



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

COUNCIL OF THE ISLES OF SCILLY

Town Hall, The Parade, St Mary's TR21 0LW
Telephone: 01720 424455 – Email: planning@scilly.gov.uk

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

REFUSAL OF PERMISSION FOR DEVELOPMENT

Application No: P/21/003/FUL **Date Application Registered:** 12th January 2021

Applicant: Mark Wright
21 Porthmellon Industrial Estate
Porth Mellon
St Mary's
Isles of Scilly
TR21 0JY

Agent: Michael Bradbury
Studio St Ives
4 Gabriel Street
St Ives
Cornwall
TR26 2LU

Site: The Store 21 Porthmellon Industrial Estate Porth Mellon St Mary's Isles of Scilly
Proposal: Re-location of vehicular access to main road and creation of customer car park.

In pursuance of their powers under the above act, the Council hereby **REFUSE** the above development for the following reasons:

- R1** The proposed customer car park and vehicular access from Telegraph Road is likely to result in a hindrance to the free movement of vehicles manoeuvring in and out of the site entrance and increase the parking of vehicles on Telegraph Road, close to a sharp bend on a road with a speed limit of 60mph, and without sufficient evidence that a safe and satisfactory access can be provided, the proposed customer vehicular access and car parking would lead to an increase in highway hazards and the safety of highway users, contrary to Policy 5 (c) of the adopted Isles of Scilly Local Plan (2005) and Policy SS10(1) b) of the emerging Isles of Scilly Local Plan (2015-2030).
- R2** The proposal introduces a repositioned vehicular access and customer car park from the site on to Telegraph Road, which is a main classified road subject to speed limits of 60mph. Whilst traffic along this road generally travels at lower speeds, the required visibility splays to achieve a safe access, are outside the control of the applicant. The proposal will introduce an intensification in use of an access on to a classified road, with sub-standard visibility splays, and is therefore considered to be harmful to highway safety and contrary to the requirements of Paragraph 108 of the National Planning Policy Framework (2019) and Policy SS10 of the emerging Isles of Scilly Local Plan (2015-2030).

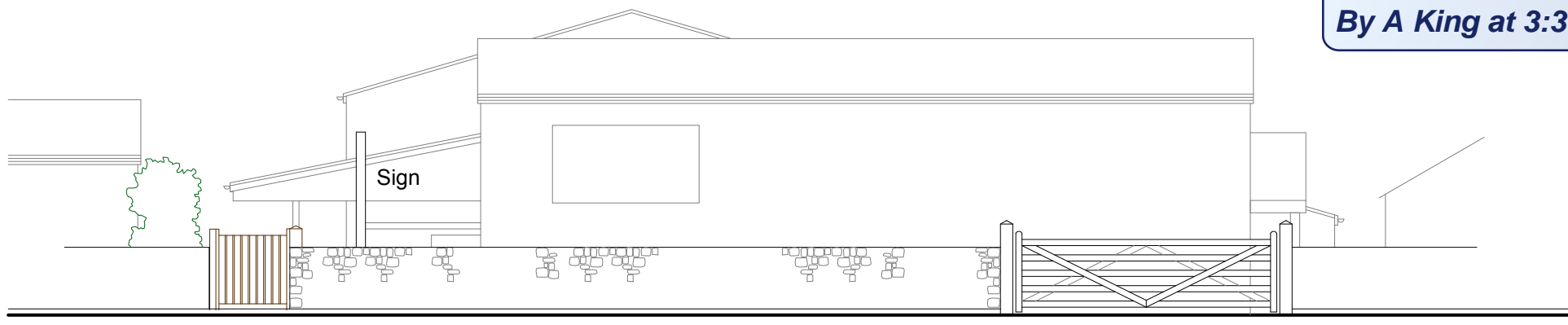
Signed:

Senior Officer, Planning and Development Management

Duly Authorised Officer of the Council to make and issue Planning Decisions on behalf of the Council of the Isles of Scilly.

