

**King, Andrew**

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**From:** Peter Huxley [huxley@cantab.net]  
**Sent:** 08 April 2015 16:31  
**To:** King, Andrew  
**Subject:** Fwd: Well Cross Yard

*Condition 8 + 17.  
Still to be discharged!*

*Look at Condition 17  
Screen wall / fence*

Hi Andrew,

As discussed, here is the email that we sent Quick and Sons last week about Well Cross Yard. We have also talked to Quick and Sons about these things on site, but they say that their instructions are to follow the existing plans until they are told otherwise by the housing association.

*Condition 9 - Rooflights*

Our main worry is that the plans being used on site are at odds with some of the conditions that were specifically put in place at the last round of planning. Some of these relate to the privacy of our back garden, and so we really just want to make sure that there is an awareness of these conditions early in the build phase so they can be met without disrupting the project.

We are around for the next few weeks, so happy to discuss any of this face to face.

Kind regards,

Peter and Clare Huxley

Begin forwarded message:

**From:** Peter Huxley <huxley@cantab.net>  
**Subject:** Well Cross Yard  
**Date:** 1 April 2015 13:31:44 BST  
**To:** Samantha Quick <samantha@quickandsons.co.uk>  
**Cc:** "Dryden, Craig" <cdryden@scilly.gov.uk>

Hi Samantha,

The work at Well Cross Yard is progressing well and we are pleased with the quality of the stone masonry on the gate in-fill between the two properties.

We have had a chat with Martin on site. It appears that there are some planning conditions that Quick and Sons has not been made aware of. We would be grateful if you could look into these and make sure they are all met during the build phase.

The link below will take you to the planning conditions in the decision notice.

<http://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/14/026/P-14-026%20Decision%20Notice.pdf>

In particular, there are three conditions which are not shown on the plans the builders are using.

**Condition 17**, Erection of Screen walling/ fencing/planting along the South boundary. Martin was not aware of this and it seems that this would be more easily installed before constructing the South Facing wall of the house.

**Condition 9, (& Informative 1 on the final page)** - The planning conditions require all the skylights to be obscure glazed, and 5 of the 6 skylights to be non-opening, whereas the plans being used show the skylights as being 'restricted opening' and with 'one-way film'.

**Condition 8** , Solar panels to be positioned where they are most effective - which is likely to be at either end of the roofing, or alternatively on the East facing gable like the solar panels you installed on the flats nearby. The proposed location is in the shadow of Lemon Hall for most of the year.

We are raising these now, because they are easier dealt with sooner rather than later. We would be grateful if you could keep us informed on how those planning conditions will be met. I'm cc'ing Craig, who is familiar with these conditions.

Kind regards,

Peter and Clare

## Walton,Lisa

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**From:** Walton,Lisa  
**Sent:** 14 April 2015 10:37  
**To:** 'David Perry'  
**Subject:** RE: Well Cross, St Mary's

Dear David

In relation to your enquiry about the services attached to the rear of properties on Lower Strand. The Juliet balcony and satellite dish, that overhang the site, do have planning permission. Other things that come within our remit would be the alteration of the window to a fire escape and the installation of a the air conditioning unit. These are not permitted development as the property they serve is a not residential. I believe these are the only aspects of the rear of Lower Strand that are of concern? We were made aware of the siting of an air conditioning unit and alteration of a window to a fire escape at number 8 Lower Strand last year. As we do not have particular evidence as to when these alterations took place we wrote to the owner to advise them that planning permission was required and that they should either remove them, apply retrospectively to retain them or, if they had been installed for a period of more than 4 years, apply for a Lawful Development Certificate. The response to this letter was that they had been installed for a period of more than 4 years (they sent through an invoice dated 09/03/2010 for the installation of the air con unit) and they could provide a statutory declaration to this effect but they were not prepared to go down the LDC route. Whilst there has been an informal use of this land by owners of properties on Lower Strand I do not believe any formal 'right of way' exists for third parties. I have advised the owner that the air con unit overhangs third party land and as such use of the fire escape and for maintenance of services would require them to 'trespass' on land they have no legal right of way over.

