

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/25/013/FUL

UPRN: 000192002045

Received on: 10 February 2025

Valid on: 20 February 2025

Application Expiry date: 17 April 2025

Neighbour expiry date: 17 March 2025

Consultation expiry date: 17 March 2025

Site notice posted: 24 February 2025

Site notice expiry: 17 March 2025

Applicant: Mr. Oliver Glenn
Site Address: Workshop
Porthloo
St Mary's
Isles Of Scilly
TR21 0NE

Proposal: Removal of existing polytunnel structure and erection of new
10.5m x 12.45 timber clad shed with a 4.0m x 8.3m lean-to

Application Type: Full

Recommendation: Permit

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Working hours
4. Artificial lighting
5. Materials
6. Flood risk mitigation
7. Risk Assessment and working Method Statement

Have any pre-commencement conditions been agreed with the applicant:
YES 23/05/2025

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: Cllr Dan Marcus

Date: 22/04/2025

Site Description

The application site is located in the Porthloo area of St Mary's, to the west of the island and is accessed via Porthloo Lane. The site comprises a large agricultural shed and polytunnel. The site currently forms the premises for 'Island Outboard Services (IOS) Ltd', a marine engineering business.

Proposed Development

The application proposes the removal of an existing polytunnel structure which is 9.2m by 9.5m, which is used primarily for the storage of boats and associated equipment. The existing polytunnel is constructed of galvanised steel and PVC fabric. The proposal would also see the removal of 2 shipping containers which are sited adjacent to the existing polytunnel.

The application proposes to replace the polytunnel with a new timber-clad agricultural style shed adjacent to the existing agricultural shed. The proposed shed would be 10.5m wide, 12.45m long with a 4m by 8.3m lean to. It would have an agricultural appearance with timber cladding, an anthracite grey corrugated fibre cement roof with 14 rooflights and bi-fold doors.

The shed would be accessed via the existing main entrance to the premises.

The application also proposes the erection of signage above the sliding doors on the existing shed which would be 700mm by 2000mm and would read 'Yamaha' with a symbol, in red font. The placement height of the signage is not known.

The applicant has set out in a 'Justification Statement' that the existing polytunnel was a temporary structure that is no longer suitable for the usage that is required. The proposed shed would be split into two sections. The main section would be

an open workshop area which would enable work on larger vessels and projects to be undertaken within the workshop area. The adjoining lean-to section would form the reception and dedicated chandlery area. The size of the building and its openings are required to enable work on much larger vessels and projects to be undertaken undercover.

Certificate: B

Other Land Owners: Duchy of Cornwall Estate

Consultations and Publicity

The application has had a site notice on display for 21 days (24.02.2025 – 17.03.2025). The application appeared on the weekly list on 24 February 2025. Due to the nature of the proposal external consultations are required as set out below.

Consultee	Date Responded	Summary
Environmental Health	N/A	No response received
Cornwall Fire and Rescue Service	27/02/2025	The Fire Authority has no adverse comments to make regarding the application. If planning approval is granted the works are considered 'controlled work' and therefore building control approval will also be required and subsequently the fire authority should also be consulted at the same time, as the premises will fall within the scope of the Regulatory Reform [Fire Safety] Order 2005.
Cornwall Archaeological Unit	12/03/2025	We have consulted the Cornwall & Isles of Scilly Historic Environment Record, the supporting documents and the further information provided by the applicant to the LPA via email (03/03/2025) and, in this instance, we consider it unlikely that significant archaeological remains will be disturbed by the proposed scheme. No archaeological mitigation is required, and therefore no archaeological condition is sought. The application site is immediately adjacent to a Second World War pillbox, which is a Scheduled Monument (NHL 1016517). The proposed scheme has the potential to impact upon the setting of this nationally designated heritage asset and therefore, we recommend the LPA requests advice from Historic England on this matter.
Cornwall Environmental Consultants	19/03/2025	The BNG report states that the construction of the new workshop will not result in any habitat loss. Provided that is the case then I would agree with this conclusion and that a PEA is not required. However, I recommend that one of the planning team carries out a site visit to review and confirm

