

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/24/019/COU

**UPRN:** 000192001892

**Received on:** 01 March 2024

**Valid on:** 26 March 2024

**Application Expiry date:** 21 May 2024

**Neighbour expiry date:** 17 April 2024

**Consultation expiry date:** 24 April 2024

**Site notice posted:** 28 March 2024

**Site notice expiry:** 17 April 2024

**Applicant:** Mr Adam Peters

**Site Address:** Circus Field  
Church Road  
Hugh Town  
St Mary's  
Isles Of Scilly

**Proposal:** Temporary use of field for construction site welfare facilities and the storage of materials in conjunction with planning ref P/24/006/FUL

**Application Type:** Change of Use (Temporary)

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**Recommendation:** Permit

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## Summary Conditions

1. Temporary 18-month time limit
2. Adherence to approved plans (including CEEMP and Site Waste Management Plan)
3. Habitat Restoration Plan
4. Generator Noise Level Restriction

## Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

## Lead Member Planning Agreed

Name: Dan Marcus

Date: 10/05/2024

## Site Description and Proposed Development

The application site is located outside the settlement boundary of Hugh Town opposite the St Mary's hospital and comprises an agricultural field used for grazing. It is bounded on three sides (northern, eastern and western) by a dry stone wall and Cornish hedge, with the southern hedgerow boundary being shared with the adjoining field. The ground levels within the field are raised compared to those of the adjoining land uses.

The site falls within the King Edward's Road Area of Archaeological Constraint and the Platform Cairn on Northern Peninnis Head scheduled ancient monument sits within it.

The proposals seeks the temporary change of use of the land to store materials, plant and staff welfare facilities for a temporary period during the main construction works associated with the hospital extension approved under permission P/24/006/FUL. The construction period is anticipated to take place over a 12 month period, and the period of time applied for is therefore 18 months to account for setting up and taking down.

The works to facilitate the temporary use would include the creation of a works access in the north west corner directly opposite the hospital entrance. This will involve the removal of a section of stone wall and Cornish hedge and the creation of a ramp due to the difference in site levels.

When the use has ceased the site would be subject to restoration works, including reinstatement of the stone boundary wall.

Certificate: B

Other Land Owners: Duchy of Cornwall, Hugh House, St Mary's, Isles of Scilly, TR21 0LS

## Consultations and Publicity

The application has had a site notice on display for 21 days. The application appeared on the weekly list on 2 April 2024. Due to the nature and location of the application a number of internal and external consultations have been carried out. These are set out in the summary below.

Consultee	Date Responded	Summary
Air Traffic Services	09.05.2024	The airport will issue approvals on an as-required basis and the Airport authority are satisfied with the information that has been provided.
Cornwall Archaeological Unit	03.04.2024	<p><b>RE: Protection of the Scheduled Monument During the Construction and Decommissioning of the Compound</b></p> <p>While the proposed plan shows that the compound will be bounded by heras fencing, the application is not supported by a statement on how the protection of the Scheduled Monument will be managed before this is in place (as there is a risk that it will be tracked over inadvertently by a contractor). This could include temporary safety barrier mesh fencing mounted on road irons.</p> <p>We also welcome the suggestion in Section 6 of the HIA that a heritage champion is nominated in the construction team to ensure the safety of the Scheduled Monument during the construction phase, the use of the compound and during its decommissioning.</p> <p>In this respect, we advise that a statement from the applicant should be submitted in support of the application.</p> <p><b>RE: Archaeological Mitigation</b></p> <p>In terms of field boundary recording, in this instance, we do not consider a recording condition is required, due to the small section of boundary which will be breached. However, as an advisory, we encourage the applicant to replicate the materials and character of the existing boundary in the rebuilt. Materials for the rebuilt boundary should, if possible, come from the breached section (as indicated on the proposed plan submitted in support of P/24/019/COU. If stone for facing the rebuild is to be brought on to site, it should be carefully chosen to replicate as closely as possible, the rock type, colour and size of the stonework within the existing boundary. Stone for re-facing should NOT be taken from other boundaries, historic buildings or any other archaeological feature. Please re-consult us once a statement outlining the protection of the Scheduled Monument during the construction and decommissioning of the compound.</p>
Cornwall Archaeological Unit	18.04.2024	Thank you for consulting us on the supporting Scheduled Monument Plan for NHLE 1009284 (Johns 11th April 2024), for the temporary change of use of the Circus Field to a storage area for construction materials (in relation to the extension of the

