

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/23/049/COU

**UPRN:** 000192002870

**Received on:** 7 July 2023

**Valid on:** 25 July 2023

**Application Expiry date:** 19 September 2023

**Neighbour expiry date:** 17 August 2023

**Consultation expiry date:**

**Site notice posted:** 27 July 2023

**Site notice expiry:** 17 August 2023

Extension of Time Agreed: 22/09/2023

Conditions Agreed: 20/09/2023

**Applicant:** Mr George Goldberg Isles of Scilly Community Venture CIC

**Site Address:** Land At Salakee Farm

Salakee

St Mary's

Isles Of Scilly

**Proposal:** Temporary change of use of land for food waste composting and storage of compost including installation of an in-vessel composting system contained inside a 20 foot shipping container.

**Application Type:** Change of Use

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**Recommendation:** PER

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## **Summary Conditions:**

1. Standard time limit
2. Temporary period
3. Adherence to plans
4. Log of vehicle movements

## 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: Cllr D Marcus

Date: 18/08/2023

## Site Description and Proposed Development

Salakee Farm is a tenanted farm holding on the east side of the island of St Mary's, occupying an area of land to the north of St Mary's Airport. It comprises a private access road that leads to a series of agricultural fields, areas of woodland surrounding a range of agricultural buildings including a traditional granite farmhouse.

The proposal seeks to temporarily change the use of a small section of land for the siting of a container to be used for the purposes of food waste composting. Food waste would be collected and brought to the site with the resulting composted materials being used on Salakee farm. The use is temporary for one year.

Certificate: A/B/C/D

Other Land Owners: None

### Consultations and Publicity

The application has had a site notice on display for 21 days (27/07/2023 – 17/08/2023). The application appeared on the weekly list on 31<sup>st</sup> July 2023. Due to the nature of the proposal no external consultations are required.

Consultee	Date Responded	Summary
St Mary's Airport	04/08/2023	No objections at this time
Natural England	10/08/2023	No objections
Environment Agency	08/08/2023	No objections

### 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 2005 Local Plan or the adopted 2015-2030 Local Plan

**Constraints:**

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Areas Name: Tremelethen.

**Planning Assessment**

<b>Design</b>	<b>YES OR NO</b>
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 dwelling, street and area?	Y
Would the materials, details and features match the existing dwelling 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?	n/a
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

<b>Amenity</b>	<b>YES OR NO</b>
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 overbearing impact?	Y
Is the proposal acceptable with regard to any significant change or intensification of use?	Y

<b>Heritage</b>	<b>YES OR NO</b>
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
<b>Other Impacts</b> Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
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

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	N
Does the proposal include any demolition	N
Does the proposal include tree or hedge removal	N
Is an assessment of impact on protected species required	N
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N
Are biodiversity enhancement measures required	Y
Is a condition required to provide biodiversity enhancement measures	Y

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

Paragraph 176 and 177 of the NPPF sets out that as an AONB, the Isles of Scilly benefits from the highest status of protection. The proposal is a temporary use of farmland, which includes the siting of a utilitarian container as means to ‘trial’ food waste composting, and remove the need to ship food waste to the mainland.

Salakee Farm is part of the wider open but farmed landscape on St Mary’s where unacceptable development could give rise to a high degree of harm. In order to ensure this does not give rise to any long-term harm to the wider landscape, a condition is recommended to restore the site to its current use and condition once the temporary period ends.

From an environmental impact assessment perspective, the proposal has been screened and it is concluded that it does not amount to EIA development despite the sensitive environment in which it will be located. 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.

Policy SS2 requires development to ensure net gains for biodiversity which is reflected in the advice from Natural England. Paragraph 180 of the NPPF advises LPAs to apply the hierarchy set out in parts a)-d). The submission has considered the existing designations that could be affected, as part of this trial project: this includes two SSSIs which are near to the proposed development: Lower Moors & Higher Moors. The proposal lies outside of these designations. Similarly the location for this project does not fall within the Source Protection Zone for either of these SSSIs. As the composting process occurs within a closed vessel, any leachate from that process is captured and disposed of safely through mains sewerage, rather than producing any runoff to the land which could potentially affect the SSSIs. Compost being stored in the windrows after the IVC process has completed could still produce nutrient rich runoff, however, the volumes involved in this project are very small and therefore are extremely unlikely to have any significant effect on surrounding land. Aerobic composting processes produce ammonia as a by-product which can have an impact on organisms in the surrounding area. However, the extremely small scale of this composting pilot (15 tonnes over the course of a year) means that the amount of ammonia produced will be very low and therefore there will be no significant effect on the nearby SSSIs.

For a temporary 1 year permission it is not considered proportionate to require the proposal to deliver specific biodiversity net gains. In order to understand the long-term

impact of the proposal, however, in relation to habitats and biodiversity it is recommend that a phase 1 habitat survey or a survey of the baseline habitat units of this site informing use of the DEFRA small sites metric tool could be carried out in the event a permanent change of use is sought at this site. This will enable the project to have a full understanding of the impact of the environment over the long term and incorporate appropriate mitigation measures/biodiversity net gains. On the basis of the response from Natural England and the Environment Agency I consider the temporary use will not have significant adverse impacts on designated sites.

**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/imposed conditions to enable the grant of planning permission.

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:

1. removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
2. 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
3. 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 This permission shall be for a temporary period only, expiring one year from the date of the composting container being placed on the site. The applicant shall confirm with the Local Planning Authority the commencement date of this permission. The use hereby permitted shall cease within 12 months of the commencement date. The container and ancillary works shall be removed, and the site reinstated to its former condition within two months of the use ceasing.**

Reason: To safeguard the visual amenity and landscape character of the Islands and to acknowledge the particular circumstances in this case and to retain control over the future use of the site in accordance with Policies OE1 and OE7(5) of the Isles of Scilly Local Plan (2015-2030).

**C3 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- **Plan 1 Location Plan**
- **Plan 2 Block Plan**
- **Plan 3 Site Plan**
- **Plan 4 Proposed Site Layout Plan**
- **Plan 5 Proposed Elevations**

**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).

**C4 The applicant/site owner/operator shall maintain a register/log of all vehicle movements associated with the food waste composting for each calendar year. This shall include the nature of the visit (e.g. domestic or commercial), the number of vehicles movements each day associated with the composting (not including vehicle movements in connection with Salakee Farm) and the type of vehicle, (e.g. car, van, pickup etc). This register/log shall be made available to the Local Planning, upon cessation of the use or expiration of this temporary permission (whichever is the sooner).**

Reason: In order that the effects of the use of the land on highway safety can be monitored and understood for future schemes in accordance with the provisions of Policies SS10 and OE5 of the Isles of Scilly Local Plan (2015-2030).

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**Print Name:**


Lisa Walton

22/09/2023

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<b>Job Title:</b>	Chief Planning Officer
<b>Signed:</b>	
	Authorised Officer with Delegated Authority to determine Planning Applications

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