



Council of the
ISLES OF SCILLY

POSSIBLE CONDITIONS

FOR

APPEAL AGAINST REFUSAL

AT

MEN-A-VAUR, CHURCH ROAD, ST MARYS

REFUSED ON 8TH MARCH 2019

APPEAL REFERENCE APP/Z0835/W/19/3225058

30TH MAY 2019

In the event that the Inspector is minded to grant permission, it is respectfully suggested that the following conditions be included:

- 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).

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

- **Site Location Plan;**
- **Drawing number 2050-002;**
- **Drawing number 2050-101;**
- **Drawing number 2050-102;**
- **Drawing number 2050-201.**

These are signed and stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 3. (A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:**

- **The programme and methodology of site investigation and recording;**

- **The programme for post investigation assessment;**
- **Provision to be made for analysis of the site investigation and recording;**
- **Provision to be made for publication and dissemination of the analysis and records of the site investigation;**
- **Provision to be made for archive deposition of the analysis and records of the site investigation; and**
- **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

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

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

Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to fully understand the impact of the works upon the Islands archaeological, historic and built environment, and to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are preserved or enhanced. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005 and paragraph.

- 4. No development shall take place until a demolition and construction plan for the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include access to the site for construction and demolition, details of the method for demolition, disposal of demolition waste, storage of construction materials, working times for construction and demolition works; methods to prevent impact on neighbouring properties from dust, noise, pollution etc, disposal of construction waste. The development shall only be carried out in strict accordance with the approved demolition and construction management plan.**

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure that waste arising from the demolition and construction process is dealt with in an appropriate manner, and to reduce any harm that may be caused to the area and the neighbouring population as a result of the demolition and construction process.

- 5. No development shall take place until a written scheme has been submitted to, and approved in writing by, the Local Planning Authority, to minimise additional demands of water consumption as a result of the proposed development. The development shall be carried out in accordance with the approved scheme and shall be adhered to thereafter.**

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure a meaningful reduction in the demand on drinking water supply is achievable, as it is important to ensure that there is a sufficient supply of water available to the local whole community.

- 6. No development shall take place until a written scheme has been submitted to, and approved in writing by, the Local Planning Authority, to minimise the discharge to the public sewage system at peak times. The**

development shall be carried out in accordance with the approved scheme and shall be adhered to thereafter.

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure that the proposed development would not increase discharge to a public sewage system that has been considered to be at maximum capacity.

- 7. No development shall take place until a detailed landscaping scheme, showing both hard and soft landscaping proposals has been submitted to, and approved in writing by, the Local Planning Authority. This shall specifically include the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations. It shall also include any provision of screen walls or fences, any mounding of earth, any creation of areas of hardstanding, pathways, etc, and areas to be seeded with grass. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.**

Reason: This is a pre-commencement condition that requires information to be submitted that did not form part of the original submission and is required to ensure landscaping is acceptable in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 8. No development shall take place until a written scheme for the provision of habitats within the site for nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The development**

shall then be carried out in accordance with the approved scheme and the nesting provision for birds shall be retained in situ thereafter.

Reason: To ensure that the development meets the requirement within the National Planning Policy Framework for development to contribute to, and enhance, the natural and local environment by minimising impacts on and providing net gains for biodiversity.

- 9. Prior to installation, samples of all external materials to be used in the external finishing of the walls and roofs of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be constructed other than with the approved materials, and shall be retained as such thereafter.**

Reason: In the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- 10. The first floor windows in the western and northern elevations of the development hereby approved shall be obscure glazed to a Level 5 Obscurity, and shall be retained as such thereafter.**

Reason: To protect neighbouring properties from an undue level of overlooking in the interests of preventing harm to neighbouring amenity.

- 11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting those Orders with or without modification), other than the windows shown on the approved plans, no additional windows shall be installed on the first floor of the western and northern elevations of the development hereby approved.**

Reason: To protect neighbouring properties from an undue level of overlooking in the interests of preventing harm to neighbouring amenity.

12. The dwellings hereby approved shall not be used otherwise than for the provision of short let holiday accommodation. The dwellings shall not be occupied as permanent dwellings and shall not be occupied by any person for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.

Reason: To ensure that the development is occupied as holiday accommodation thereby according with Policy 4 of the Isles of Scilly Local Plan 2005, promoting the local economy.

13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking and re-enacting those Orders with or without modification), the two dwellings hereby approved shall not be extended or enlarged without planning permission.

Reason: To prevent the development becoming larger than approved, which could lead to overdevelopment of the site and/or harm to neighbouring amenity.

Conditions 3, 4, 5, 6, 7 and 6 listed above are pre-commencement conditions. The Council agreed with the applicant, in accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, prior to the Committee meeting that these conditions can be attached as pre-commencement conditions.

Kieran Reeves *MRTPI*

Planning Officer

On Behalf of the Council of the Isles of Scilly