

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/068/ROV

UPRN: 000192000436

Received on: 30/08/2024

Valid on: 02/09/2024

Application Expiry date: 28 October 2024

Neighbour expiry date: NONE CONSULTED

Consultation expiry date: N/A

Site notice posted: 6 September 2024

Site notice expiry: 27 September 2024

Applicant: Mr Robert Dorrien-Smith

Site Address: Valhalla
Abbey Road
Tresco
Isles Of Scilly
TR24 0QQ

Proposal: Application to vary condition C2 (Approved plans) and C9 (EPSL) of planning permission P/21/108/HH (Demolition of lean-to extension, construction of new single storey extension, installation of new dormer windows, construction of new swimming pool and other internal and external alterations. (Affecting setting of a listed building)) to make minor amendments to approved scheme.

Application Type: Removal or Variation of Condition

Recommendation: Permitted variation of condition C2 and Condition C9

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

- Plan 1 Location Plan, date stamped 21st December 2021
- ~~Plan 2 Proposed Site Plan, date stamped 21st December 2021~~
- ~~Plan 2A Proposed Site Plan 4137-021-G date stamped 3rd April 2023~~
- ~~Plan 2B Proposed Site Plan 4137-021-H date stamped 29th August 2023~~
- **Plan 2C Proposed Site Plan 4137-021-H date stamped 30th August 2024**
- ~~Plan 3 Proposed Elevations date stamped 21st December 2021~~
- ~~Plan 3A Proposed Elevations 4137-022-D date stamped 3rd April 2023~~
- ~~Plan 3B Proposed Elevations 4137-022-E date stamped 25th August 2023~~
- **Plan 3C Proposed Elevations 4137-022-E date stamped 30th August 2024**
- Plan 4 Proposed Floor Plans, date stamped 21st December 2021
- ~~Plan 4A Proposed Plans 4137-020-L date stamped 3rd April 2023~~
- ~~Plan 4B Proposed Plans 4137-020-M date stamped 25th August 2023~~
- **Plan 4C Proposed Plans 4137-020-M date stamped 30th August 2024**
- Design and Access Statement (Sustainable Design Measures), date stamped 21st December 2021
- Bat Survey Report by Plan for Ecology, Project Ref: P4E2099, V1

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 Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015 - 2030).

- C9** **Before any works commence within any part of the building known to contain a bat roost, Prior to the commencement of the development, hereby approved, either a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/ development will require a licence must be submitted to and agreed in writing by the Local Planning Authority. The development must accord with these details thereafter.**

Reason: This is a pre-commencement condition imposed in order to secure the 'strict protection' of European protected species.

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 X
- 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: 14/09/2024

Site Description and Proposed Development

The application site is located within the grounds of Tresco Abbey Garden on the island of Tresco. The existing property is a detached cottage, known as Valhalla. It is home to the Valhalla Museum, which faces into the Abbey Gardens and the rest of the property is split into an ancillary flat and a two storey house.

The proposal is to make a further minor material amendment to planning permission P/21/108/HH which was determined at Full Council on 17th February 2022. The committee report can be found here:

<https://committees.scilly.gov.uk/documents/s28959/P-21-108%20Committee%20Report.pdf>

The planning permission granted was to remove a number of previous extensions and alterations to the rear (west) elevation and replace these with a single storey extension and two dormer windows. This approval included a proposal to install a private swimming pool.

The planning permission has already been subject to x2 minor material amendments granted under application number P/23/022/ROV and P/23/066/ROV. The delegated report of the Chief Planning Officer can be read here: <https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/23/022/rov/P-23-022%20Delegated%20Report%202.pdf> and <https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/23/066/rov/P-23-066%20Delegated%20Report%202.pdf>

The amendments applied for under the current application are listed below and are considered to be minor material in nature (as opposed to being 'non-material') as there are changes to the proposed appearance of the dwelling but the floorspace and bulk is being decreased:

- Retention of the existing lean-to extension on the western elevation including granite masonry and rusticated quoins, in order to retain more of the existing building fabric.
- Reformatting of the proposed dormer windows to be smaller, gabled dormers with a single window, in order to reduce their visual prominence on the seaward side of the dwelling.
- A reduction in size of the proposed single storey wing extension and a minor adjustment in its position in order to accommodate the retention of the existing lean-to.
- Changes to fenestration to accommodate revised internal layout.
- Changes to materials to include granite masonry on the south and west elevations of the wing extension, in order to be more in keeping with the existing building.
- Other minor internal and external alterations to the proposals.
- Addition of a granite porch to provide a sheltered entrance to the dwelling.

