



**PLANNING & DEVELOPMENT DEPARTMENT**

Application for removal or variation of a condition following grant of  
 planning permission. Town and Country Planning Act 1990.  
 Planning (Listed Buildings and Conservation Areas) Act 1990

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.  
 If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:  First name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:  Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:

Are you an agent acting on behalf of the applicant?  Yes  No

**2. Agent Name, Address and Contact Details**

Title:  First Name:  Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:  Country Code:  National Number:  Extension Number:

Mobile number:

Fax number:

Email address:

### 3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:	<input type="text"/>	Suffix:	<input type="text"/>
House name:	<input type="text" value="Well Cross Yard"/>		
Street address:	<input type="text" value="Well Cross"/>		
Town/City:	<input type="text" value="St Marys"/>		
County:	<input type="text" value="Isles of Scilly"/>		
Postcode:	<input type="text" value="-"/>		

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:	<input type="text" value="90485"/>
Northing:	<input type="text" value="10564"/>

### 4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

### 5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Application reference number:

Date of decision:

Please state the condition number(s) to which this application relates:

Condition number(s):

Has the development already started?

Yes  No

### 6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

5 - Relating to the boundary wall at Lemon Hall and the failure of the adjoining neighbours to engage with the Party Wall process means that it is unreasonable for this to be made a pre commencement condition. We acknowledge that this wall is part of the Listed Building curtilage however the significance of this wall is minor and not specifically mentioned within the buildings listing.

Given the above we request that this condition is removed.

9 - The requirements for the roof lights to be fixed will impair the quality of the internal environment and therefore the health and wellbeing of its occupants the original planning consent had unrestricted opening roof windows within the scheme and an open courtyard.

Given the above we would ask that this condition is removed.

17 - This condition relates to a tree which falls outside of our site boundaries and therefore not within our control, the tree shows signs of being heavily pruned by the existing owners.

We request that this condition is removed.

18 - This condition is both unreasonable and unenforceable it is not clear how it protects the residential amenities of the neighbouring residents.

We request that this condition is removed.

We do not feel that the Council of the Isles of Scilly has worked with us in a positive and proactive manner as set out in the Statement of Positive Engagement and instead has placed unreasonable obstacles in the path of this much needed development of affordable housing, which already had a valid planning consent. We feel that we have been disadvantaged by the Council's actions which appear to have been influenced by the Council's fear of legal challenges from the neighbouring occupiers rather than on a balanced consideration of the merits of this scheme.

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

### 7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

### 8. Certificates (Certificate B)

#### Certificate of Ownership - Certificate B

#### Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) and/or agricultural tenant (*"agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*) of any part of the land or building to which this application relates.

## 8. Certificates (Certificate B - continued)

Owner/Agricultural Tenant		Date notice served			
Name:	The Owners of Lemon Hall	23/05/2014			
Number:	Suffix: House name:				
Street:	Church Street				
Locality:	St. Marys				
Town:	Isles of Scilly				
Postcode:	TR21 0JT				
Title:	Mr	First name:	-	Surname:	Trewin Design Architects
Person role:	Agent	Declaration date:	09/05/2014	<input checked="" type="checkbox"/>	Declaration made

## 9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date 23/05/2014