

# Council of the Isles of Scilly

## Delegated Planning Report

### Householder/other application

**Application Number:** P/21/007/ROV

**Received on:** 18 January 2021

**UPRN:** 000192001536

**Application Expiry date:** 17 March 2021

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:**

**Site notice posted:** 22 January 2021

**Site notice expiry:** 12 February 2021

**Applicant:** Jeff Knowles  
**Site Address:** Carnwethers Country House  
Pelistry Lane  
Pelistry  
St Mary's  
Isles Of Scilly  
TR21 0NX

**Proposal:** Variation of condition C2 (Approved Plans) of planning permission P/20/043/FUL (Conversion of existing ancillary buildings into two holiday cottages) in order to alter and replace timber fenestration with aluminium, increase eaves height by 150mm, remove rooflights and include solar PV panels.

**Application Type:** Removal or Variation of Condition

---

**Recommendation:** Permit variation of condition C2

---

#### Condition to be varied

C2. VARIED CONDITION to substitute approved plans with Drawing numbers:

- 2107/04B Proposed NE and SE Elevations
  - 2107/05A Proposed NW Elevation and Section A-A
  - 2107/06A Proposed SW Elevation and Roof Plan
-

## Site Description and Proposed Development

Carnweathers is a large detached property located at Pelistry on the north east side of St Mary's. It is situated on the east side of Pelistry Lane/Green Lane, which is a private road, that leads to Green Farm to the north. The site is located to the north side of Pelistry Farm.

In 2020 (P/2/043/FUL) permission was granted (September Full Council )for a conversion of two existing buildings into two further holiday cottages, associated with Carnweathers Guesthouse.

This application seeks to vary condition C2 to amend the plans to change the windows from timber to aluminium, increase eaves height by 150mm and the siting of solar panels on the roof.

**Certificate:** A

**Other Land Owners:** None

## Consultations and Publicity

The application has had a site notice on display for 21 days ( 22/01/2021 – ). The application appeared on the weekly list on 5<sup>th</sup> October 2020.

Due to the nature of the proposal no external consultations are required.

## Representations from Residents:

Neighbouring properties written to directly:

- Maranatha, Pelistry Lane

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

## Relevant Planning History:

In the 1980s a number of applications were submitted including an application for a roof extension to provide a covered balcony, solar panels and a WC. P1888 was permitted in 1980. A further amendment application was submitted for amendments to the front elevation and extension (as a revised application of P1669 allowed on appeal). P1948 was approved in 1981. A further amended scheme to previous approval, to provide a bathroom and re-siting of a bedroom. P1971 was approved in 1981.

By 1983 an application was submitted for the demolition of an existing chalet and

rebuilding as an extension to the guesthouse. P2201 was refused. An amended application was submitted and P2219 was approved, also in 1983.

There were no applications submitted in the 1990s. An application was next submitted to erect some owner accommodation at the site. P4811 was refused in 2000. The next application was for an extension to the guesthouse to provide a kitchen/diner. P5007 was permitted in 2006. A further application to erect owner accommodation was submitted and P5677 was approved in 2005.

Finally, in 2017 an application for a certificate of lawful use was submitted to demonstrate that two existing holiday lets (Poolside and Secret Garden) were now lawful. The Certificate was granted in 2017 based on the evidence provided by the applicant.

In 2020, P/20/043/FUL was submitted and approved to convert the out building to two further units of holiday letting accommodation.

### Constraints:

Historic Landscape Character: Anciently Enclosed Farmland

### 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 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?	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
Is the scale proposed in accordance with NDSS	Y

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	N
Has the proposal been designed to respect the amenities of	Y

neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	
Is the proposal acceptable with regard to any significant change or intensification of use?	N

<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
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?	n/a
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
Are there external lights	N

**Analysis:** The amendments now sought do increase the overall height of the building but relative to the approved conversion works and the benefits of inclusion of solar panels, the use of aluminium windows, in place of timber are considered acceptable. The site is well screened and no neighbours will be affected.

**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 to vary condition 2 is acceptable for planning approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

**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 December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft 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, adopted December 2005**

*Policy 1 Environmental Protection* ✓

*Policy 2 Sustainable Development* ✓

Policy 3 Housing ☐

Policy 4 Economic Development ☐

Policy 5 Transport ☐

Policy 6 Infrastructure for Sustainable Communities ☐

Policy 7 Fish and Livestock Processing ☐

Policy 8 Safeguard Power Station, St Mary's ☐

Policy 9 Waste Disposal ☐

Policy 10 Air Travel Infrastructure, St Mary's and Tresco ☐

Policy 11 Uninhabited Islands ☐

Proposal A Housing Sites St Mary's ☐

Proposal B Employment Land, St Mary's ☐

Proposal C Sport and Recreation Facilities, St Mary's ☐

Proposal D Quays ☐

Proposal E Mixed Use Development Tresco ☐

#### **Submission Draft Isles of Scilly Local Plan 2015-2030**

##### **Sustainable Scilly**

*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 ☐

### **Outstanding Environment**

Policy OE1 Protecting and Enhancing the landscape and seascape ☐  
Policy OE2 Biodiversity and Geodiversity ☐  
Policy OE3 Managing Pollution ☐  
*Policy OE4 Protecting Scilly's Dark Night Skies ✓*  
Policy OE5 Managing Waste ☐  
Policy OE6 Minerals ☐  
Policy OE7 Development affecting heritage ☐

### **Living Communities**

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 ☐ Choose an item.  
Policy LC7 Windfall Housing: ☐ Choose an item.  
Policy LC8 Replacement Dwellings and Residential Extensions  
Policy LC9 Homes in Multiple Occupation ☐

### **Working Communities**

Policy WC1 General Employment Policy ✓  
Policy WC2 Home based businesses ✓  
Policy WC3 New Employment Development ☐  
Policy WC4 Alternative Uses for Business or Industrial land and buildings ☐  
Policy WC5 Safeguarding Serviced Accommodation ☐

- *Site Waste Management Plan: n/a*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA n/a*

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.

**Recommended Varied Condition:**

**C2** The development hereby permitted shall be carried out in accordance with the approved details only including:

- Plan 1, Block Plan
- Plan 2, Location Plan
- ~~Plan 3, Proposed North West Elevation~~
- Plan 4, Proposed Floor Plan,
- ~~Plan 5, Proposed North East and South East Elevation Plans~~
- ~~Plan 6, Proposed South West Elevation and Roof Plan~~
- Plan 3, Proposed NE and SE Elevations, Drawing Number: 2107/04B
- Plan 5, Proposed NW Elevation and Section A-A, Drawing Number: 2107/05A
- Plan 6, Proposed SW Elevation and Roof Plan, Drawing Number: 2107/06A
- Bat Presence/Absence Survey Report

**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 1 of the Isles of Scilly Local Plan (2005) and Policy OE1 and OE7 of the submission Isles of Scilly Local Plan (2015-2030).

<b>Print Name:</b>	Lisa Walton	19/03/2021
<b>Job Title:</b>	Senior Officer, Planning and Development Management	
<b>Signed:</b>		
<b>Authorised Officer with Delegated Authority to determine Planning Applications</b>		

*Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:  
Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring*