



**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](mailto: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/23/065/ROV      **Date Application Registered:** 22<sup>nd</sup> August 2023

**Applicant:** Mr Nicholas Praeger  
Morgelyn Flat  
McFarland's Down  
St Mary's  
Isles Of Scilly  
TR21 0NS

**Site address:** Plot B, Sea View Mcfarland's Down St Mary's Isles of Scilly TR21 0NS  
**Proposal:** Variation of condition 2 (Approved Plans) of planning permission P/22/005/FUL (Construction of new dwelling and associated infrastructure. (Re-submission of planning application P/20/105/FUL)) to allow for the 1) Installation of solar PV panels; 2) erection of shed; 3) alterations to internal layout and windows; 4) alteration of horizontal cladding to vertical at first floor level.

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 including varied condition C2 and be occupied in accordance with the **Section 106 Legal Agreement:**

**C1** The development hereby permitted shall be begun before the expiration of three years from the date of the approved permission P/22/005/FUL (02/12/2022).  
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).

#### **Varied Condition C2**

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

- Plan 1 Location Plan, Drawing Number 10/0380B-P1, Rev A Dated 02.06.20
- ~~Plan 2 Proposed Site Layout Plan, Drawing Number 10/0380B-P4, Rev A, Dated 02.06.20~~
- Plan 2A Proposed Site Plan, Drawing Number P103, date stamped 21.08.2023
- ~~Plan 3 Proposed Plans and Elevations, Drawing Number 10/0380C-P5, Rev A Dated 03.06.20~~
- Plan 3A Proposed Elevations, drawing number P102, date stamped 21.08.2023
- Plan 3B Proposed Floor Plans, drawing number P101, date stamped 21.08.2023
- Plan 3C Proposed Garage/Shed. drawing number P104, date stamped 21.08.2023
- Plan 4 Design and Access Statement
- Plan 5 Sustainable Design Measures
- Plan 6 Preliminary Ecological Appraisal 23/03/2020 Ref: BS27-2019

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 Policy OE1 of the Isles of Scilly Local Plan (2015 - 2030).

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appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 of the Isles of Scilly Local Plan (2015 - 2030).

### **PRE-INSTALLATION CONDITION: Materials to be approved**

- C3** 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).

- C4** 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 dwelling hereby permitted shall be erected and no additional windows, 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 and ensuring the size of the dwelling is such that it remains available to meet a local need in accordance with Policies LC1 and LC3 of the Isles of Scilly Local Plan (2015 - 2030).

### **Pre-First Occupation Condition**

- C5** From the first occupation of the dwelling hereby approved, the boundary features along the south west boundary, shall be maintained at a minimum height of 2m, between the points A and B on the attached plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties.

- C6** 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.

- C7** 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.

### **PRE-COMMENCEMENT CONDITION: Construction Method Statement**

- C8** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives;
2. Loading and unloading of plant and materials;
3. Storage of plant and materials used in constructing the development;
4. Wheel washing facilities;
5. Measures to prevent contaminated surface water run-off;
6. Measures to control the emission of dust and dirt during construction;
7. A detailed scheme for reducing/re-using/recycling/disposing of waste resulting from demolition, excavation and construction works.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its approved or former condition within three months.

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 and essential infrastructure in accordance with Policies SS2 and OE2 of Isles of Scilly Local Plan (2015-2030).

### **PRE-COMMENCEMENT CONDITION: Written Scheme of Investigation**

- C9 A) No demolition or development shall take place 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
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Note:** 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: 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 archaeological, historic and built environment, to be submitted and agreed in writing 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 preserved or enhanced. In accordance with the requirements of Policy OE7 of the Isles of Scilly Local Plan 2015-2030.

#### **POST-COMPLETION CONDITION: Biodiversity Enhancements**

C10 Within the first planting season following completion of the dwelling, hereby approved, the following biodiversity enhancements and mitigation measures shall be carried out:

- the mitigation measures (excluding bats) recommended in conjunction with the preliminary ecological appraisal survey (BS27a) carried out on the 23rd March 2020, including the planting of native hedgerows within the west boundary between this property and its neighbours and the planting of one native standard tree in the eastern boundary hedge; and
- The mitigation measures for bats comprising the installation of an 'in-line' bat box at the gable end of the property.