I am in the process of checking with colleagues to determine whether we are aware of any access arrangements for any property backing on to the site. I will let you know if they are aware of this.

In the meantime please do not hesitate to contact me on this. I am available on 22<sup>nd</sup> April if you would like me to put an appointment in my calendar then please let me know what time you would expect to be able to drop by to discuss this.

Regards  
Lisa

Lisa Walton *MRTPI*  
Senior Officer: Planning and Development Management

Council of the Isles of Scilly, Town Hall, St Mary's, Isles of Scilly TR21 0LW  
Direct Line: 01720 424351 | Reception: 01720 424000 | Internal Ext: 326 |



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**From:** David Perry [mailto:David@wmweller.co.uk]  
**Sent:** 09 April 2015 12:26  
**To:** Walton,Lisa  
**Cc:** peter@crha.org.uk; Bill Meldrum  
**Subject:** Well Cross, St Mary's

Lisa,

I understand you are away until Monday 13<sup>th</sup> but if you could look at this matter during the week of your return it would be appreciated.

As you are aware the wall of the courtyard to the adjoining owners property to Well Cross (northern boundary) is littered with unsightly and we suspect unlawful services that require access across the yard in order to be maintain. We also have some concerns on the legitimacy of the 'escape window' which has recently (we believe in the last year to 18 months) been installed. Some photo's attached.

On behalf of Cornwall Rural can you please advise which services have permission to be located in yard/on the wall and any rights to enter Well Cross yard to maintain. Cornwall Rural will then be able to contact those with lawful permissions to discuss:

- Future access arrangements,
- Current installations are safe, have been constructed to the correct standard and potential improvement to be create a tidier façade for those occupying Well Cross.

In respect of unlawful services located in this area, it is the intention of Cornwall Rural that these be removed/re-routed so they do not cross/enter the courtyard.

If you would like to discuss initially before responding I would be pleased to hear from you.

Finally I am on the islands on 22<sup>nd</sup> April if you would like to meet and discuss. I need to go to St Martin's during the course of my visit, so subject to tides I can meet any time during either the morning or afternoon.

Regards

David Perry MRICS  
Director  
**For and On Behalf of:**  
Wm G Weller & Son Ltd  
Chartered Quantity Surveyors  
Trecarrel  
Drump Road  
Redruth  
Cornwall  
TR15 1LU

Tel: (01209) 215621  
Fax: (01209) 210357  
e-mail: [david@wmweller.co.uk](mailto:david@wmweller.co.uk)

Please visit our new website at [www.wmweller.co.uk](http://www.wmweller.co.uk)

**Walton,Lisa**

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**From:** Walton,Lisa  
**Sent:** 14 April 2015 09:18  
**To:** 'David Perry'; 'peter@crha.org.uk'; 'samantha@quickandsons.co.uk'  
**Cc:** Dryden, Craig; King, Andrew  
**Subject:** FW: Quick and Sons at Wellcross Yard

**Importance:** High

Dear All,

We have been made aware of a breach of the 'working hours' condition for the approved conversion works at Wellcross Yard (P/14/009/FUL and P/14/010/LBC). In particular the last 2 nights works have carried on with noisy machinery past 7pm? I would like to remind the applicant and any contractors implementing the approved planning permission, that works involving noisy machinery are restricted. Any works carried out beyond the specified time (Monday to Saturday 8am to 6pm) is in breach of stipulated conditions.

Whilst works on these occasions may have been undertaken without a full appreciation of the working hours condition I would remind you that if 'noisy' works persist outside of this time period then the Council will have to consider serving a 'breach of condition' notice. This is a course of action that the Council would not take lightly and as such I would request that all 'noisy' operations cease at 6pm. The site is located in a residential area with neighbouring properties in close proximity to the site, it is therefore very important that disturbance is kept to a minimum.