Consultee	Date Responded	Summary
		<p>this.</p> <p>Provided there is no habitat loss, and the surrounding hedges remain untouched there are no objections on ecological grounds.</p> <p>The site is located in close proximity to the SAC and SPA and so it is critical that there is no input of pollutants during the construction of the building or during the operation of the building. Given its location an HRA Screening for potential bird disturbance may be required.</p>
Environment Agency	<p>13/03/2025</p> <p>14/04/2025</p> <p>28/04/2025</p> <p>09/05/2025</p>	<p>In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.</p> <p>We object to this planning application and recommend that the planning permission is refused. To overcome this objection, the Flood Risk Assessment would have to indicate that both the development structure and the site users are sufficiently protected from tidal flood risk, using appropriate design and sufficient mitigation measures. This may include substantially raised finished floor levels, flood resilient construction, sufficiently raised electronics, or resistance to inundation.</p> <p>We object to the proposed development on flood risk grounds. To overcome this objection, we would recommend that possibly the configuration of the development could be adjusted within the boundary of the landowner's site to place the proposal in the area of lowest coastal flood risk, and that the Finished Floor Level of the development may need to be increased further than is currently proposed.</p> <p>We withdraw our previous objection. We agree that the development can be classed as a non-residential extension that is less than 250m² within Flood Zone 3. It is not within 8m of a main river. It therefore falls within the scope of the Environment Agency's Flood Risk Standing Advice.</p> <p>Advice - Flood Resilience</p> <p>In view of the potential flood risks in this locality, we would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'.</p> <p>It would also be advisable for the applicant to prepare a flood plan which outlines how the business will respond to a flood.</p> <p>We would also strongly recommend that the applicant registers with our flood warning service</p>

Relevant Planning History:

No relevant planning history.

Constraints:

- Conservation Area
- Isles of Scilly National Landscape
- Heritage Coast
- Flood Zone 3
- Scheduled Monument – World War II Pillbox between Thomas' Porth and Porthloo. Identified on the Heritage at Risk Register.

