



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

COUNCIL OF THE ISLES OF SCILLY

Town Hall, 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 2015

PERMISSION FOR DEVELOPMENT

Application No: P/22/072/FUL **Date Application Registered:** 13th October 2022

Applicant: Mr Mike Green
6 Bay View Terrace
Telegraph Road
Porth Mellon
St Marys
Isles Of Scilly
TR21 0NE

Agent: Mr Mike Bradbury
Studio St Ives,
4 Gabriel Street,
St Ives,
Cornwall,
TR26 2LU

Site address: Chalet 6 Bay View Terrace Telegraph Road Porth Mellon St Marys
Proposal: Re-construction and extension of lawful residential accommodation (Chalet) and associated landscaping (AMENDED PLANS)

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:

- Plan 1 Location Plan AMENDED, Drawing Number: 2018-P01 Rev A Dated June 2022;
- Plan 2 Proposed Block Plan, Drawing Number: 20018-P07 Dated Oct 2022
- Plan 3 Proposed Site Plan AMENDED, Drawing Number: 2018-P07 Rev C Dated Oct 2022;
- Plan 4 Proposed Elevations AMENDED, Drawing Number: 2018-P05 Rev B Dated May 2022;
- Plan 5 Proposed Plans AMENDED, Drawing Number: 2018-P04 Rev A Dated May 2022;
- Plan 6 Conceptual Elevations AMENDED, Drawing Number: 2018-P06 Rev B Dated July 2022
- Design and Access Statement, Dated October 2022
- Preliminary Roost Assessment (Appendix 2 and 3), Ref: 2021/01 by IOS Ecology, 5th August 2021:

These are signed and 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(5) of the Isles of Scilly Local Plan (2015 - 2030).

PRINCIPAL RESIDENCE USE ONLY

C3 The development, hereby approved, shall not be occupied otherwise than by persons as their only or principal homes and the occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the dwelling shall not be occupied as second home or as a unit of holiday letting accommodation.

Reason: The significant increase in scale of the proposal and its use as a short let unit of holiday accommodation would lead to the islands being less socially sustainable, in light of the housing crisis of the islands. Therefore the condition is imposed in order to ensure that the accommodation, which is to replace a permanently occupied unit of ancillary accommodation, is to be used as a permanently occupiable home to help maintain the social wellbeing of the community in accordance with Policy LC1 the Isles of Scilly Local Plan 2015-2030.

C4 The ground floor window in the south east elevation of the dwelling shall be fitted with obscure glazing and shall be of a non-opening design prior to the extension/dwelling hereby approved being brought into use. The obscure glazing shall be installed in order to provide of level of obscurity at least equivalent to levels 3, 4 or 5 on the Pilkington Glass scale and the glazing shall be retained as such thereafter.

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policies SS2(1) d) and LC8(1) a) of the Isles of Scilly Local Plan 2015-2030.

PRE-INSTALLATION CONDITION: Submission of Samples of external finishes

C5 Prior to their installation on the building, details of, including samples or specifications of all external finishes shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the development shall be finished in the agreed materials and retained as such thereafter. All nails and fittings shall be corrosion resistant.

Reason: To ensure that the character and appearance of this building is sympathetic to this location within the Conservation Area, in accordance with Policy OE7 (5) of the Isles of Scilly Local Plan (2015 - 2030).

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS: Installation of additional windows

C6 Other than the door and window openings shown on the approved plans and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no new window or door openings shall be installed in the building in the south east elevation.

Reason: To protect the amenity of adjacent residential occupiers and in accordance with Policies SS2(1) d) and LC8(1) a) of the Isles of Scilly Local Plan 2015-2030.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS: Extensions

C7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions to the dwellings hereby permitted shall be erected and alterations to the roof or other openings shall be installed within the building without the prior permission, in writing, of the Local Planning Authority.

Reason: In the interests of protecting the privacy and amenity of neighbouring properties in accordance with Policies LC8 (1) a) of the Isles of Scilly Local Plan (2015 - 2030).

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS: External Illumination

C8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.

Reason: To protect the amenities of the locality, including those of neighbouring residential properties and to protect this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan 2015-2030.

C9 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 neighbouring properties.

C10 The development, hereby approved, shall be carried out in accordance with Appendix 2 (Bat Mitigation Measures) and Appendix 3 (Nesting Bird mitigation measures) as set out in the Preliminary Roost Assessment (Ref: 2021/01 by IOS Ecology, 5th August 2021).

Reason: To avoid adverse impacts upon protected species and to promote measures to improve biodiversity at this site and on the Isles of Scilly in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT CONDITION: Submission of Landscaping and Biodiversity Enhancements

C11 Prior to the completion of the dwelling, hereby approved, a plan shall be submitted to and approved in writing by the Local Planning Authority which shall include the following landscaping and biodiversity enhancements:

- the planting of sustainably sourced native planting, within the site boundary; and
- the installation of a minimum of one bat box, appropriately sited and of a design to suit bat species found locally; and
- the installation of appropriate bird nesting boxes.

Any tree or hedge within the approved landscaping scheme, found to be dying, damaged or diseased within 10 years from the date on which the scheme has been completed shall be replaced with the same species. The measures approved shall be installed, within the first 6 months following completion of the development and shall be retained as such thereafter.

Reason: To ensure appropriate biodiversity net-gain measures and to improve an awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT CONDITION: Submission of a Site Waste Management Plan

C12 Prior to the commencement of the development, hereby approved, 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 the sustainable management of waste in accordance with the waste hierarchy and 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 SS2(2) of the Isles of Scilly Local Plan (2015-2030).

C13 All plumbing and service pipework, soil and vent pipes, electricity meter cupboards and heating flues shall be incorporated within the building unless specifically agreed in writing by the Local Planning Authority.

Reason: So that the appearance of the proposed buildings is sympathetic to and compatible with the building traditions of the area. In accordance with Policy SS1(1) of the Isles of Scilly Local Plan (2015-2030).

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 paragraph 38 the National Planning Policy Framework 2021.
2. 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 £234 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.
3. In accordance with the Town and Country Planning (fees for Application and Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 a fee is payable to discharge any condition(s) on

this planning permission. The fee is current £116 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. You are advised to check the latest fee schedule at the time of making an application as any adjustments including increases will be applied: https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

4. This decision is not a determination under the Building Regulations. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project. You can contact Building Control for further advice or to make a building control application: buildingcontrol@cornwall.gov.uk.
5. Registering for appropriate Business Rates/Council Tax: To ensure appropriate contributions, are made to fund services provided by or on behalf of the Council on the Isles of Scilly please ensure you contact the Council's Revenues Department: revenues@scilly.gov.uk.
6. 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. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.

Signed:



Chief Planning Officer

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: 15th December 2022