DATE OF ISSUE: 29th March 2021

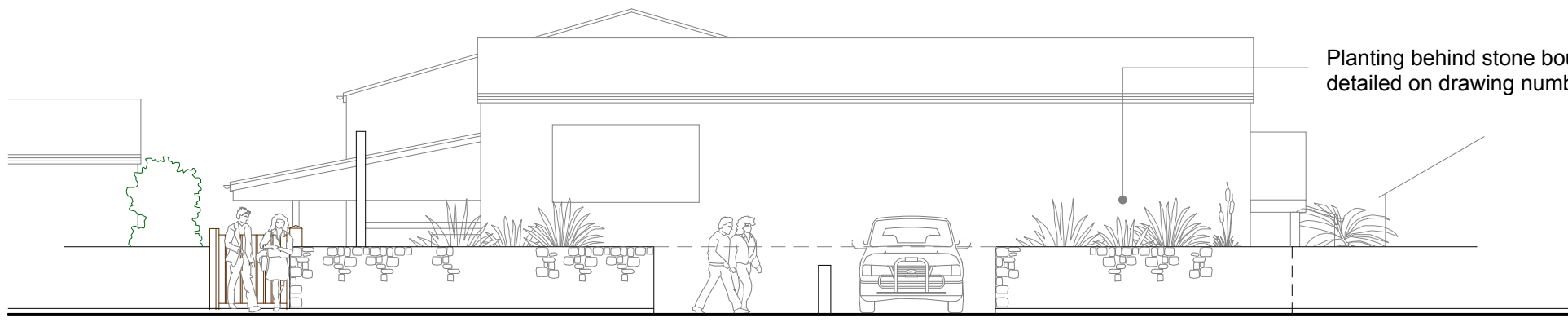
RECEIVED
By A King at 3:31 pm, Jan 25, 2021



Existing pedestrian access

Existing 4.6m wide gated entrance with timber 5-bar gate and posts

Existing roadside elevation



Planting behind stone boundary wall as detailed on drawing number 1977A-P03

Entrance Exit

Proposed roadside elevation



Existing timber gate and support posts from application site facing main road. Note poor visibility on LHS



- NOTES**
- 1 THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECT AND MAY NOT BE REPRODUCED WITHOUT LICENCE
 - 2 DO NOT SCALE OFF THIS DRAWING
 - 3 ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR BEFORE COMMENCEMENT OF WORK AND ANY DISCREPANCIES REPORTED TO THE ARCHITECT
 - 4 NO RESPONSIBILITY CAN BE ACCEPTED FOR ERRORS ARISING ON SITE DUE TO UNAUTHORISED VARIATIONS FROM THE ARCHITECTS DRAWINGS.

AMENDMENTS

PLANNING

Studio St Ives
4 Gabriel Street
St Ives
TR26 2LU
01736 798427

**MIKE BRADBURY
DESIGN**

PZ

JOB
New Forecourt at The Store
Porthmellon Industrial Estate
St Mary's,
The Isles of Scilly
for
Wright Construction

TITLE
Roadside elevations

DRNG. NO. 1977A-P04

SCALE 1:50@A1
1:100@A3

DATE Jan 2021

OFFICE USE / PRE-ISSUE



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

☎ 0300 1234 105

✉ planning@scilly.gov.uk

Dear Applicant,

As your application has been refused, this letter is to inform you of the process in which you can appeal against the decision made by the Local Planning Authority.

Appealing Against the Decision

If you are aggrieved by the decision to refuse your application as detailed on your decision notice, you can appeal against this decision to the Secretary of State. All appeal decisions are considered by the Planning Inspectorate – a government department aimed at providing an unbiased judgement on a planning application. From the date of the refused decision notice attached you must lodge an appeal within the following time periods:

- Householder Application - 12 weeks
- Planning Application – 6 months
- Listed Building Consent – 6 months
- Advertisement Consent - 8 weeks
- Minor Commercial Application - 12 weeks
- Lawful Development Certificate – None (unless for LBC – 6 months)
- Other Types - 6 months

Note that these periods can change so you should check with the Planning Inspectorate for the most up to date list. You can obtain the appeal forms by calling 0303 444 5000 or submit an appeal through the Planning Portal <https://www.gov.uk/appeal-planning-inspectorate>

You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

Purchase Notices

Planning control is intended to regulate the development of land in the public interest. For this reason, planning decisions may conflict with the private interests of land owners. There is no entitlement to compensation for adverse planning decisions (except in limited circumstances). This is because owners usually have some continuing benefit from current uses. However, occasionally there may be no reasonably beneficial use for the land. In order to remedy this situation; an owner has the right, in certain circumstances, to serve a "purchase notice" requiring a local authority to purchase their interest in the land. Purchase notices will be considered by the Planning Inspectorate, although you are advised to contact the Planning Department if you wish to consider this option.

Listed Buildings

Please note that any unauthorised works to a listed building are considered to be a criminal offence. If you need further clarification of what type of works may require consent, please contact the department.

Re-submissions for Planning Permission

Under planning regulations, you are allowed to re-submit your application after a refusal without a fee, provided certain criteria are met. The re-submission must be within 12 months of the date of the original decision, the proposal must be on the same site and be similar to the previous application. Similarly, the application must be made by the same applicant. If you consider resubmitting your application, contact the Planning Department so we can explain where your application can be improved to be in accordance with local planning policy. In order for the Council reach a different decision, however you will need to address all of the previous reasons for refusal.

Should you require any further advice regarding any part of your application, please contact the Planning Department and we will be happy to help you.