Any tree or hedge 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 for bats shall be installed, within the first 6 months following completion of the development and shall be retained as such thereafter.

Reason: To promote measures to improve and 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: Site Waste Management Plan**

C11 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 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).

#### **Further Information**

1. The planning permission hereby approved is subject of a section 106 agreement to control the occupancy of the dwelling, to ensure they contribute towards the housing needs of the local community.
2. 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.
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](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)

4. 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.
5. 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](mailto:buildingcontrol@cornwall.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.
7. Registering for appropriate 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](mailto:revenues@scilly.gov.uk).

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: 16<sup>th</sup> October 2023**



# COUNCIL OF THE ISLES OF SCILLY

Planning Department  
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW  
☎0300 1234 105  
✉planning@scilly.gov.uk

Dear Mr Nicholas Praeger,

## Please sign and complete this certificate.

This is to certify that decision notice: P/23/065/ROV and the accompanying conditions have been read and understood by the applicant: Mr Nicholas Praeger.

1. **I/we intend to commence the development as approved:** Variation of condition 2 (Approved Plans) of planning permission P/22/005/FUL (Construction of new dwelling and associated infrastructure. (Re-submission of planning application P/20/105/FUL)) to allow for the 1) Installation of solar PV panels; 2) erection of shed; 3) alterations to internal layout and windows; 4) alteration of horizontal cladding to vertical at first floor level at: Plot B Sea View Mcfarland's Down St Mary's Isles Of Scilly TR21 0NS  
**on:** .....
2. I am/we are aware of any conditions that need to be discharged before works commence.
3. I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.

You are advised to note that Officers of the Local Planning Authority may inspect the project both during construction, on a spot-check basis, and once completed, to ensure that the proposal has complied with the approved plans and conditions. In the event that the site is found to be inaccessible then you are asked to provide contact details of the applicant/agent/contractor (delete as appropriate):

**Name:** ..... **Contact Telephone Number:** .....  
**And/Or Email:** .....

**Print Name:** .....

**Signed:** .....

**Date:** .....

Please sign and return to the **above address** as soon as possible.

For the avoidance of doubt you are reminded to address the following condition(s) as part of the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

## **PRE-COMMENCEMENT CONDITION(S)**

- C8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives;
  2. Loading and unloading of plant and materials;
  3. Storage of plant and materials used in constructing the development;
  4. Wheel washing facilities;
  5. Measures to prevent contaminated surface water run-off;
  6. Measures to control the emission of dust and dirt during construction;
  7. A detailed scheme for reducing/re-using/recycling/disposing of waste resulting from demolition, excavation and construction works.

On completion of the development any contractors compound, temporary access and all plant, machinery, fencing, lighting and any other equipment or structures used as part of the construction process shall be removed from the site and, where appropriate, the land reinstated to its approved or former condition within three months.

- C 9 A) No demolition or development shall take place 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
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- C11 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.

## **Pre-First Occupation Condition**

- C5 From the first occupation of the dwelling hereby approved, the boundary features along the north, south, and west boundaries, shall be maintained at a minimum height of 2m, between the points A, B and C on the attached plan, unless otherwise agreed in writing by the Local Planning Authority.

## **POST-COMPLETION CONDITION: Biodiversity Enhancements**

- C10 Within the first planting season following completion of the dwelling, hereby approved, the following biodiversity enhancements and mitigation measures shall be carried out:
- the mitigation measures (excluding bats) recommended in conjunction with the preliminary ecological appraisal survey (BS27a) carried out on the 23rd March 2020, including the planting of native hedgerows within the west] boundary between this property and its neighbours and the planting of one native standard tree in the eastern boundary hedge; and
  - The mitigation measures for bats comprising the installation of an 'in-line' bat box at the gable end of the property.

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