

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**



**COUNCIL OF THE ISLES OF SCILLY**

**Old Wesleyan Chapel, Garrison Lane, St Mary's TR21 0JD  
Telephone: 01720 424350 – Fax: 01720 424317**

Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) Order 2010

**PERMISSION FOR DEVELOPMENT**

**Applicant:** Mr Sean Parsons  
Council of the Isles of Scilly  
Town Hall  
St Mary's  
Isles of Scilly  
TR21 0LW

**Agent:** Mr Michael Bradbury  
PBWC Architects  
The Old Sail Lofts  
Bethesda Hill  
St Ives  
Cornwall  
TR26 1PB

**Date Application Registered:** 6<sup>th</sup> January 2012

**Application Number:** P/12/001

**Site and particulars of development: Units 1 & 2, Porthmellon Industrial Estate, St. Mary's  
Change of use from Wholesaler to Innovation and Enterprise Centre with work units.**

In pursuance of their powers under the above Act, the Council hereby PERMIT the above works to be carried out in accordance with the following Conditions:

**Condition 1**

The development hereby permitted shall be begun not later than the expiration of three years beginning with the date hereof.

**Reason 1**

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.

**Condition 2**

Prior to the commencement of the approved development, 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 unless otherwise agreed in writing by the Planning Authority.

**Reason 2**

To ensure that those characteristics which contribute, inter alia, 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 and tipping of waste.

**Condition 3**

All external and internal works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 to 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday, Bank or Public Holiday.

**Reason 3**

In the interests of protecting the residential amenities of neighbouring properties.

**Condition 4**

The development hereby permitted shall be carried out in complete accordance with the details shown on the approved submitted plans numbered 3069(--)-001; 3069(--)-003; 3069(GA)001; and 3069(GA)010.

**Reason 4**

For the avoidance of doubt and in the interests of the character and appearance of the building and the surrounding area, which is designated a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policies 1 and 2 of the Local Plan.

**Condition 5**

With the exception of the buggy workshop and garage, the 10 work units and associated office space indicated on the approved plan numbered 3069(GA)001 shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification unless otherwise agreed in writing with the Local Planning Authority.

**Reason 5**

To ensure that the work units are completed as part of the scheme and that the Local Planning Authority retains control over the type of businesses that occupy the units to protect the amenities, including residential, of the area.

**Condition 6**

No work shall be commenced on any part of the development hereby permitted until samples of the materials, including colours, to be used on the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason 6**

To ensure that the visual amenity of the area, which is designated a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast, is not adversely affected by reason of the appearance of the type and colour of materials to be used in the proposed development in accordance with Policies 1 and 2 of the Local Plan.

**Condition 7**

Prior to the commencement of the development hereby permitted, a detailed scheme indicating the sustainable design measures to be incorporated into the proposals shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures and renewable energy generation. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the completion or occupation of any of the buildings or uses hereby permitted.

**Reason 7**

In accordance with Policy 2 of the Local Plan and to minimise the impact of the development on essential infrastructure in accordance with Policy 6 of the Local Plan.

**Condition 8**

No goods, plant or machinery shall be stored in the open without the prior consent in writing by the Local Planning Authority.

**Reason 8**

To safeguard the visual amenities of the locality.

**Condition 9**

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. Measures to control the emission of dust and dirt during construction
5. A scheme for recycling/disposing of waste resulting from demolition and construction works, including asbestos.

On completion of the development any contractors compound 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 former condition within three months.

**Reason 9**

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 1, 2 and 6 of the Local Plan.

**Condition 10**

As soon as the solar PV panels hereby approved are no longer required for their intended purpose, they shall be removed from the building and the roof reinstated to its former condition to the satisfaction of the Local Planning Authority.

**Reason 10**

In the interests of visual amenity of the area which is designated as an Area of Outstanding Natural Beauty and Conservation Area in accordance with Policy 1 of the Local Plan.

