



**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **COUNCIL OF THE ISLES OF SCILLY**

Town Hall, St Mary's TR21 0LW  
Telephone: 01720 424455 – Email: [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) Order 2015

### **PERMISSION FOR VARIATION OF CONDITION**

**Application No:** P/23/098/ROV      **Date Application Registered:** 21st December 2023

**Applicant:** Mr And Mrs Gilbert  
Poms Kitchen,  
Old Town,  
St Mary's,  
Isles Of Scilly,  
TR21 0NH

**Site address:** Plot A Sea View Mcfarland's Down St Mary's Isles Of Scilly  
**Proposal:** Application to vary condition C2 (Approved Plans) of planning permission P/22/004/FUL (Construction of new dwelling and associated infrastructure. (Re-submission of planning application P/20/104/FUL)) to allow for 1) an additional dormer window to allow further bedroom height; 2) the change of a north facing front door to an east facing front door to allow more light and airflow; 3) widen the property by 50cm to accommodate a downstairs office and staircase. (Amended Title)

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 **Amended Conditions**:

- C1** The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission P/22/004/FUL (22/12/2022). 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, Drawing Number 10/0380A-P1, Rev A Dated 02.06.20**
  - ~~Plan 2 Proposed Site Layout Plan, Drawing Number 10/0380A-P4, Rev A, Dated 02.06.20~~
  - **Plan 2B Block Plan As Proposed – Plot A, Drawing Number 23/0520 002 Rev A, Dated 03/01/2021**
  - ~~Plan 3 Proposed Plans and Elevations, Drawing Number 10/0380A-P5, Rev A Dated 03.06.20~~
  - **Plan 3B Elevations as Proposed Plot A, Drawing Number 23/0520 004 Rev A, Dated 01/11/2023**
  - **Plan 3C Floor and Roof Plans as Proposed Plot A, Drawing Number 23/0520 003**

Rev A, Dated 01/11/2023

- Plan 4 Design and Access Statement
- Plan 5 Sustainable Design Measures
- Plan 6 Preliminary Ecological Appraisal 23/03/2020 Ref: BS27-2019

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 Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 of the Isles of Scilly Local Plan (2015 - 2030).

#### **PRE-INSTALLATION CONDITION: Materials to be approved**

- C3** Prior to their installation on the building, details of, including samples or specifications of all external finishes shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the development shall be finished in the agreed materials and retained as such thereafter. All nails and fittings shall be corrosion resistant.

Reason: To ensure that the character and appearance of this building is sympathetic to this location within the Conservation Area, in accordance with Policy OE7 (5) of the Isles of Scilly Local Plan (2015 – 2030).

- C4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be erected and no additional windows, alterations to the roof or other openings shall be installed within the building without the prior permission, in writing, of the Local Planning Authority.

Reason: In the interests of protecting the privacy and amenity of neighbouring properties and ensuring the size of the dwelling is such that it remains available to meet a local need in accordance with Policies LC1 and LC3 of the Isles of Scilly Local Plan (2015 - 2030).

#### **PRE-FIRST OCCUPATION CONDITION**

- C5** From the first occupation of the dwelling hereby approved, the boundary features along the south-west and south-east boundaries, shall be maintained at a minimum height of 2m, between the points A, B and C 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.

- C6** 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 those of neighbouring residential properties and to protect 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 Isles of Scilly Local Plan 2015-2030.

- C7** 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: In the interests of protecting the residential amenities of neighbouring properties.

#### **PRE-COMMENCEMENT CONDITION: Construction Method Statement**

- C8** 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. Wheel washing facilities;
5. Measures to prevent contaminated surface water run-off;
6. Measures to control the emission of dust and dirt during construction;
7. A detailed scheme for reducing/re-using/recycling/disposing of waste resulting from demolition, excavation and construction works.

On completion of the development any contractors compound, temporary access 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 approved or former condition within three months.

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 the Islands natural environment designation and 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 SS2 and OE2 of Isles of Scilly Local Plan (2015-2030).

#### **PRE-COMMENCEMENT CONDITION: Written Scheme of Investigation**

- C9**
- A) No demolition or 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**
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- B) No demolition or 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 details that were not submitted as part of the application but are required to fully understand the impact upon the Islands archaeological, historic and built environment, to be submitted and agreed in writing 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 preserved or enhanced. In accordance with the requirements of Policy OE7 of the Isles of Scilly Local Plan 2015-2030.