Please could you confirm that this message is made clear to all contractors working at this site.

Many thanks  
Lisa

Lisa Walton *MRTPI*  
Senior Officer: Planning and Development Management

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## Walton,Lisa

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**From:** Walton,Lisa  
**Sent:** 14 April 2015 16:00  
**To:** 'David Perry'  
**Subject:** RE: Quick and Sons at Wellcross Yard

Thanks David

Unfortunately I have overlooked some of the details required in relation to Condition 9 of P/14/026/FUL as specified by the informative 1. The level of information submitted therefore is not sufficient to discharge condition 9 as the windows need to have obscure glazing and window numbers 5 and 6 need to be of a non-opening design. I would appreciate it therefore if you could arrange to provide this information in relation to Condition 9.

My apologies for this oversight but it was the intention to control, but with flexibility, the details of the rooflights.

Please could you get back to me as soon as possible on this as we would very much like to ensure the proposal is built as intended.

Many thanks  
Lisa

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**From:** David Perry [mailto:David@wmweller.co.uk]  
**Sent:** 14 April 2015 14:20  
**To:** Walton,Lisa  
**Subject:** RE: Quick and Sons at Wellcross Yard

Yes please direct through me.

Regards

David Perry MRICS  
Wm G Weller & Son Ltd

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**From:** Walton,Lisa [mailto:LWalton@scilly.gov.uk]  
**Sent:** 14 April 2015 13:41  
**To:** David Perry  
**Subject:** RE: Quick and Sons at Wellcross Yard

Thanks for getting back to me on this.

Could I just ask would you be the person to contact on a couple of other issues? A couple of other issues have been raised by a neighbour in relation to the plans that the contractors are work to and the approved plans/conditions? Could you let me know who I could direct these questions to?

Thanks  
Lisa

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**From:** David Perry [mailto:David@wmweller.co.uk]  
**Sent:** 14 April 2015 13:32  
**To:** Walton,Lisa; 'peter@crha.org.uk'; 'samantha@quickandsons.co.uk'  
**Cc:** Dryden, Craig; King, Andrew  
**Subject:** RE: Quick and Sons at Wellcross Yard

Dear Lisa,

Thank you for email.

I have spoken with S J Quick and the reason for the overrun on the working day was due to concrete pours and waiting for concrete to set (be workable). I apologise for any inconvenience to the adjoining owners and hope they will understand the valid reason for the necessity of the extended working hours.

SJ Quick will continue to be considerate to the adjoining owners.

Kind regards

David Perry MRICS  
Wm G Weller & Son Ltd

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**From:** Walton,Lisa [<mailto:LWalton@scilly.gov.uk>]  
**Sent:** 14 April 2015 09:18  
**To:** David Perry; 'peter@crha.org.uk'; 'samantha@quickandsons.co.uk'  
**Cc:** Dryden, Craig; King, Andrew  
**Subject:** FW: Quick and Sons at Wellcross Yard  
**Importance:** High

Dear All,

We have been made aware of a breach of the 'working hours' condition for the approved conversion works at Wellcross Yard (P/14/009/FUL and P/14/010/LBC). In particular the last 2 nights works have carried on with noisy machinery past 7pm? I would like to remind the applicant and any contractors implementing the approved planning permission, that works involving noisy machinery are restricted. Any works carried out beyond the specified time (Monday to Saturday 8am to 6pm) is in breach of stipulated conditions.

Whilst works on these occasions may have been undertaken without a full appreciation of the working hours condition I would remind you that if 'noisy' works persist outside of this time period then the Council will have to consider serving a 'breach of condition' notice. This is a course of action that the Council would not take lightly and as such I would request that all 'noisy' operations cease at 6pm. The site is located in a residential area with neighbouring properties in close proximity to the site, it is therefore very important that disturbance is kept to a minimum.

Please could you confirm that this message is made clear to all contractors working at this site.