**Condition 11**

No work shall commence until the precise details of the PV panels, including their colour, have been agreed in writing with the Local Planning Authority.

**Reason 11**

In the interests of visual amenity of the area which is designated as an Area of Outstanding Natural Beauty and Conservation Area, in accordance with Policy 1 of the Local Plan.

**Condition 12**

The parts of the building to be demolished as indicated on the approved plans shall be carefully taken down with all demolition debris recycled as far as practicable.

**Reason 12**

To minimise the amount of waste generated from the proposal and to ensure that materials are reused where appropriate in accordance with Policies 2 and 6 of the Local Plan.

**Condition 13**

The Innovation and Enterprise Centre hereby permitted shall not be occupied until such time as a scheme to incorporate flood-proofing measures, as indicated in the Flood Risk Assessment, and a flood warning and evacuation procedure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason 13**

To reduce the impact of flooding on the proposed development and future occupants.

**Condition 14**

A detailed scheme of hard landscaping indicating the finishes throughout the development shall be agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The hard surface shall be constructed, laid out and maintained thereafter in accordance with the detailed works as agreed.

**Reason 14**

To ensure adequate information is available for the proper consideration of the detailed proposals and to safeguard the appearance, visual amenity and character of the area, which is designated an AONB, Heritage Coast and Conservation Area in accordance with Policies 1 and 2 of the Local Plan.

**Condition 15**

Prior to the occupation of the building hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Travel Plan shall specify the proposed measures to encourage alternative travel arrangements other than by motor car and shall include the provision of cycle parking, with the details of the siting and type of bicycle stands to be submitted and agreed by the Local Planning Authority. The approved Travel Plan shall be implemented in strict accordance with the details as agreed.

**Reason 15**

To improve highway safety and reduce private car journeys to and from the enterprise centre in accordance with Policy 5 of the Local Plan.

**Reasons for Approval**

Having had regard to all the planning considerations material to the determination of this application, including its impact on the character and appearance on the surrounding area, which is designated as a Conservation Area and AONB, any impact on the residential amenities of neighbouring properties, and the contribution to the local economy, any risk of flooding having regard to the advice in PPS25 and all consultations and representations made

in connection with the application, it is concluded that the proposal accords with the provisions of the Development Plan as applicable to it, specifically Policies 1,2, 4,5 and 6 of the Local Plan. The proposal has been approved because it is considered that the development proposal subject to compliance with the conditions attached to this permission accords with the said policies and there are no other overriding material considerations which justify refusing planning permission. The proposal has also been approved as it is considered that the proposed development would not conflict with the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the appearance or character of the designated conservation area within which the site is located.

**Informative**

1. The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994. 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 any works and a bat warden contacted should any evidence of bats be found.

**DATED:** 16<sup>th</sup> February 2012

**Signed:**



Chief Planning and Development Officer

It is important that you should read the notes at the end of this form.

**NOTES:**

**Development Control:**

**THE COUNCIL WILL REQUIRE THE COMPLETED DEVELOPMENT TO CORRESPOND WITH THE DETAILS OF THE PLANNING PERMISSION.**

**IF THE DEVELOPER CONSIDERS THAT AN AMENDMENT OR DEPARTURE FROM THE APPROVED DEVELOPMENT IS NECESSARY, THE APPROVAL OF THE LOCAL PLANNING AUTHORITY MUST BE OBTAINED BEFORE WORK ON ANY VARIATION TAKES PLACE. THERE ARE DIFFERENT APPLICATION AND DETERMINATION PROCEDURES FOR MINOR MATERIAL AND NON-MATERIAL AMENDMENTS. PLEASE CONTACT THE LOCAL PLANNING AUTHORITY IF FURTHER INFORMATION IS REQUIRED.**

**UNAUTHORISED DEVELOPMENT COULD RESULT IN ENFORCEMENT PROCEEDINGS, REQUIRING THE REMOVAL OF ALL NON CONFORMING WORKS, AND ASSOCIATED LITIGATION.**

## Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which can be obtained from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.