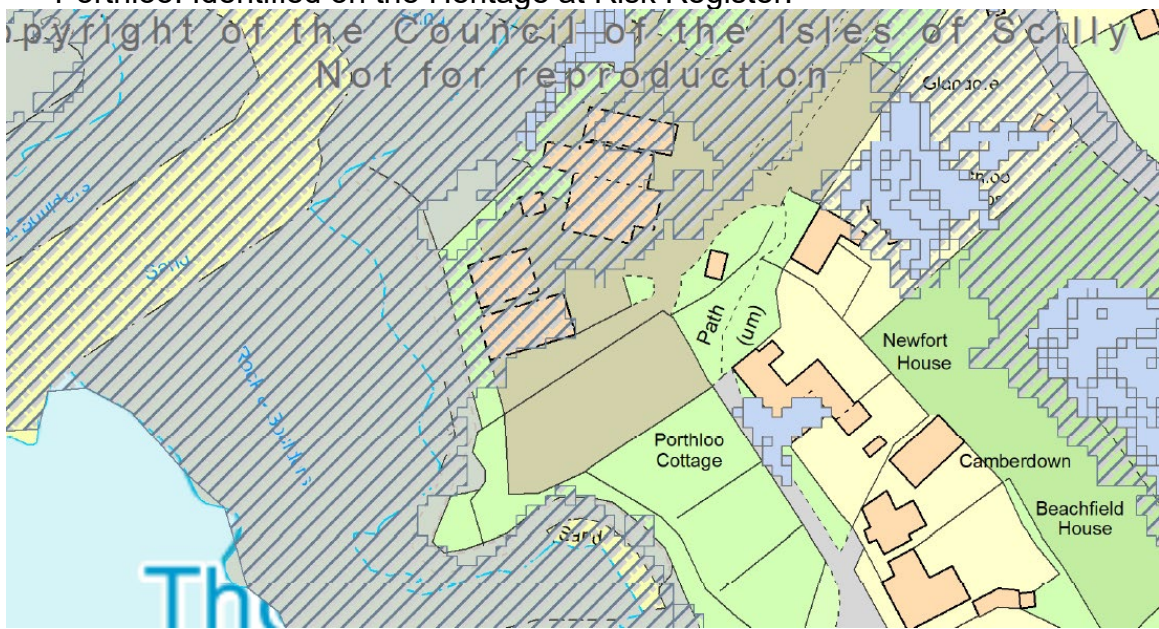
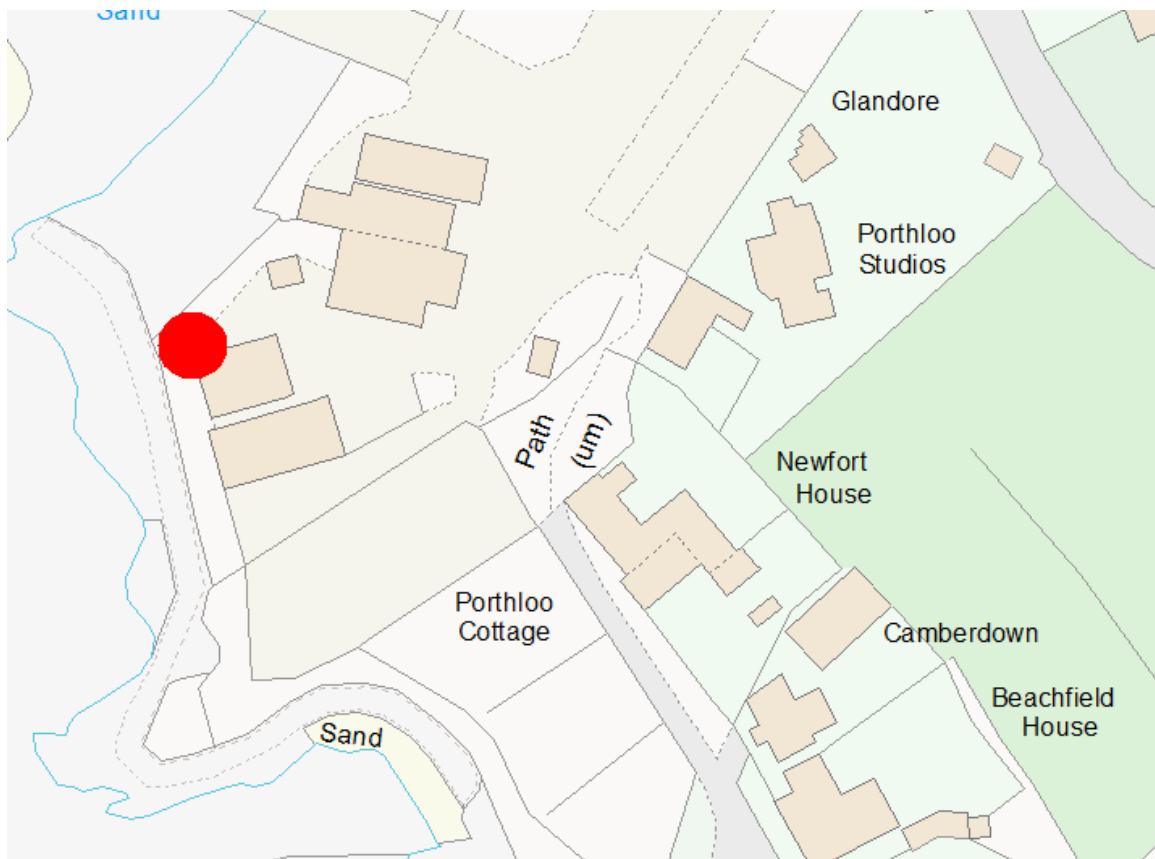


Figure 1 Flood Zone 3 and Surface water flooding



Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
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 the main building?	YES
Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	YES

Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	YES
Is the proposal acceptable with regard to any significant change or intensification of use?	YES

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	YES
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	N/A
Other Impacts Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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?	YES
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	YES
Are the Water connection/foul or surface water drainage details acceptable?	YES
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?	YES
Are there external lights	NO

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	NO
Does the proposal include any demolition	YES
Does the proposal include tree or hedge removal	NO
Is an assessment of impact on protected species required	NO
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	NO

Are biodiversity enhancement measures required	NO – see report
Is a condition required to provide biodiversity enhancement measures	NO

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

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

Analysis:

Principle of development

The Local Plan supports development proposals that strengthen, enhance and diversify the islands' economy. Policy WC3 supports the redevelopment or extension of buildings or erection of new buildings for employment use where the proposal is appropriately designed, scaled and located in accordance with Policy WC1.