#### **POST-COMPLETION CONDITION: Biodiversity Enhancements**

**C10 Within the first planting season following completion of the dwelling, hereby approved, the following biodiversity enhancements and mitigation measures shall be carried out:**

- **the mitigation measures (excluding bats) recommended in conjunction with the preliminary ecological appraisal survey (BS27a) carried out on the 23rd March 2020, including the planting of native hedgerows within the [north/south and west] boundary between this property and its neighbours and the planting of one native standard tree in the eastern boundary hedge; and**
- **The mitigation measures for bats comprising the installation of an 'in-line' bat box at the gable end of the property.**

**Any tree or hedge found to be dying, damaged or diseased within 10 years from the date on which the scheme has been completed shall be replaced with the same species. The measures approved for bats shall be installed, within the first 6 months following completion of the development and shall be retained as such thereafter.**

Reason: To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan 2015-2030.

#### **PRE-COMMENCEMENT CONDITION: Site Waste Management Plan**

**C11 Prior to the commencement of the development, hereby approved, 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 only.**

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 by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy SS2(2) of the Isles of Scilly Local Plan (2015-2030).

#### **Further Information**

1. The planning permission hereby approved is subject of a section 106 agreement to control the occupancy of the dwelling, to ensure they contribute towards the housing needs of the local community.
2. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2021.
3. 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. The fee is current £145 for each request to discharge condition(s) where the planning permission relates to any other type of development other than a householder application. The fee is payable for each individual request made to the Local Planning Authority. 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](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)
4. 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 (for which a fee of £293 would be required) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
5. 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](mailto:buildingcontrol@cornwall.gov.uk).
6. 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. Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from licensed bat wardens. Call The Bat Conservation Trust's National Bat Helpline on 0845 1300 228 or Natural England (01872 245045) for advice.

7. Registering for appropriate Council Tax: 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](mailto:revenues@scilly.gov.uk).

Signed: 

**Chief Planning Officer**

*Duly Authorised Officer of the Council to make and issue Planning Decisions on behalf of the Council of the Isles of Scilly.*

**DATE OF ISSUE:** 9<sup>th</sup> February 2024



# COUNCIL OF THE ISLES OF SCILLY

Planning Department  
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW  
☎0300 1234 105  
✉planning@scilly.gov.uk

Dear Mr and Mrs Gilbert

## Please sign and complete this certificate.

This is to certify that decision notice: P/23/098/ROV and the accompanying conditions have been read and understood by the applicant: Mr and Mrs Gilbert.

1. **I/we intend to commence the development as approved:** Application to vary condition C2 (Approved Plans) of planning permission P/22/004/FUL (Construction of new dwelling and associated infrastructure at: Plot A Sea View Mcfarland's Down St Mary's Isles of Scilly on: .....
2. I am/we are aware of any conditions that need to be discharged before works commence.
3. I/we will notify the Planning Department in advance of commencement in order that any pre-commencement conditions can be discharged.

You are advised to note that Officers of the Local Planning Authority may inspect the project both during construction, on a spot-check basis, and once completed, to ensure that the proposal has complied with the approved plans and conditions. In the event that the site is found to be inaccessible then you are asked to provide contact details of the applicant/agent/contractor (delete as appropriate):

**Name:** **Contact Telephone Number:**  
**And/Or Email:**

Print Name:

Signed:

Date:

Please sign and return to the **above address** as soon as possible.

For the avoidance of doubt you are reminded to address the following condition(s) as part of the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

## **PRE-COMMENCEMENT CONDITION(S)**

C8 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;
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7. The programme and methodology of site investigation and recording
8. The programme for post investigation assessment
9. Provision to be made for analysis of the site investigation and recording
10. Provision to be made for publication and dissemination of the analysis and records of the site investigation
11. Provision to be made for archive deposition of the analysis and records of the site investigation
12. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No demolition or 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.

