



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

COUNCIL OF THE ISLES OF SCILLY

Old Wesleyan Chapel, Garrison Lane, St Mary's TR21 0JD
Telephone: 01720 424455 – Email: planning@scilly.gov.uk

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

PERMISSION FOR DEVELOPMENT

Application No: P/24/044/FUL **Date Application Registered:** 10 June 2024

Applicant: Mr James Faulconbridge
St Martin's Vineyard and Winery
Higher Town
St Martin's
Isles of Scilly
TR25 0QL

Site address: St Martin's Vineyard and Winery Higher Town St Martin's Isles of Scilly TR25 0QL
Proposal: Erection of a staff dwelling with associated landscaping and ecological enhancement area at St Martin's Vineyard.

In pursuance of their powers under the above Act, the Council hereby **PERMIT** the above development, **subject to the S106 Unilateral Undertaking**, to be carried out in accordance with the following Conditions:

- 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 Plan, Drawing Number: L-1250 Rev. A
 - Plan 2: Proposed Site Plan, Drawing Number: L-1010 Rev. B
 - Plan 3: Proposed Ground Floor Plan, Drawing Number: L-001
 - Plan 4: Proposed Elevations, Drawing Number: L-003
 - Plan 5: Proposed Section, Drawing Number: L-003
 - Plan 6: Proposed Roof Plan, Drawing Number: L-002
 - Plan 7: Proposed Exterior View, Drawing Number: L-005 Rev A
 - Plan 8: Design and Access Statement
 - Plan 9: Site Waste Management Plan
 - Plan 10: Sustainable Design Measures
 - Plan 11: ECOLOGICAL ASSESSMENT, BIODIVERSITY NET GAIN ASSESSMENT and ENHANCEMENT STRATEGY, Reference: 24-5-6
 - Plan 12: Small Sites BNG Metric

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 Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3 The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

OCCUPANCY RESTRICTION

- C4 The staff dwelling hereby approved shall not be used otherwise than for the provision of staff accommodation in connection with St Martin's Vineyard and for no other purpose.**

Reason: To ensure that the development is occupied as staff accommodation only, in accordance with Policy LC4 of the Isles of Scilly Local Plan 2015-2030

REMOVED PERMITTED DEVELOPMENT RIGHTS

- C5 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 dwellings 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 ensuring the size of the dwelling is such that it remains available to meet the needs of the business in accordance with Policies LC1 and LC3 of the Isles of Scilly Local Plan (2015 - 2030).

POST COMPLETION CONDITION: Installation of Bat/Bird Box

- C6 The development hereby approved shall be carried out in strict accordance with the recommendations set out in the submitted ' ECOLOGICAL ASSESSMENT, BIODIVERSITY NET GAIN ASSESSMENT and ENHANCEMENT STRATEGY', Reference; 24-5-6 and Dated: 16th June 2024. In addition, within three months of the date of this permission 1 bird or bat box shall be installed on site and retained thereafter.**

Reason: To safeguard protected species and their habitats, in accordance with Policy SS2(g) and Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

PRE-OCCUPATION CONDITION: Blackout blinds

- C7 Before the first occupation of the development hereby permitted, the rooflight will be fitted with automated blackout blinds linked to the internal lights and shall be permanently retained in that condition thereafter.**

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).

- C8 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 this rural area and preserve the dark night skies of the Isles of Scilly and the St Martins Cricket Pitch Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Isles of Scilly Local Plan (2015-2030).

- C9 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

PRE-COMMENCEMENT CONDITION: SUBMISSION OF A BIODIVERSITY GAIN PLAN

- C10 Prior to the commencement of the development, hereby permitted, a Biodiversity Gain Plan shall be prepared in accordance with the ECOLOGICAL ASSESSMENT, BIODIVERSITY NET GAIN ASSESSMENT and ENHANCEMENT STRATEGY and Small Sites Metric dated 16th June 2024 (prepared by James Faulconbridge) and submitted for approval to the Local Planning Authority. The habitat shall be delivered in accordance with the plan and retained as such thereafter.**

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SS2(g) and Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

PRE-COMMENCEMENT CONDITION: SUBMISSION OF HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)

- C11 Prior to the commencement of the development hereby permitted, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the Biodiversity Gain Plan and include:**
- I. A non-technical summary;**
 - II. The roles and responsibilities of the people or organisations delivering the HMMP;**
 - III. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;**
 - IV. The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the first occupation of the development;**
 - V. The monitoring methodology and frequency in respect of the created or enhanced habitat; and**
 - VI. Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.**

