



# 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](mailto:planning@scilly.gov.uk)

**Please Ask For:** Mrs Lisa Walton  
**Tel:** Direct Line: 01720 424456  
**Email:** [planning@scilly.gov.uk](mailto:planning@scilly.gov.uk)

**My Ref:** P/18/052/FUL

**Your Ref:**

Mrs C Stevens  
Colossus  
2 Pilots Retreat  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0PB

17 October 2018

Dear Mrs Stevens,

**Location:** 2 Matthews Field, Church Road  
**Proposal:** Extension of first floor area over existing ground floor flat roof by means of altering the pitch of the east elevation of the roof and adding dormer. West elevation of roof to remain same pitch with the addition of 2 no. rooflights.  
(Amended Plans)  
**Applicant:** Mrs Carmen Stevens

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

Thank you for the submission of the Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA), as received on 15<sup>th</sup> October 2018. As you are aware an assessment for bats was a condition of Members' decision to approve your application at Full Council meeting held on the 9<sup>th</sup> September 2018. Having read the submitted report I understand that further survey work is recommended. Having also read your commentary on the PEA/PRA I would advise you that as it cannot be ruled out that the proposal would impact upon bats, the recommendation for two further emergence surveys is a recommendation that we cannot overlook. When dealing with applications where a European Protected Species (EPS) may be affected, a planning authority has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercises of its functions. There are therefore a number of options to resolution before we are able to issue a planning permission.

1. The first option is to issue the decision notice, granting permission for the proposed extension, subject to pre-commencement conditions for the further survey work. You would need to agree to the pre-commencement conditions being imposed before we issue a decision. The pre-commencement conditions have been set out below, should you agree to this option. The fee for dealing with a discharge of condition application on

a householder extension, would be £34 (payable when applying). This would prevent you from lawfully implementing the permission until this condition has been complied with, through the formal 'discharge of conditions' process.

2. The second option is to agree a further extension of time, to enable the further emergence survey work to be carried out during the bat active season (after March but before the end of September) and the report to be submitted. This would enable any appropriate bat mitigation and/or enhancement recommendations to be taken into account before the decision is made on your application. This would have to be extended until 31<sup>st</sup> March 2019 to enable the survey work to be carried out at the earliest opportunity when bats next become active on Scilly. The benefit of this option would allow you to modify your plans, should this be required, to take into account any bat mitigation requirements. Please can you confirm in writing to such an extension, if this is your preferred option.
3. The third option would be to withdraw the current application, with a view to resubmitting once all the information has been provided to inform the decision. You would not be entitled to a further 'free go' application and as such a further fee of £206 would be required. Please can you confirm in writing if withdrawal of your application if this is your preferred option.

If you disagree with any of the options set out above, then I would suggest this is set in your response. We will then need to consider whether your application should be refused. Should it be concluded that a refusal is the only course of action then we will report back to Full Council and advise Members of the position, so full consideration can be given to your application, in light of protected species requirements.

In relation to Option 1 above, the Council is minded to approve the above application subject to the imposition of the following pre-commencement condition:

*No development shall take place until two further bat emergence surveys have been carried out during the bat active season (March to September inclusive) to ascertain the presence of bats and, in the event of bats being found, appropriate mitigation measures shall be carried out in accordance with details to be submitted and approved, in writing, by the Planning Authority.*

*Reason: This is a pre-commencement condition that requires information to be provided to ascertain certainty on the impact on bats. This is required to retain control over the development to safeguard bats and their roosts which are specifically protected by law.*

**If you agree with the condition** we can issue the grant of approval as soon as we receive your written agreement. 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,

A handwritten signature in black ink, appearing to read 'Walton', with a stylized flourish at the end.

Lisa Walton

**Senior Officer Planning and Development Management**