



COUNCIL OF THE ISLES OF SCILLY

Planning Department

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Please Ask For: Lisa Walton

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My Ref: P/21/084/FUL

Mrs B Lishman
Mincarlo
Carn Thomas
Hugh Town
St Mary's
Isles of Scilly
TR21 0PT

Email only: bryony.lishman@me.com

29th October 2021

Dear Bryony,

Location: Mincarlo, Carn Thomas

Proposal: Erection of yoga studio.

Applicant: Mrs Bryony Lishman

Notice of intention to impose pre-commencement conditions under the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.

The Council is minded to approve the above application subject to the imposition of the following conditions, please note those identified as pre-commencement and the timescales for responding, as set out below. At this stage, I've added in condition C10 as likely to be required, but I am waiting to hear back from the archaeologist, based on the details submitted as to the foundations.

I also wanted to ask you if access to the site, by persons with disabilities, could be achieved through accessing the site, without steps, from Mincarlo itself, rather than along the promenade and from the proposed steps? Is that what you refer to, when you suggest you could provide assisted access? I'm just finishing off the committee report and wondered if you could elaborate on the provision of access. In terms of the promenade, does this remain accessible during high tide/storm surges?

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:

- **Plan 1 Location Plan, date stamped 4th October 2021**
- **Plan 2 Proposed Block Plan, Floor Plan and Elevation Plans, drawing number: PL01, dated 16/07/2021**
- **Plan 3 Proposed Roof Plans, drawing number: PL02, dated 16/07/2021**
- **Plan 4 Design and Access Statement date stamped 4th October 2021**
- **Plan 5 Proposed images and elevations, date stamped 27th September 2021**
- **Plan 6 Supporting Notes (Sustainable Design, Biodiversity and Site Waste Management), date stamped 22nd October 2021**

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).

C3 All works involving 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 the islands.

C5 No artificial external lighting shall be installed within the red line boundary without the prior agreement in writing of the Local Planning Authority. The lighting shall accord with the approved details thereafter.

Reason: To preserve the scenic beauty of the Isles of Scilly as a designated Area of Outstanding Natural Beauty which includes its Dark Night Skies, including the Garrison Dark Sky Discovery Site, in accordance Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

C7 The yoga studio, hereby approved, shall be used ancillary to the property Mincarolo, as yoga/pilates studio and for no other purpose, including any other purpose in Class E(d) of the Schedule to Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Any other use would require further assessment in accordance with policies WC1 and WC5 of the Isles of Scilly Local Plan (2015-2030).

PRE-COMMENCEMENT: Submission of Construction Environment Management Plan

C8 Prior to the construction of the yoga studio and access steps from the promenade, hereby approved, a proportionate construction environment management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- **measures to ensure the construction is carried out safely, without giving rise to hazards to the public; and**
- **standards of best practice construction measures to avoid significant disturbance of adjacent features (human neighbours, including users of the promenade as well as any nesting and wintering bird populations within the immediate vicinity and to protect the interest features the marine environment including the SAC and SPA, where disturbance could arise from vibration, artificial lighting, noise effects or contaminated water run-off.**

The development shall then be installed in accordance with these details.

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 the Islands natural environment designation and to ensure that the construction of the development is adequately controlled and to protect the amenities of the area in accordance with Policies SS2, OE2, OE3 and SS7 of the Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT: Submission of details of the steps and handrail

C9 Prior to the construction of the access steps from the promenade to the yoga studio, hereby approved, details of the construction materials of the steps including the materials and design of

any hand rail, shall be submitted to and approved in writing by the Local Planning Authority. The steps shall then be installed as approved and retained as such thereafter.

Reason: To ensure the materials and design of the steps are in keeping with the character of the area and do not give rise to visual harm, in accordance with Policies OE1 and OE7 of the Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT: Submission of Written Scheme of Investigation

C10 A) No groundworks shall take place until a programme of archaeological recording 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 works shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: A pre-commencement condition is necessary in this instance due to the need to ensure that a programme and methodology of historic building recording is undertaken before physical works commence on site. This is in accordance with the provisions of NPPF (2021) Chapter 16, paragraph 205 and Policy OE7(6) of the Isles of Scilly Local Plan (2015-2030).

If you agree with the conditions please confirm in writing so we can issue the grant of approval, if the decision is approved at the Full Council meeting on 16th November 2021. If you do not send a written agreement we cannot issue the decision until the end of the notice period which is 10 working days after the day following the date of this notice.

If you disagree with the conditions any substantive response (disagreeing with the conditions or providing comments) must be received within 10 working days after the day following the date of this notice.

- If we receive a substantive response within this time frame we may then decide to either amend, remove or change the condition to post commencement or we may refuse the application.
- If we do not receive a response in this time period we will then issue the decision with the pre-commencement conditions as set out above.

Yours Sincerely,



Lisa Walton

Chief Planning Officer