Consultee	Date Responded	Summary
		hospital P/24/006/FUL). We confirm that the proposed plan (Johns 11 April 2024) is acceptable.
<b>Cornwall Environmental Consultants</b>	22.04.2024	No objections from an ecological perspective. The habitats on site are low value/common habitats and the impacts would only be for one year. The ecologist has asked for a CEMP and a Habitat Restoration Plan. These measures appear to be sufficient for this proposal. These would need to be submitted and approved pre-commencement
<b>Cornwall Environmental Consultants</b>	08.05.2024	<p>Overall, it's a solid document. There are a few small areas I think need adding to:</p> <p>12.1 – Need to add: “nesting bird survey to be carried out no more than 5 days before the vegetation or building clearance commences”.</p> <p>12.2 Any new phase of clearance works in the breeding bird season will require an updated pre-commencement inspection as birds can establish new nests in intervening periods.</p> <p>13.4 The PCM for bats is fine, but I think the two scenarios need to be clearly set out. 1. Emergence survey finds bats, advice from ecologist sought and licence obtained from Natural England to allow the works to proceed. 2. PCM will be used if the emergence survey does not show bats.</p> <p>17.2 – How the 3 cornered leek will be disposed of should be detailed, e.g. can they be composted/ incinerated on island? Extract:  “Waste materials containing three cornered leek are considered ‘controlled’ waste and would be disposed of appropriately”.</p> <p>20 – I am confused by this, this document is the CEMP so it cannot just state what the CEMP should do? Extract:  “The CEMP must include an assessment of dust from demolition and construction in line with the Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction or equivalent industry standard document. Where a screening identifies possible receptors and a need for a detailed assessment the IAQM guidance shall be followed and the appropriate dust assessment report and accompanying tables shall submitted to the LPA”.</p>
<b>Environmental Health</b>	24.04.2024	<p>The rating level (LAeq, T) from any generator installed and run on site should not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive source.</p> <p>Ensure arrangements are in place to collect any wastewater/sewerage from any sealed waste collection systems serving the welfare facilities on site to prevent any potential odour nuisance at the nearest sensitive source and to ensure safe disposal of such waste.</p>
<b>Environmental Health</b>	08.05.2024	<p>Thank you for consulting Environmental Health on this application for the temporary use of field for construction site welfare facilities and the storage of materials in conjunction with planning ref P/24/006/FUL.</p> <p>Based on the Construction Environmental and Ecological management Plan (CEEMP), EH has no comment on the</p>

<b>Consultee</b>	<b>Date Responded</b>	<b>Summary</b>
		measures in place to manage control/minimise any potential nuisance caused from the site. We note on the Proposed Plan document, that there is a toilet and canteen on site. Can it be confirmed if these are having access to the mains water/sewerage? If not, please ensure that the appropriate measures are put in place to ensure water access & proper waste disposal.
<b>Historic England</b>	22.04.2024	Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.
<b>South West Water</b>	10.04.2024	South West Water has no comments to make on this planning application as the applicant is not looking to connect to the public network.
<b>Waste, Highways and Parking</b>	24.04.2024	To enable deliveries to be made direct to the storage site, we suggest that the proposed new entrance is made in line with the Hospital Lane.  This would enable delivery vehicles to reverse into the storage site and not 'off load' from the Highway which could possibly cause congestion for emergency vehicles and the general public needing access to both the Hospital and Health Centre.
<b>Waste, Highways and Parking</b>	07.05.2024	No further comments re Highways.
<b>Waste, Highways and Parking</b>	09.05.2024	If contractors are bringing waste to the site they must have a current commercial waste disposal permit for the Porthmellon Waste and Recycling Centre. All contractors must adhere to commercial waste disposal guidance and book time slots for access to the waste site, All waste for disposal must be segregated prior to arrival.  Please see Council website for opening days/times, commercial waste disposal guidance, waste site permit fees and waste charges for 2024/25.

