



COUNCIL OF THE ISLES OF SCILLY

Planning Department

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Please Ask For: Lisa Walton

Email: lisa.walton@scilly.gov.uk

My Ref: P/20/091/COU

Mrs D Guy
4 Telegraph Bungalows
Telegraph Road
Telegraph
St Mary's
Isles of Scilly
TR21 0NP

Email only: guy_d2@sky.com

11 January 2021

Dear Dawn,

Location: 4 Telegraph Bungalows, Telegraph Road

Proposal: Proposed change of use from residential garden to tea garden.

Applicant: Mrs Dawn Guy

Notice of intention to impose pre-commencement conditions under the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.

The Council is minded to approve the above application subject to the imposition of the following conditions, please note those identified as pre-commencement and the timescales for responding on those, as set out below.

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 date stamped received November 17, 2020**
- **Plan 2 Proposed Layout date stamped received November 17, 2020**

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 1 of the Isles of Scilly Local Plan (2005) and Policy OE1 and OE7 of the submission Isles of Scilly Local Plan (2015-2030).

- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT CONDITION: Site Waste Management Plan

- C4 Prior to the first use of the tea garden, a scheme including details of the means/location of disposal of all commercial waste arising from use, hereby permitted, shall be submitted to and agreed in writing with the Planning Authority. The use shall thereafter proceed in accordance with the approved waste management scheme.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is 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 not eroded the tipping of waste or the unsightly outside storage of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan (2005) and emerging Policy SS2(2) of the submission draft Isles of Scilly Local Plan (2015-2030).

- C5 The use, hereby permitted, for the times set out in the application, shall be used as a tea garden and for no other purpose (including any other purpose in Class E of the Schedule to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: To restrict the use of the premises in the interests of the amenities of the locality.

- C6 No audio equipment shall be used within the tea garden, during the hours of operation, hereby approved. Specifically no audio equipment shall be used within the garden between the hours of 10.00 am 4.00 pm on any day.**

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties.

- C7 The use hereby permitted shall not be open to customers outside the hours of 10.00 am through to 4.00 pm.**

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties.

- C8 From the first use of the tea garden hereby approved, the boundary fences along the north and south boundaries, shall be maintained at a minimum height of 2m, between the points A and B on the attached plan, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties.

- C9 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800- and 1800-hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: To protect the amenities of the area, and in particular the amenities of neighbouring residential properties.

If you agree with the conditions we can issue the grant of approval as soon as we receive your written agreement, assuming the Full Council votes to approve your application. If you do not send a written agreement we cannot issue the decision until the end of the notice period which is 10 working days after the day following the date of this notice.

If you disagree with the conditions any substantive response (disagreeing with the conditions or providing comments) must be received within 10 working days after the day following the date of this notice.

- If we receive a substantive response within this time frame we may then decide to either amend, remove or change the condition to post commencement or we may refuse the application.
- If we do not receive a response in this time period we will then issue the decision with the pre-commencement conditions as set out above.

Yours Sincerely,



Lisa Walton
Senior Officer, Planning and Development Management