

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**



**COUNCIL OF THE ISLES OF SCILLY**

Town Hall, The Parade, St Mary's TR21 0LW  
Telephone: 01720 424350 – Email: [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

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

**PERMISSION FOR DEVELOPMENT**

**Application No:** P/16/111/FUL

**Date Application Registered:** 18th October 2016

**Applicant:** Miss Amanda Pender  
Island Fish Ltd  
Newpark  
Bryher  
Isles Of Scilly  
TR23 OPR

**Site Address:** Kenyhton Norrad Bryher Isles of Scilly TR23 OPR

**Proposal:** Demolition of existing dwelling and replacement with purpose built workspace for the processing of shellfish/fish.

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:

**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).

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

- Site and Location Plan- P001A
- Proposed Floor and Roof Plan - P002A
- Proposed Elevations Plan- P003A

**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 Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

**PRE-COMMENCEMENT CONDITION – Submission of a Site Waste Management Plan**

**C3 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 only.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and

management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute 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 or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005

#### **PRE-COMMENCEMENT CONDITION – Submission of a Written Scheme of Investigation**

- C4** No demolition/development shall take place/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; and**
  - 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

The development/demolition shall accord with the approved Written Scheme of Investigation thereafter.

Reason: To ensure the site has provision for full recording of its archaeological potential.

- C5** Prior to first use of the building or first occupation (whichever is sooner), the site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the site has provision for full recording of its archaeological potential.

#### **PRE-COMMENCEMENT CONDITION – Submission of a Detailed Landscaping Scheme**

- C6** Before development starts; the following shall be submitted to and approved in writing by the Local Planning Authority:
- 1. A scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,**
  - 2. The details of any trees and hedgerows to be retained, together with measures for their protection during development,**
  - 3. A schedule of proposed plant species, size and density and planting locations and**
  - 4. An implementation programme.**

Reason: This is a pre-commencement condition that requires the submission of details to ensure the site is reasonably landscaped, in the interests of the appearance of the area and in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- C7** All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings 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, unless the Local Planning Authority gives written consent to any variation.

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

## **SUBMISSION OF SAMPLE MATERIALS**

- C8** Prior to their installation on the building hereby approved, details including samples of the timber cladding to be used in the construction of the external surfaces of the walls, and the natural slate to be used in the construction of the roof of the building, hereby permitted shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To confirm details of the development not already clearly shown in the interests of the character and appearance of the building.

- C9** 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.

## **NO PERMITTED CHANGES OF USE**

- C10** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall be used for the sorting, cleaning, processing and storage of shellfish and fish and ancillary retail sale of shellfish fish processed and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the use remains compatible with surrounding land uses in the area.

## **SUBMISSION OF EXTERNAL LIGHTING DETAILS**

- C11** Prior to the erection of any external lighting, within the red lined area, the details shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the lighting shall be installed and maintained in accordance with the approved details.

Reason In the interests of the amenities of this rural area and the protection of the dark night sky of the Isles of Scilly AONB.

### **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). 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:

24th November 2016