### **Representations from Residents:**

Neighbouring properties written to directly:

- **St Mary's Health Centre**
- **Isles of Scilly Pharmacy**
- **Pelorus, Church Road**
- **Darien Church Road**
- **Peninnis Farmhouse, King Edwards Road**
- **The Millhouse, 2 Hospital Lane**
- **Peninnis House, Church Road**
- **Broomfield, Old Town Road**
- **Starlings Church Road**
- **Peninnis Farm, King Edwards Road**

[0] letters of objection have been received and [0] letters of support have been received.

[1] letter of representation has been received raising the following:

- Objects to alternative access indicated over neighbouring field.
- Unclear whether cabins or toilet facilities will be provided on site
- If canteen will be powered by generator it would result in harmful noise and disturbance to neighbouring tourism use
- Noise and machinery operation during construction should be limited
- Safe pedestrian access to King Edwards Lane should be available at all times
- Vehicular access to King Edwards Lane and the farm is required daily
- There are large power cables crossing circus field supplying Peninnis farm and others (two separate cables)
- Conflicting information regarding the size and position of the hedge removal to create the new entrance.

## Relevant Planning History:

None relevant.

## Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Areas: King Edward's Road, Hugh Town
- Platform Cairn on Northern Peninnis Head Scheduled Monument

## Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	N/A
Would the proposal appear in-keeping with the appearance of the existing street and area?	N/A
Would the materials, details and features be consistent with the general use of materials in the area?	N/A
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	N/A
Is the parking and turning provision on site acceptable?	N/A
Would the proposal generally appear to be secondary or subservient to	N/A

the main building?	
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<b>Amenity</b>	<b>YES OR NO</b>
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Y
Is the proposal acceptable with regard to any significant change or intensification of use?	Y

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal preserve or enhance the character and appearance of the Conservation Area?	Y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
Within an Archaeological Constraint Area	Y
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	Y
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	N/A
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	Y
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	Y
Are the Water connection/foul or surface water drainage details acceptable?	N/A
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	N
Are there external lights	N

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	N

Does the proposal include any demolition	Y
Does the proposal include tree or hedge removal	Y
Is an assessment of impact on protected species required	Y
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	Y
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

<b>Waste Management</b>	<b>YES OR NO</b>
Does the proposal generate waste	Y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N
Does the proposal include a Site Waste Management Plan	Y
Is a condition required to secure a Site Waste Management Plan	N

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	N/A
Does the proposal include any site-specific sustainable design measures	N/A
Is a condition required to secure a Sustainable Design Measures	N

## Analysis:

### Principle of Development

The principle of development for the hospital extension works has already been established via permission P/24/006/FUL. The temporary use of the field to store associated materials, plant and staff welfare facilities is therefore acceptable in principle, subject to relevant material planning considerations including landscape and heritage impacts, ecology, highway safety, waste management, and neighbouring amenity.

The scheme has been amended during the course of the application to remove the adjoining field to the south of the main Circus Field site, and the 'optional alternative' access that was proposed over it.

### Landscape and Heritage Impacts

OE1 seeks to protect the AONB and Heritage Coast, and any development in this location must conserve and enhance the landscape, seascape and scenic beauty



of the area and be consistent with its special character and the importance of its conservation. Policy OE7 seeks to conserve and enhance the significance of heritage assets, including the Conservation Area, Scheduled Monuments and Archaeology. In addition to being within the Conservation Area, the falls within the King Edward's Road Area of Archaeological Constraint and the Platform Cairn on Northern Peninnis Head scheduled ancient monument is located within the site itself.