The application proposes the replacement of an existing structure with a shed to match an existing building on the premises at an existing Island business. The principle of the proposed development is acceptable, subject to the scale, bulk design and siting of the shed. This is discussed in the following report.

Visual/Landscape and Heritage Impacts

Policy SS2 1) requires new development to be of a high-quality design and contribute to the islands' distinctiveness. Policy OE1 seeks to protect the AONB and Heritage Coast, and any development must conserve and enhance the landscape, seascape and scenic beauty of the area and be consistent with its special character and importance of its conservation.

Policy OE7 sets out that great weight will be given to the conservation of the islands' irreplaceable heritage assets. Development will be permitted where it

preserves or enhances the character or appearance of the Isles of Scilly Conservation Area and its setting. Proposals that preserve or enhance the significance of Scheduled Monuments or Archaeological Sites, including their setting, will be supported where measures are to be taken to ensure their protection in situ based upon their significance.

Policy OE7(5) advises that development will be permitted where it preserves or enhances the character and appearance of the area and its setting. The design and location of a development proposal should take account of the development characteristics and context of the area and the form, scale, size and massing of nearby buildings together with materials of construction.

Visual and Landscape Impacts

The proposed shed would replace an existing polytunnel structure and 2 storage containers and would be designed to largely match the existing barn/shed on site. The removal of the existing structures is welcome. Whilst the proposed shed would be larger than the polytunnel, it is considered that the shed would improve the appearance of the site by removing incongruous structures and would enable a more efficient operating environment for the business. The proposed materials would match the existing shed and are considered acceptable.

Signage

The applicant has submitted indicative plans of proposed advertising/signage. Insufficient information has been provided in order to determine if the proposed advertising/signage would have deemed consent or whether it would require advertising consent. In the event of an approval of planning permission, the applicant will need to check whether express advertising consent is required for the proposed advertising/signage.

Heritage Impacts

To the northwestern corner of the site is a scheduled monument known as 'World War II pillbox between Thomas' Porth and Porthaloo, St Mary's' (or Pillbox No. 14). It is a substantially intact and well-preserved remains of a World War II coastal defence work. Historic England have been consulted on the proposal and initially raised concern that no formal assessment of heritage impacts had been submitted with the application.

The applicant subsequently provided a Heritage Impact Statement which sets out that the proposed development would have no impact on no heritage impact on Pillbox No.14 or result in any disturbance to the setting or structure of the monument. Historic England have assessed the submitted information and advise that the proposals will not impact directly upon the monument and that the

removal of shipping containers on part of the site may improve access to the monument in due course.

Historic England note that while the additional information removes their objection to the scheme, some concern remains regarding the potential for inadvertent damage occurring to the monument during construction, if the scheme is consented. To avoid this happening it is recommended that a risk assessment and working methodology statement be secured by means of a suitably worded planning condition. This statement should set out how the monument will be safeguarded against inadvertent damage during construction or by the movement of heavy equipment and plant.

With regard to the impact of the proposed development on the Islands' Conservation Area, as set out in the 'Visual and Landscape Impacts' section of this report, the proposed replacement of the existing polytunnel and shipping containers is considered to result in a visual improvement to the site and its vicinity. This would be beneficial not only for the landscape but for the visual impact on the Conservation Area.

Visual/Landscape and Heritage Impacts conclusion

The replacement of the existing polytunnel and shipping containers with a purpose-built, in-keeping shed in suitable materials is considered to constitute a visual improvement to the site and will enable an existing Islands business to operate efficiently. The proposed shed would have an acceptable visual impact and impact on the landscape and historic context. The proposed shed is considered to accord with Policies SS2 and OE7 considered acceptable on this basis.