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## **PRE-FIRST OCCUPATION CONDITION(S)**

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# COUNCIL OF THE ISLES OF SCILLY

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Planning Department

Town Hall, St Mary's, Isles of Scilly, TR21 0LW

☎01720 424455

✉[planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

**THIS LETTER CONTAINS IMPORTANT INFORMATION  
REGARDING YOUR PERMISSION – PLEASE READ  
IF YOU ARE AN AGENT DEALING WITH IS ON BEHALF OF THE  
APPLICANT IT IS IMPORTANT TO LET THE APPLICANT KNOW  
OF ANY PRE-COMMENCEMENT CONDITIONS**

Dear Applicant,

This letter is intended to help you advance your project through the development process. Now that you have been granted permission, there may be further tasks you need to complete. Some aspects may not apply to your development; however, your attention is drawn to the following paragraphs, which provide advice on a range of matters including how to carry out your development and how to appeal against the decision made by the Local Planning Authority (LPA).

**Carrying out the Development in Accordance with the Approved Plans**

You must carry out your development in accordance with the stamped plans enclosed with this letter. Failure to do so may result in enforcement action being taken by the LPA and any un-authorised work carried out may have to be amended or removed from the site.

**Discharging Conditions**

Some conditions on the attached decision notice will need to be formally discharged by the LPA. In particular, any condition that needs to be carried out prior to development taking place, such as a 'source and disposal of materials' condition, an 'archaeological' condition or 'landscaping' condition must be formally discharged prior to the implementation of the planning permission. In the case of an archaeological condition, please contact the Planning Department for advice on the steps required. Whilst you do not need to formally discharge every condition on the decision notice, it is important you inform the Planning Department when the condition advises you to do so before you commence the implementation of this permission. Although we will aim to deal with any application to discharge conditions as expeditiously as possible, you are reminded to allow up **to 8 weeks** for the discharge of conditions process.

**Please inform the Planning Department when your development or works will be commencing. This will enable the Council to monitor the discharge and compliance with conditions and provide guidance as necessary. We will not be able to provide you with any written confirmation on the discharge of pre-commencement conditions if you do not formally apply to discharge the conditions before you start works.**

As with the rest of the planning application fees, central Government sets a fee within the same set of regulations for the formal discharge of conditions attached to planning permissions. Conditions are necessary to control approved works and development. Requests for confirmation that one or more planning conditions have been complied with are as follows (VAT is not payable on fees set by central government). More information can be found on the Council's website:

- Householder permissions - £43 per application
- Other permissions - £145 per application

### **Amendments**

If you require a change to the development, contact the LPA to see if you can make a 'non material amendment' (NMA). NMA can only be made to planning permissions and not a listed building consent. They were introduced by the Government to reflect the fact that some schemes may need to change during the construction phase. The process involves a short application form and a 14 day consultation period. There is a fee of £43 for householder type applications and £293 in all other cases. The NMA should be determined within 28 days. If the change to your proposal is not considered to be non-material or minor, then you would need to submit a new planning application to reflect those changes. Please contact the Planning Department for more information on what level of amendment would be considered non-material if necessary.

### **Appealing Against the Decision**

If you are aggrieved by any of the planning conditions attached to your decision notice, you can appeal to have specific conditions lifted or modified by the Secretary of State. All appeal decisions are considered by the Planning Inspectorate – a government department aimed at providing an unbiased judgement on a planning application. From the date of the decision notice attached you must lodge an appeal within the following time periods:

- Householder Application - 12 weeks
- Planning Application – 6 months
- Listed Building Consent – 6 months
- Advertisement Consent - 8 weeks
- Minor Commercial Application - 12 weeks
- Lawful Development Certificate – None (unless for LBC – 6 months)
- Other Types - 6 months

Note that these periods can change so you should check with the Planning Inspectorate for the most up to date list. You can apply to the Secretary of State to extend this period, although this will only be allowed in exceptional circumstances.

You find more information on appeal types including how to submit an appeal to the Planning Inspectorate by visiting <https://www.gov.uk/topic/planning-development/planning-permission-appeals> or you can obtain hard copy appeal forms by calling 0303 444 5000.

Current appeal handling times can be found at: [Appeals: How long they take page](#).

## **Building Regulations**

With all building work, the owner of the property is responsible for meeting the relevant Planning and Building Regulations. Building Regulations apply to most building work so it is important to find out if you need permission. This consent is to ensure the safety of people in and around buildings in relation to structure, access, fire safety, infrastructure and appropriate insulation.

