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COUNCIL OF THE ISLES OF SCILLY

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Telephone: 01720 424350 – Email: planning@scilly.gov.uk

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

PERMISSION FOR VARIATION OF CONDITIONS

Application No: P/16/113/ROV

Date Application Registered: 4th November 2016

Applicant: Mr Nigel Wolstenholme
Tregarthen's Hotel
Garrison Hill
St Mary's
Isles Of Scilly
TR21 0PP

Agent: Mrs Lisa Jackson
Jackson Planning Ltd
Fox Barn
Hatchet Hill
Lower Chute
Andover
SP11 9DU

Site Address: Tregarthen's Hotel Garrison Hill Hugh Town St Mary's Isles of Scilly

Proposal: In order to phase the approved redevelopment of Tregarthen's Hotel an application is made to vary conditions 2 (Compliance with Approved Plans), 6 (Samples of External Finishes), 7 (Detail of Sewerage & Water Break Tanks), 8 (Detail of Surface Water Management), 9 (Detail of Sustainable Design Measures) & 10 (Landscaping Scheme) of planning permission P/16/055/FUL (re-development of hotel) to allow submission of pre-commencement condition discharge information before the relevant phase of works as detailed in the 5 year phasing scheme, rather than before any development commences (Amended Title to remove the request to work Sundays)

In pursuance of their powers under the above act, the Council hereby **PERMIT** the above variation of conditions. The development shall therefore be carried out in accordance with the following Conditions:

STANDARD 3 YEAR TIME LIMIT

C1 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).

IN ACCORDANCE WITH THE APPROVED PLANS ONLY

C2 The development hereby permitted shall be carried out in complete accordance with the details shown on the approved submitted plans attached to the Planning Application P/16/055FUL, unless amended by revisions with this submission including:

- Supporting Planning Statement s73 application dated October 2016 and date stamped 24th October 2016
- Proposed site plan, drawing no: 1156/PL03 rev C dated stamped 24th October 2016
- Proposed roof plan, drawing no: PL07 rev B date stamped 24th October 2016
- Proposed sections 3, 4 & 5, drawing no: 1156/PL11 rev C date stamped 24th October 2016

- Proposed elevations 1 of 2, drawing no: 1156/PL12 rev C date stamped 24th October 2016
- Proposed elevations 2 of 2, drawing no: 1156/PL13 rev C date stamped 24th October 2016
- Proposed terraced garden layout, drawing number: 622-A3_03 dated Jun 16
- Demolition Plan, drawing number: 1156/PL02 date stamped 09 Jun 2016
- Proposed lower level, drawing no: 1156/PL04 rev A date stamped 02 Aug 2016
- Proposed ground level, drawing no: 1156/PL05 rev A date stamped 02 Aug 2016
- Proposed upper level, drawing no: 1156/PL06 rev A date stamped 02 Aug 2016
- Proposed sections 1&2, drawing no: 1156/PL10 rev A date stamped 02 Aug 2016
- Proposed Phasing Plan, Drawing no: 1156-PL20 date stamped 13th December 201

These are signed and stamped as APPROVED

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.

RESTRICTION OF USE OF THE C3 DWELLINGS

- C3** Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 2007, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only in connection with Tregarthen's Hotel and for no other purpose, including any other purpose within Class C3 of the Order. The self-catering holiday-lets, hereby approved, shall be retained in the freehold ownership of the Hotel and shall not be occupied by any persons for a total period exceeding 42 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority on request.

Reason: The occupation of the holiday lets as a permanent residential property would require further assessment and may not be suitable for permanent residential occupation in accordance with Policies 1, 2 and 3 of the Isles of Scilly Local Plan 2015.

RESTRICTION OF DAILY CONSTRUCTION NOISE

- C4** All works involving construction machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.

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

RESTRICTION OF CONSTRUCTION WORKS OUTSIDE THE MAIN TOURISM SEASON

- C5** The construction period of the development hereby permitted shall be scheduled to avoid the main tourist season and be carried out between October and March only.

Reason: To minimise the impact on tourism related businesses in the vicinity of the proposed scheme.

PRE-PHASE COMMENCEMENT CONDITION – SAMPLES OF EXTERNAL FINISHES

- C6** Prior to the commencement of each phase of the development, as set out in the approved phasing schedule, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the walling and roofing materials to be used in each phase before the commencement of each phase, shall be made available on site for inspection, and subsequent written approval, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details only and be retained as such thereafter.

Reason: This is a pre-phase commencement condition that requires details to be submitted and agreed that did not form part of the original application. This is in the interests of the appearance of the area and in accordance with Policy 1 of the Isles of Scilly Local Plan.