In terms of landscape impacts, the proposal is for temporary storage purposes and does not involve any permanent works. Although there will be visual and audible disturbance during the construction phase which will negatively affect the rural, tranquil landscape character of the agricultural field and the conservation area, these impacts will be temporary in nature. The temporary works access will require the removal of a section of dry stone wall, which is a characteristic feature of the Conservation Area and AONB, and the creation of a ramp. Both of these interventions are reversible, and both the wall and ground levels are capable of being reinstated to their former condition.

Advice has been sought from the Cornwall Archaeological Unit and Historic England and neither consultee has any objection to the proposals in terms of potential impacts upon archaeology or the scheduled monument. The submitted Scheduled Monument Plan acceptably sets out how a fenced 5m buffer will be provided around the scheduled monument to ensure it is protected during construction works.

It is considered appropriate to secure the protection of the scheduled monument and reinstatement of the dry stone wall by means of suitably worded planning conditions to ensure the proposals are capable of complying with policies OE1 and OE7.

## **Ecology**

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat.

The application is supported by an Ecological Assessment which sets out that a 5m buffer will be provided between the compound and the Cornish Hedge to protect this habitat feature. The Assessment also recommends that measures to protect other habitat, protected species and other wildlife should form part of the Construction Environmental and Ecological Management Plan (CEEMP), and the securing of a Habitat Restoration Plan (HRP) to ensure that habitats will be restored to their previous condition following decommissioning of the site.

The application and supporting evidence has been assessed by the Council's ecologist, who has advised that the ecology measures are acceptable, subject to planning conditions to secure them. A CEEMP was subsequently submitted setting out how ecological receptors including habitats and wildlife will be

protected. This was amended following comments from the Council's Ecologist to clarify matters relating to nesting birds, bat protection and disposal of vegetation, and has been confirmed as acceptable in terms of ecology.

The proposal is therefore considered to comply with Policy OE2 of the Local Plan.

### **Amenity and Highways Impacts**

Policy SS2 1) requires proposals to safeguard the amenity of individuals and properties in terms of unreasonable noise and disturbance. Policies SS9 and SS10 seek to protect transport links and associated infrastructure and ensure development proposals do not have an adverse impact on the local highway network.

The application is supported by a Construction, Environmental and Ecological Management Plan (CEEMP) which sets out how the construction phase will be managed to mitigate impacts on the highway network and neighbouring amenities.

Following comments from the Highway Authority, the position of the temporary access was amended to better align with the hospital entrance. Both the Highway Authority and the Environmental Health Officer have also advised that the CEEMP is acceptable in terms of highway safety and neighboring amenity. The proposal therefore accords with policies SS2, SS9 and SS10.

### **Waste Management**

Policies OE3 and OE5 require proposals to manage pollution and demonstrate sustainable waste management during construction and operation within a site waste management plan.

The submitted Construction Waste Management Strategy sets out how waste arising from construction will be sustainably managed, either recycled on site or via waste recycling facilities on St Mary's or the mainland. Water for temporary toilet facilities will be filled via a bowser on site and waste disposed of using a specialist contractor.

The Environmental Health Officer and Waste Management Team have advised that the Construction Waste Management Strategy is acceptable, and the development therefore accords with Policies OE3 and OE5.

