

**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**

**Application No:** P/12/087/COU

**Date Application Registered:** 9th August 2012

**Applicant:** Mr Adrian Smith  
Duchy of Cornwall  
Hugh House  
St Mary's  
Isles of Scilly  
TR21 0LS

**Agent:** Mr James Hetherington  
Smiths Gore  
1-2 Lemon Villas  
Lemon Street  
Truro  
Cornwall  
TR1 2NU

**Site and particulars of development:** The Harbourside Hotel The Quay Hugh Town St Mary's Isles of Scilly - External and internal alterations and change of use to Harbourside Hotel which is part of the listed pier at St Mary's

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:

- C 1 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).

- C 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: 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.

- C 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: In the interests of protecting the residential amenities of neighbouring properties.

- C 4 The development hereby permitted shall be carried out in complete accordance with the details shown on the approved submitted plans 1033268/00 Rev D, 1033268.01 Rev A, 1033268/15, 1033268/16 Rev B, 1033268/20, 1033268/21, 1033268/23, 1033268/24 Rev A and 1033268/25 Rev C stamped and dated 17<sup>th</sup> December 2012.**

Reason: 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.

- C 5 No work shall be commenced on the Harbourside building or freight buildings hereby permitted until samples of the facing materials and colours to be used on the external walls and roofs of these buildings 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: To safeguard the character and appearance of the Quay and to ensure that the visual amenity of the area is not adversely affected by reason of the appearance of the type and colour of materials to be used in the proposed development in recognition that the site is within a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast to accord with Policies 1 and 2 of the Local Plan.

- C 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) the area on the ground floor of the Harbourside building edged in green on the approved plans shall be restricted to uses within Class A1 of the Town and Country Planning (Use Classes) Order 1987 and for no other purposes whatsoever. No other areas on the ground floor of the Harbourside building shall be used for retailing purposes within Class A1.**

Reason: For the avoidance of doubt.

- C 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) the area on the first floor of the Harbourside building edged in pink on the approved plans shall be restricted to uses within Class A3 of the Town and Country Planning (Use Classes) Order 1987 and for no other purposes whatsoever. No other areas on the first floor of the Harbourside building shall be used as a restaurant within Class A3.**

Reason: For the avoidance of doubt.

- C 8 That the occupation of the accommodation hereby permitted within the Harbourside building on the approved plans shall be limited to staff accommodation and specifically restricted to persons solely or mainly employed by the Duchy of Cornwall (including any contractors) or in any business within the Harbourside building, including any resident dependents.**

Reason: To ensure that the development is used as staff accommodation only and to prevent the creation of open market dwellings in accordance with Policy 3 of the Local Plan.

- C 9 Prior to the commencement of the development hereby permitted, a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the building hereby permitted.**

Reason: To ensure that the scheme incorporates sustainable design measures 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.

- C 10 Prior to the occupation of the retail units and restaurant 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 and management arrangements to encourage alternative travel arrangements other than by motor car and shall include:**

- a) The appointment of a travel plan coordinator by the Duchy of Cornwall**
- b) The provision of cycle parking with details of the number, siting and type of the bicycle stands to be submitted and agreed; and**
- c) The implementation of management measures to coordinate and promote alternative travel arrangement to the motor car for the use of the Quay.**

**The approved Travel Plan shall be implemented in strict accordance with the details as agreed.**

Reason: In the interests of sustainability and to improve highway safety and minimise private car journeys to and from the Quay in accordance with Policy 5 of the Local Plan.

- C 11 Prior to the completion of the development hereby permitted, details of the provision of roost sites for bats, including the location of bat boxes and bat bricks on the Eastern elevation of the Harbourside building, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in strict accordance with the details as agreed.**

Reason: To enhance nature conservation interests in accordance with the NPPF, Policy 1 of the Local Plan and the Isles of Scilly Biodiversity and Geological Conservation Good Practice Guide.

## **Further Information**

### **1 Reasons for Approval for Planning Permission**

Having had regard to all the planning considerations material to the determination of this application, including the benefits to the community and economy resulting from the change of use of the Harbourside building and improved facilities for users of the Quay, its impact on the character and appearance of the existing building and Quay in general that is a Grade II listed structure, the impact upon the Conservation Area and the AONB, the potential impact on the residential amenities of nearby properties, and all consultations and representations made in connection with the application, it is concluded that the proposal accords with the NPPF and presumption in favour of sustainable development and the provisions of the Development Plan as

applicable to it, including Policies 1, 2, 4 and 6 and Proposal D of the Local Plan and the Design Guide. 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 works would not conflict with the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the listed structure or its settings or any features of special architectural or historic interest which it possesses and 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.

**2 Informative(s)**

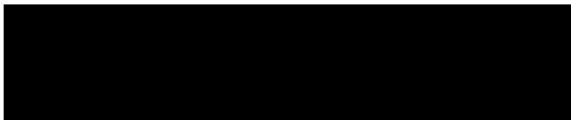
The Applicant is reminded to read the letter attached to this decision notice for further information including how to appeal against a decision.

- 3** 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.

**4 Statement of Positive Engagement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The agent was informed of any representations and negotiations were made to amend the proposals. The proposed works are in accordance with the relevant prevailing policies. For the reasons given, and expanded upon in the related case officer's report, a positive view of the submitted proposals was taken and permission was granted.

Signed

A black rectangular box redacting the signature of the Chief Planning and Development Officer.

Chief Planning and Development Officer

**DATE OF ISSUE:** 17th December 2012