

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY



COUNCIL OF THE ISLES OF SCILLY

Old Wesleyan Chapel, Garrison Lane, St Mary's TR21 0JD
Telephone: 01720 424350 – Fax: 01720 424317

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2010

PERMISSION FOR DEVELOPMENT

Application No: P/12/084/FUL

Date Application Registered: 8th August 2012

Applicant: Mr Stephan Schwarz
High Pines
McFarland's Down
St Mary's
Isles Of Scilly
TR21 0NS

Agent: Paul Osborne
Jus Limin
Carn Thomas
Hugh Town
St Mary's
Isles Of Scilly
TR21 OPT

Site and particulars of development: High Pines McFarland's Down St Mary's Isles Of Scilly TR21 0NS -
Improvements to accommodation by raising height of ridge to allow rooms in roof space.

In pursuance of their powers under the above act, the Council hereby PERMIT the above development to be carried out in accordance with the following Conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- C 2 Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme unless otherwise agreed in writing by the Planning Authority.**

Reason: To ensure that those characteristics which contribute, inter alia, to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction and tipping of waste.

- C 3 All external and internal works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 to 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday, Bank or Public Holiday.**

Reason: In the interests of protecting the residential amenities of neighbouring properties.

- C 4 **The development hereby permitted shall be carried out in complete accordance with the details shown on the approved submitted plans Block Plan, Site Plan 3 and HP-PA-10a stamped and dated 18th October 2012.**

Reason: For the avoidance of doubt and in the interests of the character and appearance of the building and the surrounding area, which is designated a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies 1 and 2 of the Local Plan.

- C 5 **Before any works of demolition commence to implement the development hereby approved, steps shall be taken to secure the safety and stability of the dwelling house. Such steps shall, where necessary, include measures to strengthen any wall or vertical surface; to support any floor, roof or horizontal surface; and to provide protection for the building against the weather during the progress of the works.**

Reason: To ensure that the existing dwelling house is adequately protected during any demolition works to build the new extension.

- C 6 **A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site comprises an area of known archaeological interest where it is the Local Planning Authority's policy to provide for the examination of archaeological remains.

- C 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), there shall be no external alterations to the dwelling, including any new openings, extensions or outbuildings, without the prior agreement in writing of the Local Planning Authority.**

Reason: To safeguard the privacy of the neighbouring properties and in the interests of the character and appearance of the dwelling and the locality, which is designated a Conservation Area and AONB in accordance with Policy 1 of the Local Plan.

- C 8 The external finishing materials to be used for alterations and extensions hereby permitted shall match those of the existing dwelling in colour, form and texture.**

Reason: In the interests of the appearance of the building and surrounding area, which is designated a Conservation Area and AONB in accordance with Policy 1 of the Local Plan.

- C 9 No work shall be commenced on any part of the development hereby permitted until a sample of the slate to be used on the roof has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: For the avoidance of doubt and in the interests of the character and appearance of the development and surrounding area, which is designated a Conservation Area and AONB in accordance with Policy 1 of the Local Plan.

- C 10 Prior to the commencement of the development hereby permitted, water conservation and harvesting measures shall be incorporated as part of the development in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority. The scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the completed altered dwelling.**

Reason: To minimise the impact of the development on essential infrastructure in accordance with Policy 6 of the Local Plan.

- C 11 Prior to the commencement of the development hereby permitted, an upgraded or new sewerage treatment system shall be provided in accordance with details to be agreed in writing with the Local Planning Authority unless it is demonstrated that the existing sewerage treatment system has sufficient capacity to cope with the enlarged dwelling house. The new or upgraded sewerage treatment system shall be connected to the building prior to the substantial completion of the development hereby permitted.**

Reason: To prevent any effluent pollution in an area of major aquifers and in accordance with Policy 6 of the Local Plan.

- C 12 Prior to the completion of the development hereby permitted, details of the provision of roost sites for bats, including the location of bat boxes and bat bricks within the dwelling house or its curtilage, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in strict accordance with the details as agreed.**

Reason: To enhance nature conservation interests in accordance with the NPPF, Policy 1 of the Local Plan and the Isles of Scilly Biodiversity and Geological Conservation Good Practice Guide.

Further Information

1 Reasons for Approval for Planning Permission

Having had regard to all the planning considerations material to the determination of this application, including its impact on the character and appearance of the dwelling, the Conservation Area and the AONB, the potential impact on the residential amenities of nearby properties, and all

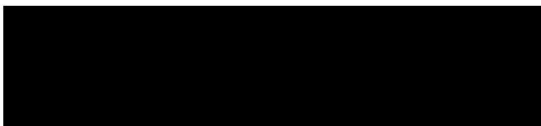
consultations and representations made in connection with the application, it is concluded that the proposal accords with the NPPF and presumption in favour of sustainable development and the provisions of the Development Plan as applicable to it, including Policies 1 and 2 of the Local Plan and the Design Guide. The proposal has been approved because it is considered that the development proposal subject to compliance with the conditions attached to this permission accords with the said policies and there are no other overriding material considerations which justify refusing planning permission. The proposal has also been approved as it is considered that the proposed development would not conflict with its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the appearance or character of the designated conservation area within which the site is located.

2 Informatives

The Applicant is reminded to read the letter attached to this decision notice for further information including how to appeal against a decision.

- 3 As the proposed works affect the boundary with a neighbouring property, this decision does not convey any other form of consent or agreement that may be necessary in conjunction with these works and does not override or supersede any civil rights, which the neighbour may have. The attention of the applicant is drawn to the information contained in the Party Wall etc. Act 1996.
- 4 The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2010 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted.
- 5 At the Planning and Development Committee Meeting on 18th September 2012 Members agreed that a condition requiring two rooflights on the front elevation of property, known as High Pines, to have a sill height of 1.7m be attached to the consent in light of a neighbour objection. However, it is not possible for the roof lights to have a sill height of 1.7m as such a requirement would conflict with Building Regulations as they provide a means of escape from the bedrooms of the property. Furthermore, as the rooflights are situated on the front elevation of the property and front the highway, it is considered that there is adequate separation distance from the neighbouring property to ensure no unreasonable loss of privacy or overlooking. Consequently, it is not considered appropriate to condition the sill height of rooflights to 1.7m. For the reasons set out above, this condition shall not be attached to the consent and as such the rooflights position upon the front elevation of the roof shall be as per the approved plan HP-PA-10a stamped and dated 18th October 2012.

Signed



Chief Planning and Development Officer

DATE OF ISSUE: 18th October 2012