Impact on Amenity

Policies SS2 and LC8 require proposals to safeguard residential amenities.

The application site is well separated from the closest residential properties, as such no concern is raised with regard to the impact on residential amenity in terms of overlooking, loss of privacy, loss of light or overbearance. The development would not intensify the use of the site.

On this basis, the proposal is considered to accord with Policies SS2 and LC8.

Dark Skies

Policy OE4 seeks to protect Scilly's Dark Skies. Proposals that include external lighting will only be permitted where this is essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution. To protect Dark Skies, harmful upward light spill should be avoided,

and proximity or automated timers used to reduce unnecessary lighting during hours of darkness.

The proposal would include 14 rooflights which are proposed for allowing natural light into the shed to reduce any need for artificial lighting within the shed. No external lighting is proposed but it is considered appropriate to attach a condition requiring permission to be sought for any additional lighting. On this basis, the proposal is considered to accord with OE4.

Flood Risks

The site is located in Flood Zone 3 and is therefore susceptible to flooding. Policy SS7 of the Local Plan does not support development in such areas without an appropriate and proportionate Flood Risk Assessment (FRA) demonstrating how the flood risk will be managed over its lifetime.

The application was originally submitted without an FRA which resulted in the Environment Agency raising an objection to the proposed development. Following the submission of an FRA, and further negotiations with the applicant to secure the relocation of the building in an area of lowest coastal flood risk and raising of the finished floor level the Environment Agency have no objection. They nonetheless advise that further consideration be given to the use of flood resilient construction practices given the potential flood risks in this locality.

The applicant has subsequently provided a flood plan which outlines how the business will respond to a flood and confirmed that they will register for the Environment Agency's flood warning service.

On the basis of the information submitted and the above assessment, the proposed development is considered to accord with Policy SS7 and is acceptable.

Ecology and biodiversity

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain (BNG) is secured.

The Council's Ecologist has assessed the application and recommended that a site visit was carried out to establish if the proposal would result in any habitat loss. This was carried out and the Ecologist was satisfied, on the basis that there would be no loss of habitat, that a Preliminary Ecological Assessment was not required for the site. On the basis that the surrounding hedges to the site will be unaffected by development, there are no objections on ecological grounds.

Given that the proposed development would not result in the loss or disturbance of habitat, the proposal would be exempt from the requirement to provide statutory BNG.

The proposed works are in close proximity to a number of environmental designations. These include the Isles of Scilly Complex Special Area of Conservation (SAC) and the Special Protection Area (SPA) which are designated for a range of habitats and species including bird species, marine invertebrates, important marine and freshwater habitats. The planning authority is therefore required to undertake an appropriate assessment under the Habitats Regulations (2017) (as amended) to ascertain that there would not be adverse impacts on the integrity of the international sites, and that impacts would be avoided or adequately mitigated. The application is supported by a Shadow Habitat Regulations Assessment (HRA), which concludes that although the site falls within the Lower Moors Site SSSI impact risk zone, the proposed development is unlikely to have significant effects upon breeding seabirds or result in any other habitat loss or interference. The Council has assessed and agrees with this conclusion, and has therefore adopted the Shadow HRA.

It can therefore be concluded that there are no likely significant effects on the Isles of Scilly SAC and SPA as a result of the proposed development, and that the proposal accords with Policy OE2.

Site Waste Management

Policy OE5 requires that all development proposals demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy and be supported by a site waste management plan (SWMP).