The Building Control function is carried out on behalf of the Council of the Isles of Scilly by Cornwall Council. All enquiries and Building Control applications should be made direct to Cornwall Council, via the following link [Cornwall Council](#). This link also contains comprehensive information to assist you with all of your Building Control needs.

Building Control can be contacted via telephone by calling 01872 224792 (Option 1), via email [buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk) or by post at:

Building Control  
Cornwall Council  
Pydar House  
Pydar Street  
Truro  
Cornwall  
TR1 1XU

Inspection Requests can also be made online: <https://www.cornwall.gov.uk/planning-and-building-control/building-control/book-an-inspection/>

## **Registering/Altering Addresses**

If you are building a new dwelling, sub dividing a dwelling into flats or need to change your address, please contact the Planning Department who will be able to make alterations to local and national databases and ensure postcodes are allocated.

## **Connections to Utilities**

If you require a connection to utilities such as water and sewerage, you will need to contact South West Water on 08000831821. Electricity connections are made by Western Power Distribution who can be contacted on 08456012989.

Should you require any further advice regarding any part of your development, please contact the Planning Department and we will be happy to help you.



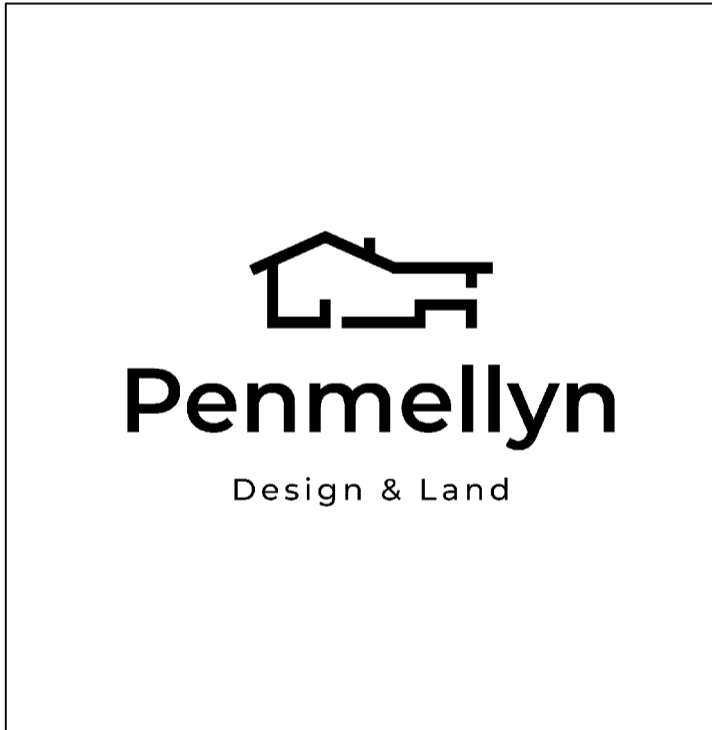
NOTES

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4. No responsibility can be accepted for errors arising on site due to unauthorised variations from this drawing.
5. The Contractor is recommended to visit the site before tendering to ascertain all local conditions and restrictions likely to affect the works. No claims arising from failure to do so will be accepted.
6. Tenders must include for all the works described or being apparent on the drawings or can reasonably be inferred as being necessary for the proper execution of the works.
7. This drawing is for town planning and building regulations only and is not a complete working drawing.
8. Depth, size and design of foundations shown are preliminary only, actual foundations, depth, size and design may differ depending on site conditions.

Revisions

**APPROVED**  
By Lisa Walton at 3:35 pm, Feb 09, 2024

**RECEIVED**  
By A King at 4:28 pm, Jan 04, 2024



Client:  
**Peter & Penny Gilbert**

Project:  
**Proposed Detached Dwelling on Land at Sea View, McFarlands Down, St Mary's, Isles of Scilly, Cornwall**

