is judged that the small scale nature is suitable to be situated next to residential properties and is therefore considered to be acceptable.

Impact upon residential amenity

The applicant has confirmed in the submitted details of the application that they consider there will be no detrimental impact on neighbouring properties, versus that of the current use of the commercial space, which necessitates relatively high traffic and or pedestrian flow (drop off and collection of children) twice daily. The applicant states that by contrast the new business will necessitate relatively infrequent deliveries (monthly or quarterly), which would be fulfilled by the established providers on the island, who already service the needs of the neighbouring/surrounding other commercial buildings and businesses, such as the adjacent wood-working warehouse, the felt making workshop attached to the rear, the Old Town Stores opposite, plus the nearby Old Town Inn and Castle Farm Kitchen.

The applicant also confirm that their own vehicle is battery powered and will therefore not create any nuisance, in terms of noise or diesel fumes, versus existing vehicles used by/parked at the surrounding businesses/residences.

The applicant also states that the new business use will not impact on traffic flow on Old Town Lane or access to the shared driveway to the adjoining/adjacent commercial properties nor will there be any noise disturbance to neighbouring businesses/residences from any aspect of the distilling processes that will take place, and which will in fact only be operational during normal working hours for a few days per month, as opposed to the daily use/disruptions we understand are taking place with the current business of the property.

The applicant also confirms that they will not be using an automated bottling system, no fermentation is required to make the gin (they will be using supplied grain neutral spirit), all deliveries will be within normal trading hours (0900 hrs to 1700 hrs Monday to Saturday) of the island carrier companies (as is applicable for the neighbouring convenience store and pub) and any visitors would equally only apply during normal working hours, just as in any other business, such as our neighbouring businesses.

It is judged that the small scale nature of the proposed use falls within use class B1 and is therefore suitable to be situated next to residential properties and is therefore considered to be acceptable. It is not considered that the proposed change of use will give rise to any additional privacy or amenity issues over and above the existing situation. It is considered that the application is acceptable.

Conclusion

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

Further Information:

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 £195 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 £195 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.

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 dated 01 November 2017
- Proposed Ground Floor Plan dated 01 November 2017

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. Notwithstanding the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order amending or re-enacting that order, the building hereby permitted shall not be extended or have additional openings, without the express grant of planning permission from the Local Planning Authority.

Reason: To accord with the specific details of the application, to ensure that the building continues to fulfil its dedicated employment support function and to protect the character and appearance of the area from unsympathetic alterations and extensions.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the building, the subject of this permission shall only be used for purposes falling within Use Classes B1 (and any ancillary sales of products produced on site), and for no other purpose, without the express grant of planning permission from the Local Planning Authority.

Reason: Any other use would require further assessment in accordance with Policy 4 of the Isles of Scilly Local Plan 2005.

5. Prior to the installation of any external lighting to the building or the area around the building hereby permitted, details shall be submitted to and approved by the Local Planning Authority. Once approved the lighting shall be installed and maintained in accordance with the agreed details.

Reason: In the interests of the amenities of the area, to accord with Policies 1 and 2 of the Local Plan, and to protect the dark night sky of the Isles of Scilly

Signed: Yvonne Dale	Dated: 15/12/17	Signed: 	Dated: 20/12/2017	Signed: 	Dated: 20/12/2017
Case Officer		IOS PLANNING		Senior Manager	