



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

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

PERMISSION FOR DEVELOPMENT

| | | | |
|------------------------|--|-------------------------------------|---|
| Application No: | P/23/037/FUL | Date Application Registered: | 13th June 2023 |
| Applicant: | Ms Kelly Wood Beverly Hills Pilots Retreat St Mary's Isles Of Scilly TR21 0PB | Agent: | Mr Peter Green Sea Glass, 4 Porthcressa Road, St Mary's, Isles Of Scilly, TR21 0JL |
| Site address: | Beverly Hills 7 Pilots Retreat Hugh Town St Mary's Isles Of Scilly | | |
| Proposal: | Re-configuration of 2 no. existing dwellings into 2 no. 3 bedroom dwellings including extension and dormer windows at rear. | | |

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 Conditions and be occupied in accordance with the **Section 106 Legal Agreement**:

- 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 & Block Plan, date stamped: 09/06/2023**
 - **Plan 2 Proposed Elevations, date stamped: 09/06/2023**
 - **Plan 3 Proposed Floor Plans, date stamped: 09/06/2023**
 - **Site Waste Management Plan, date stamped: 02/06/2023**
 - **Preliminary Roost Assessment, ref: 23-5-4, report dated 19th June 2023 and date stamped 26/06/2023 (bat and bird mitigation and enhancement)**
- 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 OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).
- C3 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.
- C4 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).

C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no subsequent extensions (Class A, Part 1), alterations to the roof (Class B and C, Part 1) or chimneys, curtilage buildings (Class E, Part 1), flues (Class G, Part 1) or any means of enclosure (Class A, Part 2) shall be erected or constructed on/within the curtilage of either property, hereby permitted, without the prior permission, in writing, of the Local Planning Authority through the submission of a further application.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality and in the interests of the affordability of the dwelling and the local housing stock in accordance with Policy LC3 of the Isles of Scilly Local Plan (2015-2030).

C6 Within six months of the substantial completion of the works, hereby approved, a minimum of one bat box, as set out in the Preliminary Roost Assessment, ref: 23-5-4, report dated 19th June 2023 and date stamped 26/06/2023, shall be installed as recommended and be retained as such thereafter.

Reason: In the interests of securing appropriate and proportionate biodiversity net gains at this site in accordance with Policy OE2, SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

Further Information

1. 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.
2. **SECTION 106 AGREEMENT:** The planning permission hereby approved is subject of a section 106 agreement to control the occupancy of the dwellings to ensure it contributes towards the housing need of the local community.
3. **Non-Material Amendments:** 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 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.
4. **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 to inform them about the changes to this property.
5. **BATS:** 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.
6. **Building Control:** 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: buildingcontrol@cornwall.gov.uk.
7. **South West Water:** The application states surface water is proposed to discharge to the public combined sewer, this is not authorised and will require authorisation from South West Water. The applicant will need to demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):
 - Discharge into the ground (infiltration); or where not reasonably practicable,
 - Discharge to a surface waterbody; or where not reasonably practicable,
 - Discharge to a surface water sewer, highway drain, or another drainage system; or where not

reasonably practicable,

- Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)

You can contact the Pre Development Team on 01392 442836 or via email:

DeveloperServicesPlanning@southwestwater.co.uk Quote reference number HS 210623 TR21 0PB in all communications and correspondence about this property.

8. **Fire Safety:** The Fire Authority must be consulted when the proposal is submitted for its Building Regulations approval.

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: 27th September 2023



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 Ms Kelly Wood

Please sign and complete this certificate.

This is to certify that decision notice: P/23/037/FUL and the accompanying conditions have been read and understood by the applicant: Ms Kelly Wood.

1. **I/we intend to commence the development as approved:** Re-configuration of 2 no. existing dwellings into 2 no. 3 bedroom dwellings including extension and dormer windows at rear at: Beverly Hills 7 Pilots Retreat Hugh Town 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.