Drawing Title:  
**Block Plan as Proposed - Plot A Amended Scheme**

Date:  
**03/01/2021**

Drawn: Scale:  
**1 : 200 @ A1**

Project No. Drawing No. Rev.  
**23/0520 002 A**

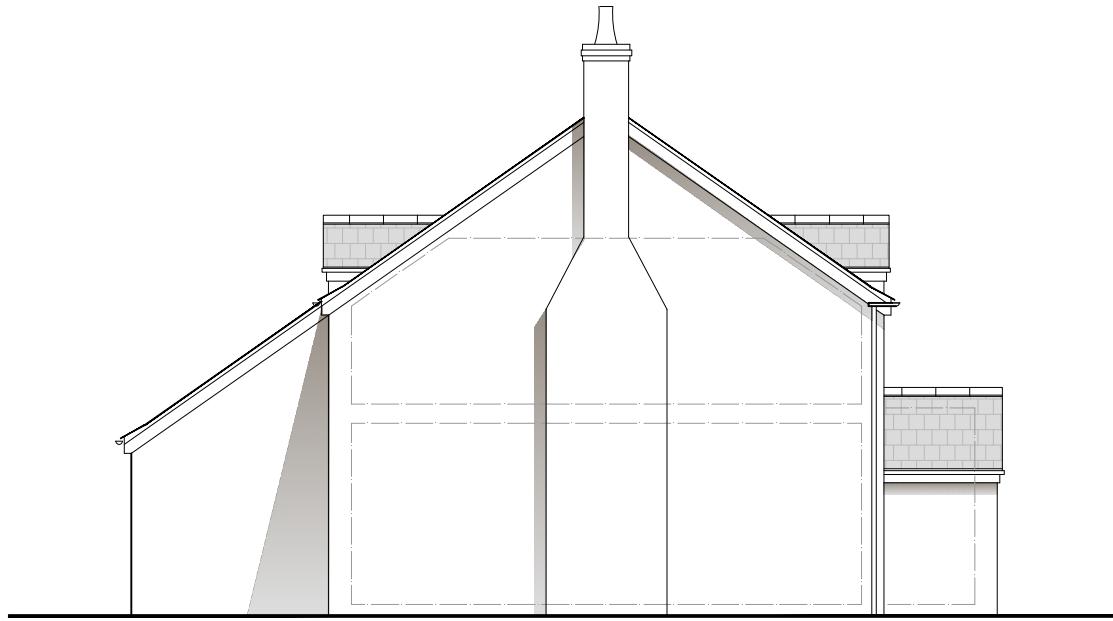
**APPROVED**  
By Lisa Walton at 3:36 pm, Feb 09, 2024

**RECEIVED**  
By Liv Rickman at 2:48 pm, Dec 05, 2023

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- Revisions



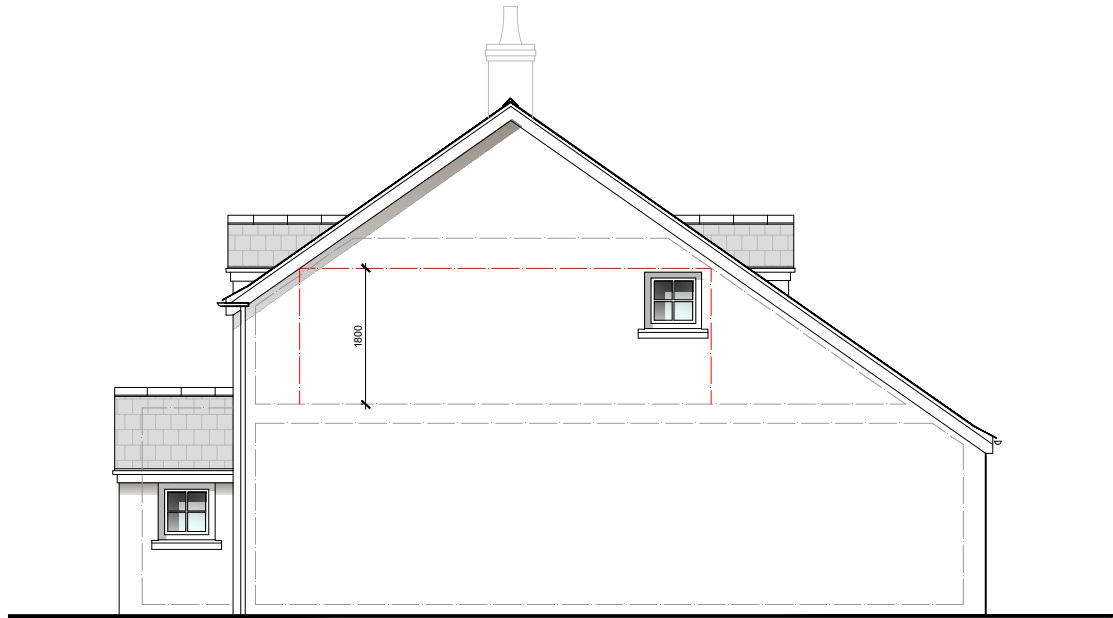
East Elevation



South Elevation



West Elevation



North Elevation

EXTERNAL MATERIAL SCHEDULE

Roof:	Slate tiles with concrete ridge tiles
Walls:	Painted Render with stone dressings
Windows:	Painted timber
Doors:	Painted timber
Rainwater:	Painted aluminium