The created and/or enhanced habitat specified in the approved HMMP shall thereafter be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SS2(g) and Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

PRE-FIRST OCCUPATION CONDITION: SUBMISSION OF THE HMMP COMPLETION REPORT

- C12 Prior to the first occupation of the development hereby permitted, a completion report, evidencing the completed habitat enhancements set out in the approved Habitat Management and Monitoring Plan, shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the development delivers a biodiversity net gain on site in accordance

with Schedule 7A of the Town and Country Planning Act, Policy SS2(g) and Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

POST-COMPLETION CONDITION: Habitat Management and Monitoring Plan Completion Report

C13 Habitat monitoring reports shall be submitted to and approved in writing by the Local Planning Authority in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan. The reports shall include (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) any contingencies and/or remedial action for agreement. Any agreed contingencies or remedial action shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act, Policy SS2(g) and Policy OE2 of the Isles of Scilly Local Plan (2015-2030).

Further Information

1. **Statement of Positive Engagement:** 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 of the National Planning Policy Framework 2023.
2. **Discharge of Conditions (1):** 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
3. **Discharge of Conditions (2):** It should be noted that some of the conditions attached to this consent are required to be complied with prior to the commencement of the development hereby approved, if those conditions are not fully adhered to, then the consent cannot lawfully be implemented, therefore a new application will be requested, and consideration will be given to the expedience of enforcement action.
4. **Fire Safety:** The Regulatory Reform (Fire Safety) Order 2005 applies, and the responsible person will be required to carry out a fire risk assessment to identify the risks and take reasonable measures to ensure people are safe from fire. The works may be considered 'controlled work' and therefore building control approval may also be required.
5. **Protected Species:** The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
6. **Bats:** Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
7. **Biodiversity Gain Plan (1):** Based on the information available, **this permission will require the approval of a Biodiversity Gain Plan** by the local planning authority before development is begun [and before each phase of development where development is phased] because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition") that development may not begin unless:
 - i) A Biodiversity Gain Plan has been submitted to the planning authority, and
 - ii) The planning authority has approved the plan.The planning authority is the Planning Department at the Council of the Isles of Scilly. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found in the legislation.
8. **Biodiversity Gain Plan (2):** The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify the following matters:
 - I. Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - II. The pre-development biodiversity value of the onsite habitat,

- III. The post-development biodiversity value of the onsite habitat,
- IV. Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- V. Any biodiversity credits purchased for the development.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

- 9. **Building Regulations:** 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.
- 10. **Registering for appropriate Business Rates/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.

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: 22 November 2024



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Old Wesleyan Chapel, Garrison Lane, St Mary's TR21 0JD
☎0300 1234 105
✉planning@scilly.gov.uk

Dear Mr James Faulconbridge

Please sign and complete this certificate.

This is to certify that decision notice: P/24/044/FUL and the accompanying conditions have been read and understood by the applicant: Mr James Faulconbridge.

1. **I/we intend to commence the development as approved:** Erection of a staff dwelling with associated landscaping and ecological enhancement area at St Martin's Vineyard at: St Martin's Vineyard And Winery Higher Town St Martin's Isles of Scilly TR25 0QL
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-OCCUPATION CONDITION

- C7 Before the first occupation of the development hereby permitted, the rooflight will be fitted with automated blackout blinds linked to the internal lights and shall be permanently retained in that condition thereafter.
- C12 Prior to the first occupation of the development hereby permitted, a completion report, evidencing the completed habitat enhancements set out in the approved Habitat Management and Monitoring Plan, shall be submitted to and approved in writing by the Local Planning Authority.

PRE-COMMENCEMENT CONDITIONS

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The created and/or enhanced habitat specified in the approved HMMP shall thereafter be managed and maintained in accordance with the approved HMMP.

POST COMPLETION CONDITIONS

- C6 The development hereby approved shall be carried out in strict accordance with the recommendations set out in the submitted 'ECOLOGICAL ASSESSMENT, BIODIVERSITY NET GAIN ASSESSMENT and ENHANCEMENT STRATEGY', Reference; 24-5-6 and Dated: 16th June 2024. In addition, within three months of the date of this permission 1 bird or bat box shall be installed on site and retained thereafter.
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Planning Department

Old Wesleyan, Garrison Lane, St Mary's, Isles of Scilly, TR21 0JD

☎ 01720 424455

✉ 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 - £43per 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 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.