Many thanks  
Lisa

Lisa Walton *MRTPI*  
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## Walton,Lisa

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**From:** Walton,Lisa  
**Sent:** 14 April 2015 14:09  
**To:** 'huxley@cantab.net'  
**Cc:** King, Andrew  
**Subject:** FW: Quick and Sons

Hi Clare

Further to Andrew's email below I am looking into the other issues you raised. In relation to the hours of operation the Agents, acting on behalf of the applicants, have stated that the reason for the overrun on the working day was due to concrete pours and waiting for concrete to set (be workable). They apologise for any inconvenience to the adjoining owners and hope you will understand the valid reason for the necessity of the extended working. They have advised that the contractors will continue to work considerately.

Just to update you: Cornwall Rural Housing Association (CRHA) have yet to formally apply to discharge conditions 8 (sustainability) and condition 17 (screen fence). So the position of any solar panels have not, as far as I am aware, been officially positioned. The installation of the south boundary screen again has not yet been addressed by the applicants. As you suggest it would make sense for them to deal with this prior to the south wall of the building being constructed. I understand they are working on the plans for the screen fence and sustainability package at the moment with a view to submitting details in due course.

I have formally confirmed with CRHA that, as they have addressed the pre-commencement conditions, they are able to make a start on the project but conditions 8, 17 and 18 should be addressed prior to making any start on those aspects of the development. In relation to condition 9 I note that the approved plans only show the rooflights as 'restricted opening' with 'one-way film'. In seeking to discharge this condition the agent confirmed that a velux brand rooflight with one-way film (for privacy) and restricted opening (to prevent overlooking) will be used in accordance with the approved plans. Unfortunately as we didn't specifically condition numbers 5 and 6 to have fixed opening we are unable to require this, despite the informative suggesting these two windows should be fixed. The approved plans do not specify fixed opening on any of the rooflights.

Regards  
Lisa

Lisa Walton *MRTPI*  
Senior Officer: Planning and Development Management

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-----Original Message-----

From: King, Andrew  
Sent: 14 April 2015 12:25

To: 'Clare Huxley'  
Cc: Walton, Lisa; Dryden, Craig  
Subject: RE: Quick and Sons

Dear Clare,

Thank you for informing us of this. We have written to the builders reminding them of the condition restricting the use of machinery and we would appreciate it if you would let us know should they continue to breach it.

Regards,  
Andrew King  
Officer: Planning & Development Management

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-----Original Message-----

From: Clare Huxley [mailto:huxley@cantab.net]  
Sent: 13 April 2015 20:39  
To: King, Andrew  
Subject: Quick and Sons

Dear Andrew,

Any progress with the planning conditions?

I had to have another word with Quick and Sons tonight about working with noisy equipment well after the stipulated hours of 8am to 6pm. Martin Quick thinks I am making an unnecessary fuss and told his workers to carry on using the equipment anyway.

The large vibrating flattening plate that they were using after 7pm this evening makes a very invasive noise. I have young children who need to be able to go to sleep at 7pm and we are all entitled to a bit of peace in the evenings. While I admire their work ethic (they are very hard working builders), the 8am to 6pm limit for noisy equipment is standard across the UK in residential areas as a means of protecting neighbours. Martin Quick told me this evening that he will be using the same equipment after 6pm again tomorrow evening. I would be grateful if you could drop by and remind him to organise his use of noisy equipment so that it complies with the stipulated hours of 8am-6pm, before and after which they need to work by hand.

As the only immediate neighbours with small children we are most affected by noise at anti-social hours, because it results in children continually getting out of bed and saying they can't sleep, then being over tired the next day. When our house is unoccupied it makes no difference to us whether Quick and Sons comply with the 8am-6pm timing.