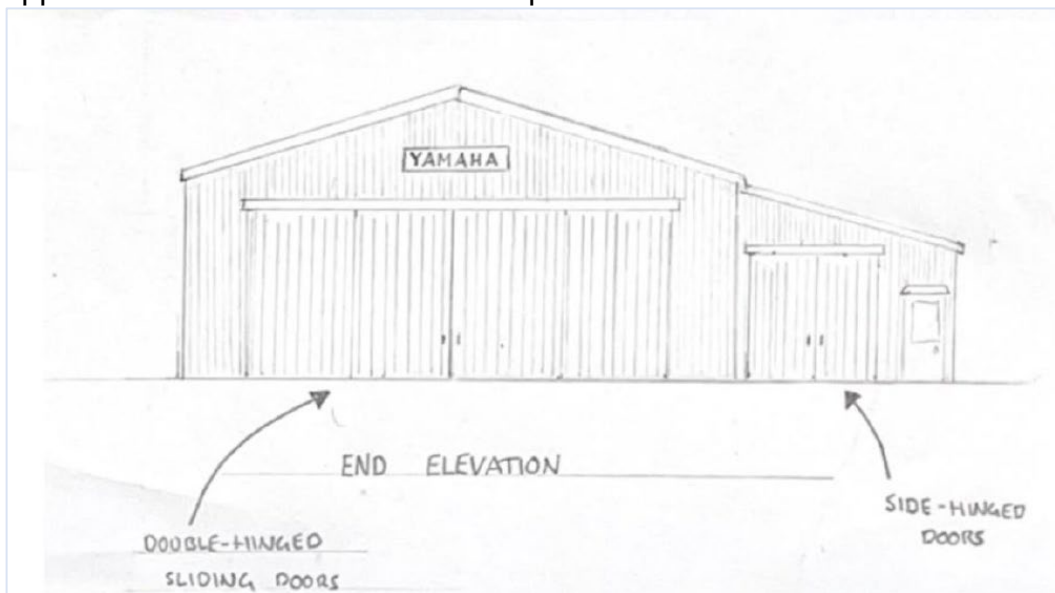
A SWMP has been submitted with the current application. This sets out that any waste created by the removal of the existing structure will be disposed of through the waste collection service on the Island. The polytunnel's galvanised steel frame will be sorted into metal skips on site and recycled. The PVC fabric cladding will be recycled in-house and used as temporary covers for larger projects within the yard. The existing granite chippings will be reused in other areas around the site to further aid drainage. The new building will be delivered in kit form therefore minimising the waste created from processing materials. Furthermore, any timber waste created from the building works will be repurposed in other works or used around the yard.

The SWMP is considered to be proportionate to the scale of the proposed development and will ensure that waste materials are disposed of appropriately. On this basis, the proposed development would accord with Policy OE5.

Advertisements

The proposed front elevation includes a sign which is not subject to a separate advertisement consent. Advertisement consent is a separate process from planning permission, governed by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

As the sign does not specifically relate to the goods or services, there is a requirement to submit a separate application for advertisement consent. So whilst the size and position would appear to be within the parameters for deemed consent the fact that the size relates to a specific product I consider a separate application for deemed consent is required in this case.



FASCIA YAMAHA H-700

Conclusion

The proposed works will conserve the landscape, seascape and scenic beauty of this part of the Isles of Scilly National Landscape, the special character of the Heritage Coast, and will preserve the character of the Conservation Area. Subject to mitigation measures, the proposed development would have an acceptable impact with regard to flooding. Subject to the submission of an appropriate Risk Assessment and working Method Statement, there would be no impact on the scheduled monument on site. There are considered to be no likely significant effects on the Isles of Scilly SAC and SPA as a result of the proposed development. On this basis, the application is recommended for approval.

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

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 with imposed conditions to enable the grant of planning permission.

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	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	✓
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	✓		
Sustainable Design Measures	✓	Not required	
Biodiversity Enhancement Measures:		Not required	

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 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**
- **Plan 2 Block Plan**
- **Plan 3 Proposed Shed Drawings**
- **Plan 4 Site Waste Management Plan**
- **Plan 5 Design and Access Statement**

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 Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before**

0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.

Reason: In the interests of protecting the residential amenities of the islands.

- C4 No artificial lighting shall be installed within the red line boundary without the prior agreement in writing of the Local Planning Authority, through the submission of details of locations, design, brightness, means of control and means of light spill minimisation. 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).

- C5 The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

- C6 The development hereby permitted shall be carried out in strict accordance with all flood risk mitigation measures referenced within the Flood Risk Assessment V3 and the Flood Warning and Evacuation Plan (received 14/04/2025). All mitigation measures shall be retained thereafter and the evacuation plan shall be kept up to date to ensure measures are in place for the safe evacuation of the building.**

Reason: To ensure that flood risk is managed, in accordance with Policy SS7 of the Local Plan.