APPROVED NORTH ELEVATION



PROPOSED NORTH ELEVATION 2024



WEST ELEVATION
APPROVED



WEST ELEVATION

PROPOSED 2024



WEST ELEVATION

APPROVED SOUTH ELEVATION



SOUTH ELEVATION

PROPOSED SOUTH ELEVATION 2024



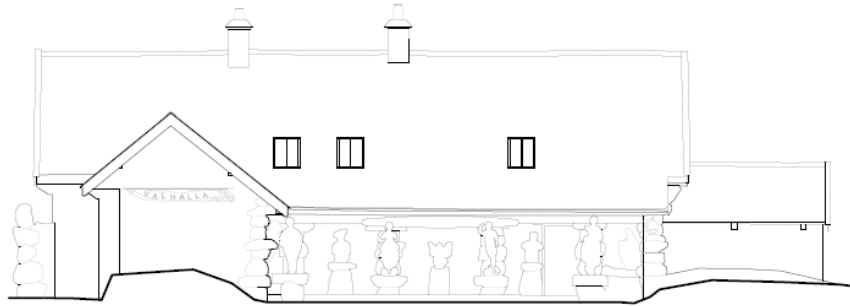
SOUTH ELEVATION

EAST ELEVATION
APPROVED



EAST ELEVATION

PROPOSED 2024



EAST ELEVATION

Certificate: A

Other Land Owners: None

Consultations and Publicity

The application has had a site notice on display for 21 days (06/09/2024 – 27/09/2024). The application appeared on the weekly list on 9th September 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly: N/A

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

Planning history relevant under the adopted 2015-2030 Local Plan:

- P/21/108/HH: Demolition of lean-to extension, construction of new single storey extension, installation of new dormer windows, construction of new swimming pool and other internal and external alterations. (Affecting setting of a listed building). GRANTED 17/02/2022
- P/23/022/ROV: Variation of condition 2 (Approved Plans) of planning permission P/21/108/HH (Demolition of lean-to extension, construction of new single storey extension, installation of new dormer windows, construction of new swimming pool and other internal and external alterations. (Affecting setting of a listed building)) to make minor amendments to the approved scheme. GRANTED 01.06.2023

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Historic Park Garden – Tresco Abbey Garden
- Archaeological Constraint Area – Tresco Abbey
- Scheduled Monument – St Nicholas’ Priory – 135m
- Listed Building – Grade II – Remains of Tresco Priory and associated monuments and attached walls – 135m
- Flood Prone Land – Tresco – 120m

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?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	Y

Amenity	YES OR NO
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?	N

Heritage	YES OR NO
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?	within a historic park and garden Y Y
Within an Archaeological Constraint Area	Y
Other Impacts	N/A
Does the proposal comply with Highways standing advice such that it	

does not adversely affect highway safety?	
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
Are there external lights	N

Protected Species	YES OR NO
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

Waste Management	YES OR NO
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

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	N
Does the proposal include a 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/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:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) 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
- c) 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 amend conditions C2 and C9:

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

- Plan 1 Location Plan, date stamped 21st December 2021
- ~~Plan 2 Proposed Site Plan, date stamped 21st December 2021~~
- ~~Plan 2A Proposed Site Plan 4137-021-G date stamped 3rd April 2023~~
- ~~Plan 2B Proposed Site Plan 4137-021-H date stamped 29th August 2023~~
- **Plan 2C Proposed Site Plan 4137-021-H date stamped 30th August 2024**
- ~~Plan 3 Proposed Elevations date stamped 21st December 2021~~
- ~~Plan 3A Proposed Elevations 4137-022-D date stamped 3rd April 2023~~
- ~~Plan 3B Proposed Elevations 4137-022-E date stamped 25th August 2023~~
- **Plan 3C Proposed Elevations 4137-022-E date stamped 30th August 2024**
- ~~Plan 4 Proposed Floor Plans, date stamped 21st December 2021~~
- ~~Plan 4A Proposed Plans 4137-020-L date stamped 3rd April 2023~~
- ~~Plan 4B Proposed Plans 4137-020-M date stamped 25th August 2023~~
- **Plan 4C Proposed Plans 4137-020-M date stamped 30th August 2024**
- Design and Access Statement (Sustainable Design Measures), date stamped 21st December 2021
- Bat Survey Report by Plan for Ecology, Project Ref: P4E2099, V1


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 Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015 - 2030).

C9 Before any works commence within any part of the building known to contain a bat roost, Prior to the commencement of the development, hereby approved, either a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/ development will require a licence must be submitted to and agreed in writing by the Local Planning Authority. The development must accord with these details thereafter.

Reason: This is a pre-commencement condition imposed in order to secure the 'strict protection' of European protected species.

All other conditions remain as originally imposed.

Print Name:	Lisa Walton	01/11/2024
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	