

# Council of the Isles of Scilly Delegated Planning Report Variation of Condition Application

**Application Number:** P/21/011/ROV

**Received on:** 27 January 2021

**UPRN:** 000192000508

**Application Expiry date:** 1 April 2021

**Neighbour expiry date:** 8 February 2021

**Consultation expiry date:**

**Site notice posted:** 8 February 2021

**Site notice expiry:** 1 March 2021

**Applicant:** Maureen Bayetto

**Site Address:** Trevean  
Higher Town  
St Martin's  
Isles Of Scilly  
TR25 0QL

**Proposal:** Variation of condition C2 (Approved Plans) of planning permission P/20/039/HH (Conversion of the existing greenhouse/store into a studio and addition of a workshop, with associated alterations to the exterior of the property including the addition of a porch) in order to replace timber cladding finish with granite, lower finished floor level and associated window sill and door heights.

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

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**Recommendation:** Permit variation of condition C2

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## Site Description and Proposed Development

See Full Council Report from [September 2020](#) (Agenda Item 11).

This is an application to vary condition C2:

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

- **Plan 1 Proposed Block Plan**
- **Plan 2 Location Plan**
- **Plan 3 Proposed Plans and Elevations, Drawing Number: PS-TGS-8e**
- **Plan 4 Site Waste Management Plan**
- **Plan 5 Bat Mitigation Strategy**

**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).

The plan to be amended is Plan 3 proposed plans and elevations. This is on the basis of an error on the 2020 application which should have been lower than the existing floor. The proposal also proposes to now construct the extension in re-claimed granite from the site, in place of the timber cladding.

**Certificate:** A

**Other Land Owners:** None

### Consultations and Publicity

The application has had a site notice on display for 21 days (08/02/2021 – 01/03/2021 ). The application appeared on the weekly list on 8<sup>th</sup> February 2021. Due to the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

- Harbour Lights
- Glenmoor
- Hilside

[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.

### 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? | 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                |

| <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,<br>a) Will the development preserve the character and special architectural or historic interest of the building?<br>b) Will the development preserve the setting of the building? | n/a              |
| Within an Archaeological Constraint Area   | n                |
| <b>Other Impacts</b>   | y                |
| Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?  |                  |
| Impact on protected trees<br>a) Will this be acceptable<br>b) Can impact be properly mitigated?  | n/a              |
| Has the proposal been designed to prevent the loss of any significant  | y                |

|   |     |
|---|-----|
| wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?  |     |
| 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   | y                |
| Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements | y                |
| Are biodiversity enhancement measures required   | y                |
| Is a condition required to provide biodiversity enhancement measures   | n                |

| <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 | n                |
| Does the proposal include a Site Waste Management Plan  | y                |
| Is a condition required to secure a Site Waste Management Plan  | n                |

| <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 | y                |
| Does the proposal include any site specific sustainable design measures                                     | y                |
| Is a condition required to secure a Sustainable Design Measures   | n                |

**Analysis:** The proposal seeks to amend a previously approved conversion of this outbuilding, which was approved at Full Council in September 2020. This was for a conversion of an existing greenhouse to a workshop with an extension.

This space was not for an extension of the habitable accommodation but was for ancillary space. The conditions remain in place as approved under P/20/039/HH. The application relates only to a lowering of the internal floor of the workshop and a construction of the extension in re-used granite from the site, in place of the timber clad finish and a slight repositioning of the windows to match the lower floor level.

**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 is acceptable as a variation to the approved planning permission. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

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**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 25<sup>th</sup> 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**

#### **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 Conditions(C2):**

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

- Plan 1 Proposed Block Plan
- Plan 2 Location Plan

- ~~Plan 3 Proposed Plans and Elevations, Drawing Number: PS-TGS-8e~~
- AMENDED Plan 3 Proposed Plans and Elevations, Drawing Number PS-AFL-1a Dated January 21
- Plan 4 Site Waste Management Plan
- Plan 5 Bat Mitigation Strategy

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).

**Informative**

1. Please retain a copy of the notice together with approved Decision Notice P/20/039/HH which includes all other conditions and informatives.

|   |   |            |
|---|---|------------|
| <b>Print Name:</b>  | Lisa Walton   | 31/03/2021 |
| <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*