Client:  
Peter & Penny Gilbert

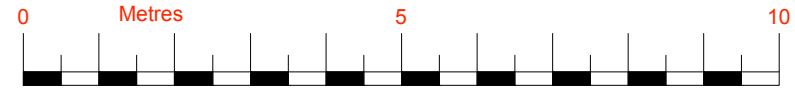
Project:  
Proposed Detached Dwelling on Land at Sea View, McFarlands Down, St Mary's, Isles of Scilly, Cornwall

Drawing Title:  
Elevations as Proposed - Plot A  
**Amended Scheme**

Date:  
01/11/2023

Drawn: Scale:  
1 : 100 @ A3

Project No. Drawing No. Rev.  
23/0520 004 A

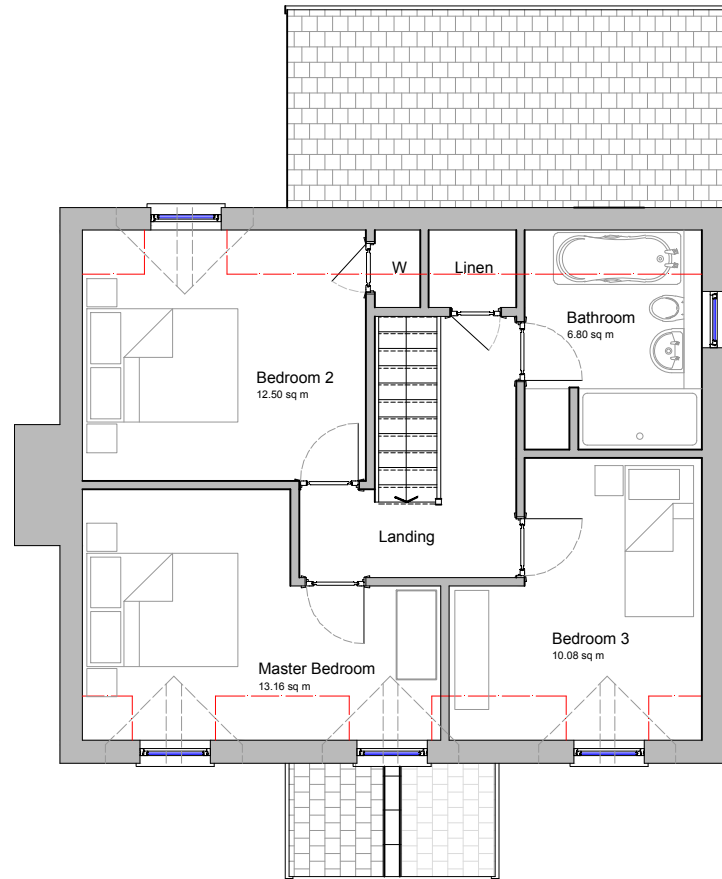


SCALE 1:100 on A3 sheet

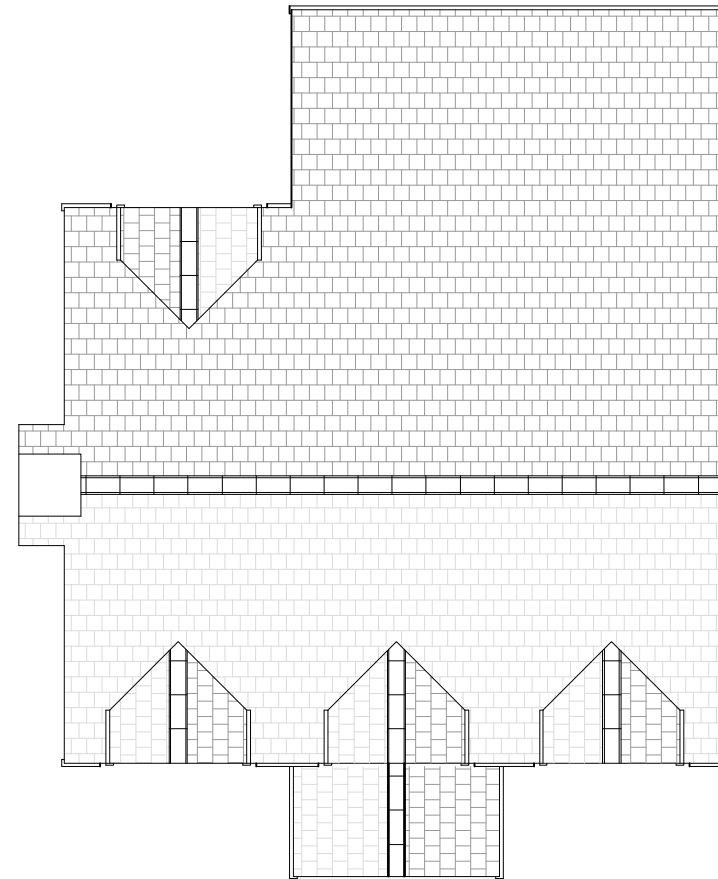
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8. Depth, size and design of foundations shown are preliminary only, actual foundations, depth, size and design may differ depending on site conditions.