PRE-COMMENCEMENT CONDITION: Risk Assessment and Method Statement

- C7 No development shall commence, including any demolition or clearance works, until a Risk Assessment and Method Statement for safeguarding ancient monument 'World War II pillbox between Thomas' Porth and Porthloo, St Mary's' has been submitted to and agreed in writing by the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme.**

Reason: This is a pre-commencement condition to submit details, that were not submitted as part of the original submission but are required to ensure appropriate measures are in place to assess the risk and ensure no inadvertent damage occurs to the Scheduled Monument during

construction.

Further Information

1. **STATEMENT OF POSITIVE ENGAGEMENT:** In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and creative way, in accordance with paragraph 39 of the National Planning Policy Framework 2024.
2. **POST-DECISION AMENDMENTS:** 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 or the submission of a full planning application for a revised scheme. Please discuss any proposed amendments with the Planning Officer. There is a fee to apply for a non-material amendment and the most up to date fee will be charged which can be checked here:
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf
3. **DISCHARGING CONDITIONS:** 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. 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. **BUILDING REGULATIONS:** 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. **BUSINESS RATES:** 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. **BIODIVERSITY NET GAIN:** Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Planning Department at the Council of the Isles of Scilly.
7. **COMMENCEMENT NOTICE:** Under Section 93G of the Town and Country Planning Act 1990 (as amended), this decision notice informs you that a 'commencement notice' must be served on the Local Planning Authority - subsections (2) and (3) are set out below:
(2) Before the development is begun, the person proposing to carry it out must give a notice (a "commencement notice") to the local planning authority specifying the date on which the person expects the development to be begun.
(3) Once a person has given a commencement notice, the person:
 - may give a further commencement notice substituting a new date for the date previously given, and
 - must do so if the development is not commenced on the date previously givenThe notice should be provided to the Local Planning Authority a minimum of seven (7)

days before the development commences.

Failure to provide the commencement notice could lead to the Local Planning Authority serving notice on them to require information to be provided, and if that is not provided within 21 days, they will be guilty of an offence, as below:

(5) Where it appears to the local planning authority that a person has failed to comply with the requirements of subsection (2) or (3)(b), they may serve a notice on any relevant person requiring the relevant person to give the authority such of the information prescribed under subsection (4)(a) as the notice may specify.

(7) A person on whom a notice under subsection (5) is served is guilty of an offence if they fail to give the information required by the notice within the period of 21 days beginning with the day on which it was served.

(9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PLEASE NOTE: The requirement under Section 93G of the Town and Country Planning Act 1990 (as amended) is separate from any requirements under the Community Infrastructure Levy Regulations 2010 (as amended) or any requirements for serving notices secured through the signed Section 106 Legal Agreement.

8. **ADVERTISING CONSENT:** The proposal includes the indicative placement of a sign which is not specifically to advertise the name of the business. Class 5 of the Town and Country Planning (Control of Advertisements) Regulations 2007 permits advertisements for the goods or services available at the particular premises to be displayed on the exterior of the building. An advertisement permitted by Class 5 must relate specifically to the goods or services available at the premises and not:

- have any letters, figures, symbols or similar features in the design over 0.3 of a metre in height;
- have its highest part at more than 3.6 metres
- have its highest part above the level of the bottom of the first-floor window in the wall where the advertisement is;
- be illuminated, unless the illumination is intended to indicate that medical or similar services or supplies are available at the premises; and
- exceed in area 10 per cent of the external face of the building, measured up to a height of 3.6 metres above ground-level.

Please ensure you check whether advertising consent is required before erecting any signs on this building. Full guidance can be found within Class 5 of the below document: <https://assets.publishing.service.gov.uk/media/5a755a88e5274a3cb2869c26/326679.pdf>

Print Name: Lisa Walton

23/05/2025

Job Title: Chief Planning Officer

Signed:



Authorised Officer with Delegated Authority to determine Planning Applications