### **Other Matters**

**EIA:** Due to being located in a sensitive environment, as denoted by the AONB, the overall development has been screened for environmental impacts through an Environmental Impact Assessment (EIA), Screening Opinion. This screening

opinion concluded that the development proposed does not constitute EIA development requiring an Environmental Statement (ES). The full screening opinion can be read online under documentation associated with planning application [P/24/006/FUL](#)

**Proactive working:** In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Planning Policy:** Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

### Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	✓
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	✓
Policy SS10 Managing Movement	✓
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	✓
Policy OE3 Managing Pollution	✓
Policy OE4 Protecting Scilly's Dark Night Skies	
Policy OE5 Managing Waste	✓
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓

Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		
Construction Management Plan	✓		

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

### **Considerations under Human Rights Act 1998 and Equalities Act 2010:**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) Removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it

- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

### **Recommended Conditions:**

- C1 The development hereby permitted is granted for a limited period only (18 months) expiring on 10.11.2026 on or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored in accordance with the requirements of the Habitat Restoration Plan to be approved under Condition 3.**

Reason: The use hereby approved is associated with temporary construction works and not considered suitable as a permanent form of development.

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

- **Plan 1 Location Plan 10711-2-field-SK01 REV A**
- **Plan 2 Existing Block Plan 10711-2-field-SK02 REV A**
- **Plan 3 Proposed Block Plan 10711-2-field-SK03 REV B**
- **Plan 4 Access Section 10711-2-field-SK04 REV B**
- **Plan 5 Heritage Impact Statement (Portico Heritage)**
- **Plan 6 Statement of Archaeological Potential and Impact (Johns, 24 February 2024)**
- **Plan 7 Scheduled Monument Plan (Johns, 11 April 2024)**
- **Plan 8 Construction Environmental and Ecological Management Plan (Situ8, Apr 2024 received 09 May 2024)**
- **Plan 9 Construction Waste Management Strategy (Situ8, Apr 2024)**
- **Plan 10 Ecological Assessment, Ref 24-1-2 , Rev B, (Faulconbridge, 5 March 2024)**

**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 TIMED CONDITION: Habitat Restoration Plan**

**A) Within six months of the date of this permission, a Habitat Restoration Plan (HRP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how onsite habitats will be restored to their previous condition in accordance with section 6.6 of the approved Ecological Assessment (Faulconbridge, Mar 2024) and a timetable for the restoration works, which shall include:**

- **A species rich grass sward**
- **The Cornish Hedge**
- **Planting of new tree(s) to replace those removed.**

**The development shall thereafter proceed in strict accordance with the approved HRP.**

**B) Within six months of completion of the works, photographic evidence to demonstrate satisfactory reinstatement of the above habitats shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with policy OE2 of the Isles of Scilly Local Plan 2015-2030 and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended. This is required to be a pre-commencement condition because it is necessary to have agreed such details prior to commencing any building works.

**C4 The noise rating level (LAeq, T) from any generator installed and run on site shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive source.**

Reason: To protect neighbouring amenities from adverse noise impacts during construction in accordance with Policy SS2 of the Isles of Scilly Local Plan 2015-2030.

**Informatives:**

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 of the National Planning Policy Framework 2023.
2. Please note that from the 6th April 2008 a fee is now payable for the discharge of any conditions where details are required to be submitted pursuant to that condition. Details of the exact amount and the procedure to be followed can be found on the Council's website.
3. It should be noted that some of the conditions attached to this consent are required to be complied with prior to the commencement of the development hereby approved, if those conditions are not fully adhered to, then the consent cannot lawfully be implemented, therefore a new application will be requested and consideration will be given to the expedience of enforcement action.
4. The Regulatory Reform (Fire Safety) Order 2005 applies, and the responsible person will be required to carry out a fire risk assessment to identify the risks and take reasonable measures to ensure people are safe from fire. The works may be considered 'controlled work' and therefore building control approval may also be required.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
6. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
7. Materials for the rebuilt boundary should, if possible, come from the breached section (as indicated on the proposed plan submitted in support of P/24/019/COU. If stone for facing the rebuild is to be

brought on to site. it should be carefully chosen to replicate as closely as possible, the rock type, colour and size of the stonework within the existing boundary. Stone for re-facing should NOT be taken from other boundaries, historic buildings or any other archaeological feature.

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**Print Name:** Lisa Walton 10/05/2024

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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