Revisions



First Floor Layout GIFA: 55.20 sq m



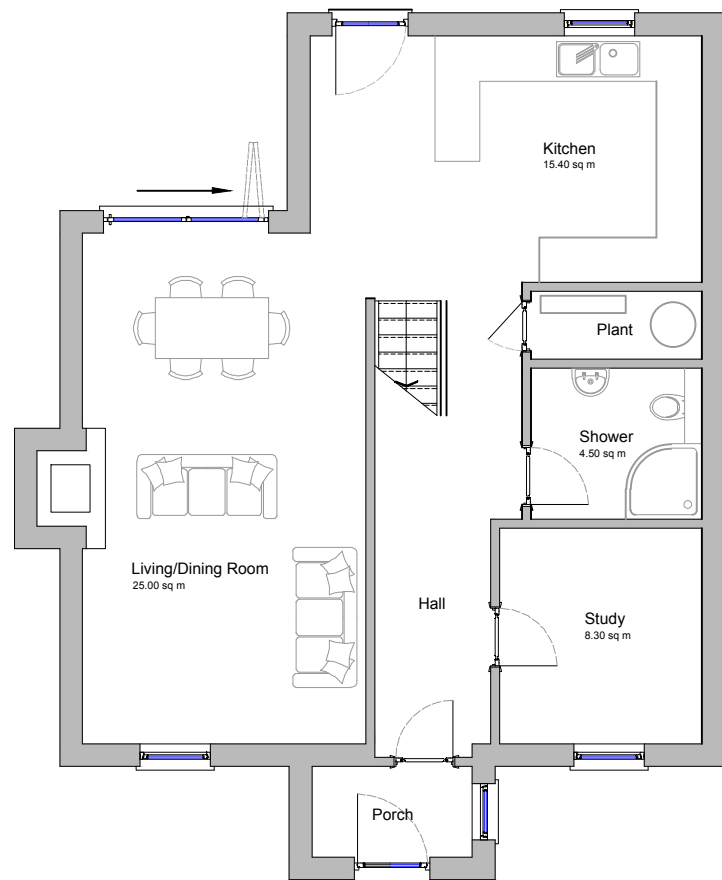
Roof Plan

**APPROVED**

By Lisa Walton at 3:37 pm, Feb 09, 2024

**RECEIVED**

By Liv Rickman at 2:49 pm, Dec 05, 2023



Ground Floor Layout GIFA: 58.50 sq m



SCALE 1:100 on A3 sheet



Client:

Peter & Penny Gilbert

Project:

Proposed Detached Dwelling on Land at Sea View, McFarlands Down, St Mary's, Isles of Scilly, Cornwall

Drawing Title:

Floor & Roof Plans as Proposed - Plot A  
Amended Scheme

Date:

01/11/2023

Drawn:

Scale:

1 : 100 @ A3

Project No.

23/0520

Drawing No.

003

Rev.

A