

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

**Application Number:** P/23/068/ROV

**UPRN:** 000192001952

**Received on:** 5 September 2023

**Valid on:** 7 September 2023

**Application Expiry date:** 2 November 2023

**Neighbour expiry date:** **28 September 2023**

**Consultation expiry date:**

**Site notice posted:** 12 September 2023

**Site notice expiry:** 3 October 2023

**Extension of Time Agreed:** 08/12/2023

**Applicant:** Mr James Faulconbridge  
**Site Address:** St Martin's Vineyard And Winery  
Higher Town  
St Martin's  
Isles Of Scilly  
TR25 0QL

**Proposal:** Application to vary condition C3 of planning permission P/19/076/COU to extend time period of use of yurt as a temporary dwelling by an additional 3 years to 14th March 2027. P/19/076/COU approved 19th December 2019 for the change of use of land for the siting of a temporary yurt for accommodation in connection with the construction of staff accommodation dwelling (P/19/060/FUL) and holiday let units (P/19/059/FUL).

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

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**Recommendation:** PER variation of condition C3 for a further 3 years

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## 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: 22/11/2023

## Site Description and Proposed Development

See original approval report P/19/076/COU: <https://www.scilly.gov.uk/planning-application/planning-application-p19076> where permission was granted for a temporary period to use a yurt for 2 years which must then cease either within two years or when the staff accommodation is complete, whichever is sooner. The application is to vary condition C3 to allow the use of land for the siting of a yurt for a 4 year period, instead of the original 2 year period.

The applicant has confirmed that the use commenced in March 2020 and as originally approved would need to have ceased (and the yurt removed) as of March 2022. Previous extension of time allowed this temp use to extend to March 2024. They would now like to increase this period to allow the use of the land (and the use of the yurt) until March 2027. This would allow time for the staff accommodation to be agreed and constructed for permanent occupation, ancillary to the operational requirements of St Mary's Vineyard.

Initially the project to provide staff accommodation was delayed because of the global pandemic of COVID-19 and the inability during 2020/21 to commence the approved staff accommodation dwelling. Now the Environment Agency has published official flood zones for the islands, and the new staff accommodation lies in Flood Zone 3, a new location is required, which has to be agreed with the Duchy of Cornwall. Additional time is therefore requested to complete this project.

### Consultations and Publicity

The application has had a site notice on display for 21 days (12/09/2023 – 03/10/2023). The application appeared on the weekly list on 11<sup>th</sup> September 2023 Due to the nature of the proposal no external consultations are required.

Comments have been received from Climate Adaptation Scilly:

*The flood assessment submitted as part of the Design and Access Statement by the applicant for the original application for the temporary dwelling (P/19/076/COU) was that flood risk did not affect the site because the site was 5 m above sea level.*

*However, the site of the yurt is actually within both the Flood Zone 2 and Flood Zone 3 extents (see Figure 1 below). The site is subject to flood risk.*

*The application to extend the period of use for the temporary dwelling notes that flood risk applies to the site of the proposed new permanent dwelling (not part of this application) but does not assess the flood risk applying to the temporary dwelling.*

*I recommend that the applicant should be asked to undertake a flood risk assessment, and to identify how they will reduce flood risk to an acceptable level for the temporary dwelling during its expected lifetime.*

The applicant carried out a Flood Risk Assessment in light of the above comments. This was subject to further consultation with the Climate Adaptation Scilly Officer, who further noted:

*Based on the FRA the residual risk is very low, so for 3 years extension I don't think any change or measures would be warranted to reduce the risk further.*

#### Representations from Residents:

Neighbouring properties written to directly:

- Little Arthur Flower Farm
- Par Cottage
- Adams Fish and Chips

[0] letters of objection have been received

[0] letters of support have been received:

[0] letters of representation have been received.

#### Relevant Planning History:

In 1999 an application was submitted for Provision of winery and associated business, convert farm barn and build an extension. Application P4753 was approved. In 2002 an application, P5158, was submitted for the erection of a single farm shed measuring 13.85m x 6.77m x 2.77m. This was approved for a winery visitor centre in 2002. In 2010 permission was sought for the erection of an awning on the south elevation of the winery. P/10/103/FUL was approved in November 2010. In 2019 two applications were approved at Full Council in November, these were P/19/059/FUL for two holiday let shepherds huts and P/19/060/FUL for a permanent staff accommodation dwelling.

#### Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
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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

<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?	n
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?	n/a
Does the proposal conserve and enhance the landscape and scenic	y

beauty of the AONB	
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?	Y
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	n
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	n
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	n
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	n
Does the proposal include any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

**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 for planning approval for a variation of condition C3 to allow the use to continue for 4 years, as opposed to the original 2 years.

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 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 Safeguarding Serviced Accommodation	

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 Conditions:**

As originally Imposed under P/19/076/COU:


C3 The temporary yurt accommodation, hereby approved shall be for a temporary 2 year period only as staff accommodation in connection with the St Martins Vineyard business and for no other purpose. This includes any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Within a period of 2 years from the date of the tent being first erected (which shall be confirmed in writing), or upon the completion of the permanent dwelling (approved under P/19/060/FUL), whichever is the sooner, the yurt shall be removed from the site and the land reverted back to its original condition.

Reason: To ensure that the accommodation is occupied only by a person or persons employed locally in connection with St Martins Vineyard and the temporary structure is removed from site as soon as the accommodation is not required in accordance with Policy LC4 the submission Draft Isles of Scilly Local Plan 2015-2030

As Varied:

C3 The temporary yurt accommodation, hereby approved shall be for a temporary 4 year period only as staff accommodation in connection with the St Martins Vineyard business and for no other purpose. This includes any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Within a period of 7 years from 14<sup>th</sup> March 2020, or upon the completion of the permanent dwelling (approved under P/19/060/FUL), whichever is the sooner, the yurt shall be removed from the site and the land reverted back to its original condition.

Reason: To ensure that the accommodation is occupied only by a person or persons employed locally in connection with St Martins Vineyard and the temporary structure is removed from site as soon as the accommodation is not required in accordance with Policy LC4 the submission Draft Isles of Scilly Local Plan 2015-2030

<b>Print Name:</b>	Lisa Walton	06/12/2023
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
<b>Authorised Officer with Delegated Authority to determine Planning Applications</b>		