PRE-PHASE COMMENCEMENT CONDITION – SEWAGE AND WATER BREAK TANK DETAILS

- C7** Prior to the commencement of Phase 3, hereby approved, precise details of make/model and capacity of a foul drainage break tank and a potable water break tank including details and specification of grease traps, the position and finished levels and the control mechanisms (for foul discharge timings) shall be submitted to and approved in writing by the Local Planning Authority. The grease traps and sewage/water break tank solutions shall be installed and connected to the building and the water supply and sewer network as appropriate, prior to the first use of the phase 3 self-catering dwellings or completion of the development, whichever is the sooner. The water and sewage connection, as well as the grease traps, shall be maintained as approved thereafter.

Reason: This is a pre-phase 3 commencement condition that requires details that were not submitted as part of the original application but are required to ensure the proposal has a satisfactory water solution and that the break tank does not give rise to any visual harm to the site and its surroundings, which is designated a Conservation Area and AONB in accordance with Policies 1 and 6 of the Local Plan.

PRE-PHASE COMMENCEMENT CONDITION – SURFACE WATER MANAGEMENT

- C8** Prior to the commencement of phase 2 of the development, hereby approved, details of a phased scheme for the provision of surface water management shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Details of the drainage during the construction phase;
- b) Details of the final drainage scheme;
- c) Provision for exceedance pathways and overland flow routes;
- d) A timetable of construction;
- e) A construction quality control procedure;
- f) A plan for the future maintenance and management of the system and overland flow routes.

Prior to the first occupation of the self-catering holiday lets it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

PRE-PHASE COMMENCEMENT CONDITION – SUSTAINABLE DESIGN MEASURES

- C9** Prior to the commencement of the phase 3 of the development, hereby approved, a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be submitted to and agreed in writing with the Local Planning Authority, and shall include water conservation and harvesting measures and energy reduction and/or generation measures. The scheme shall include the precise details and location of the proposed ground source heat pumps as well as low flow fixtures and fittings to reduce water usage together with an implementation schedule of all sustainable design measures at each appropriate phase prior to implementation. The approved sustainable design scheme shall be implemented as part of each phase and thereafter maintained in strict accordance with the details as agreed including the implementation schedule.

Reason: In accordance with Policy 2 of the Local Plan and to minimise the impact of the development on essential infrastructure in accordance with Policy 6 of the Local Plan.

PRE-PHASE COMMENCEMENT CONDITION – LANDSCAPING SCHEME

- C10** Prior to the commencement of phase 2 of the development, hereby approved, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) a scheme of landscaping, which shall include indications of all existing trees and

- hedgerows on the land,
- b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
- c) a schedule of proposed plant species, size and density and planting locations,
- d) details of the height and position of protective fencing to be used to protect lichen species on the garrison wall;
- e) details of the methods for removing and preventing the spreading of non-native invasive species; and
- f) an implementation programme in terms of a) to e).
- g) details of the precise native plant species and substrate for the green roofs including maintenance regime shall be submitted to and agreed in writing by the Local Planning Authority prior to installation;

Reason: To ensure plant species are appropriate and to prevent the spread of non-native invasive species. In the interests of the appearance of the area and in accordance with Policy 1 and 2 of the Isles of Scilly Local Plan 2005.

IMPLEMENTATION OF APPROVED LANDSCAPING

- C11** All planting, seeding or turfing including the green roofs, in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the self-catering holiday lets or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the area and in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

PRE-CONMENCEMENT CONDITION – ARCHAEOLOGICAL WATCHING BRIEF

- C12** The development, hereby approved, shall be carried out in accordance with the Written Scheme of Investigation for Archaeological Works as written by CgMs Consulting Ref: PB/NT/20972.

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.

IN ACCORDANCE WITH THE PHASING PLAN

- C13** The development the subject of this application shall take place in accordance with the order set out in the Phasing Plan dated 13.12.2016 unless any alternative phasing of the works is agreed in writing by the Local Planning Authority.

Reason: The delivery of key elements of infrastructure, such as drainage and sewage, is triggered by the phases of the development and it is important that this takes place in the agreed order to ensure that the development provides for these facilities.

Further Information

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF.
2. In accordance with the Town and Country Planning (fees for Application and Deemed Applications) (Amendment) (England) Regulations 2008 a fee is payable to discharge any condition(s) on this planning permission. The fee is £97 for each request to discharge condition(s) where the planning permission relates to any other type of development other than a householder application. The fee is payable for each individual request made to the Local Planning Authority.
3. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (for which a fee of £195 would be required) or the

submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

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 2012 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. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens in the first instance (R. Williams 01720 424315, M. And A. Gurr 01720 422224) or Natural England (01872 245045). Or, if none is available, The Bat Conservation Trust's National Bat Helpline on 0845 1300 228.

Signed



Senior Manager: Infrastructure and Planning

DATE OF ISSUE:

21 DECEMBER 2016