Kind regards,

Clare

**Walton,Lisa**

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**From:** Dryden, Craig  
**Sent:** 16 April 2015 11:50  
**To:** 'David Perry'  
**Cc:** Walton,Lisa; King, Andrew  
**Subject:** P/14/026/FUL

Dear David

Further to our telephone conversation earlier today, I have set out below an extract from the planning committee report in relation to planning application P/14/026/FUL for the conversion of the existing buildings into 2 affordable dwellings. This report and the subsequent conditions and informative on the decision notice granting planning approval for the 2 dwellings were prepared in conjunction with Cornwall Council to ensure that the approach taken by ourselves in dealing with the application were reasonable, sound and justified.

As you will note from the information set out below, the imposition of Condition 9 and the informative associated with this condition on the decision notice granting planning permission makes it clear that 5 of the 6 roof-lights on the southern elevation of the development should be fixed and all 6 roof-lights obscure glazed due to their proximity to a neighbouring property and to protect their residential amenities. You will note from the committee report below that the fixing of 5 of the roof-lights was considered not only to be justified on amenity grounds but also considered reasonable in that they would not result in any impact on the quality of the living space of the occupants of the new homes given that each of the rooms affected would have alternative means of ventilation.

The extract from the committee report is set out below in italics:

*5.9 The applicant requests that the south facing roof light windows are not non-opening because this imposition would impair the quality of the internal environment for the occupiers of the properties. There are six roof lights on this elevation; four are situated in kitchens, one is in a bathroom and another is in a bedroom. Out of the six windows, there is more potential for noise creation/overlooking from those using a main habitable living area, such as a kitchen/living room. These spaces already have double doors facing North that could be opened in the warmer summer months. Furthermore and although not necessary given the double doors, mechanical ventilation could also be incorporated into the scheme and is included as part of (previous) planning Condition 19. It is therefore considered reasonable that the four roof lights to be situated in main living areas remain as non-opening windows. This restriction is specifically to protect the residential amenities of occupiers of the closely positioned dwelling known as Lemon Hall.*

*5.10 The end bedroom already hosts a roof light on the north elevation that has unrestricted opening. With this in mind, and taking into account the potential amenity impact, there is not sufficient justification to warrant the south elevation also having unrestricted opening. With regard to the remaining bathroom, this type of room is not a 'lived in' space that could result in significant levels of noise, or adverse levels of overlooking. A bathroom would also benefit from some level of aeration. Therefore, this bathroom window could have restricted opening instead of being completely non-opening. If the window is restricted so it cannot be fully opened, it is considered that this would not result in significant detrimental harm to the occupiers of nearby residential properties.*

*5.11 In summary of the above, it is considered reasonable to re-impose a planning condition requiring details of the proposed roof lights to be submitted to the Local Planning Authority for approval. In addition it is recommended that an informative be included to provide guidance on the nature of the roof lights that the Council would expect to see to preserve the character of the listed building, conservation area and neighbours amenities. Both the recommended reworded Condition 9 and informative are set out below:*

**5.12 Condition 9:**

***The roof-lights hereby permitted shall be of a conservation style and sit flush to the roof covering with those on the south elevation being permanently obscure glazed and non-opening with the precise details of the obscure glazing to be agreed in writing with the Local Planning Authority prior to the occupation of the dwellings. The***

***agreed details for the obscured glazing of the roof lights shall be implemented in strict accordance with the details as agreed.***

**5.13 Informative**

*The details to be submitted in furtherance of condition no. 9 above shall provide for the proposed rooflights to be of a conservation style and sit flush to the roof covering. The details shall also identify the type/specification of obscure glazing to be used in each rooflight, and the precise nature of the means of opening of any roof lights (other than 5 of the 6 roof lights on the southern boundary that shall be fixed paned and non-opening).*

Having regard to the above issues, I do not consider that the roof-lights intended for the development strictly conform to the requirements of the decision notice. As you will appreciate it is important that the development being progressed conforms to the approved plans and decision notice and therefore very much appreciate your co-operation on this matter. I look forward to hearing from you shortly and am sure we can resolve this matter quickly in the spirit of our continuing co-operation partnership working in building much needed affordable homes for our community.

Kind regards

Craig Dryden  
Senior Manager for Infrastructure and Planning

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

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