COUNCIL OF THE ISLES OF SCILLY

Planning Department

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

☎ 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-authorized 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 - £34 per application
- Other permissions - £116 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 £34 for householder type applications and £234 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/>

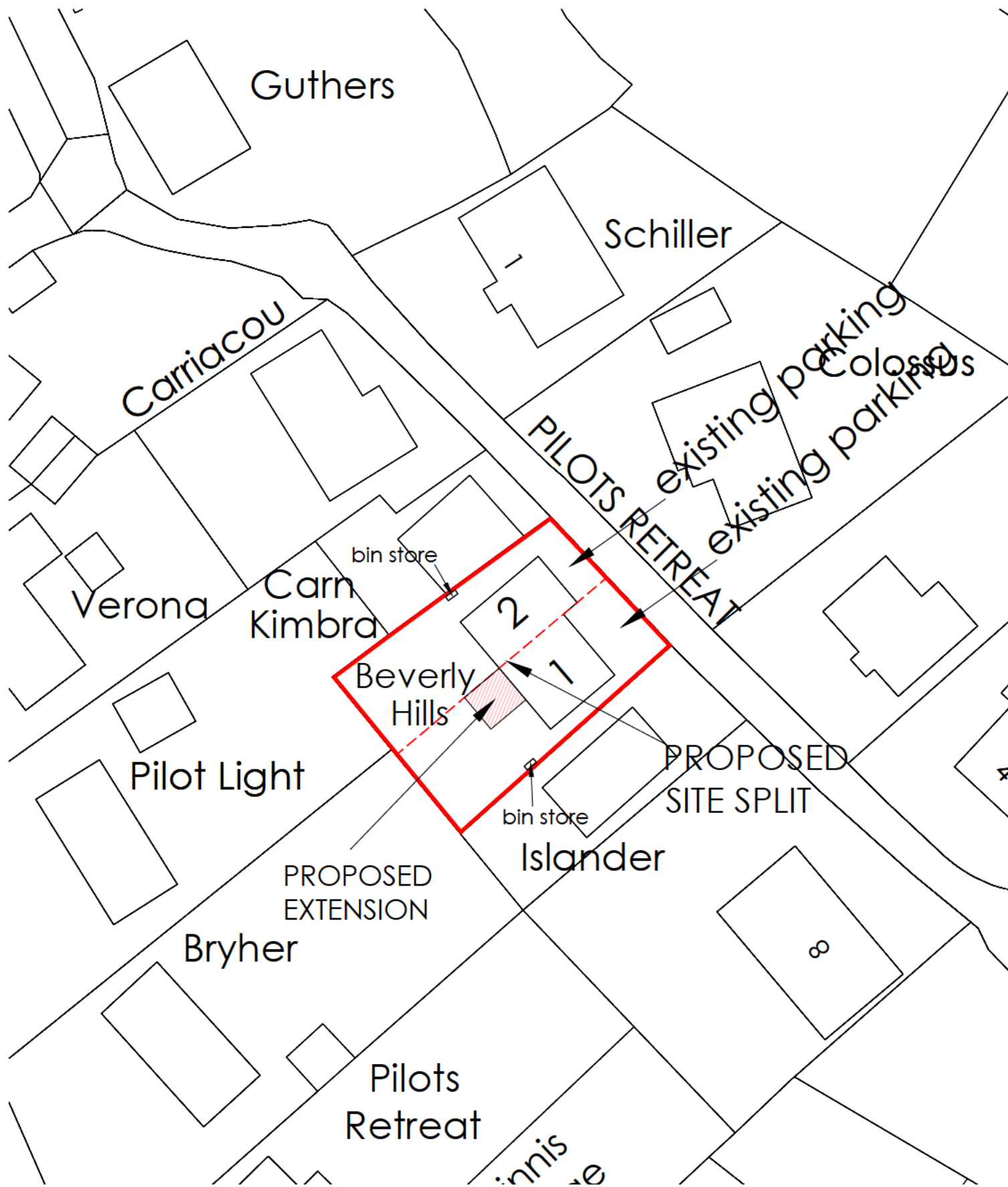
Registering/Altering Addresses

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.



1:500 @ A3
BLOCK PLAN
0 1 1.5 10 15 20 25m



1:1250 @ A3
LOCATION PLAN
0 10 20 30 40 50 60m

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Total Site Area: 515 SqM
Site Area 1: 247.1 SqM
Site Area 2: 267.8 SqM

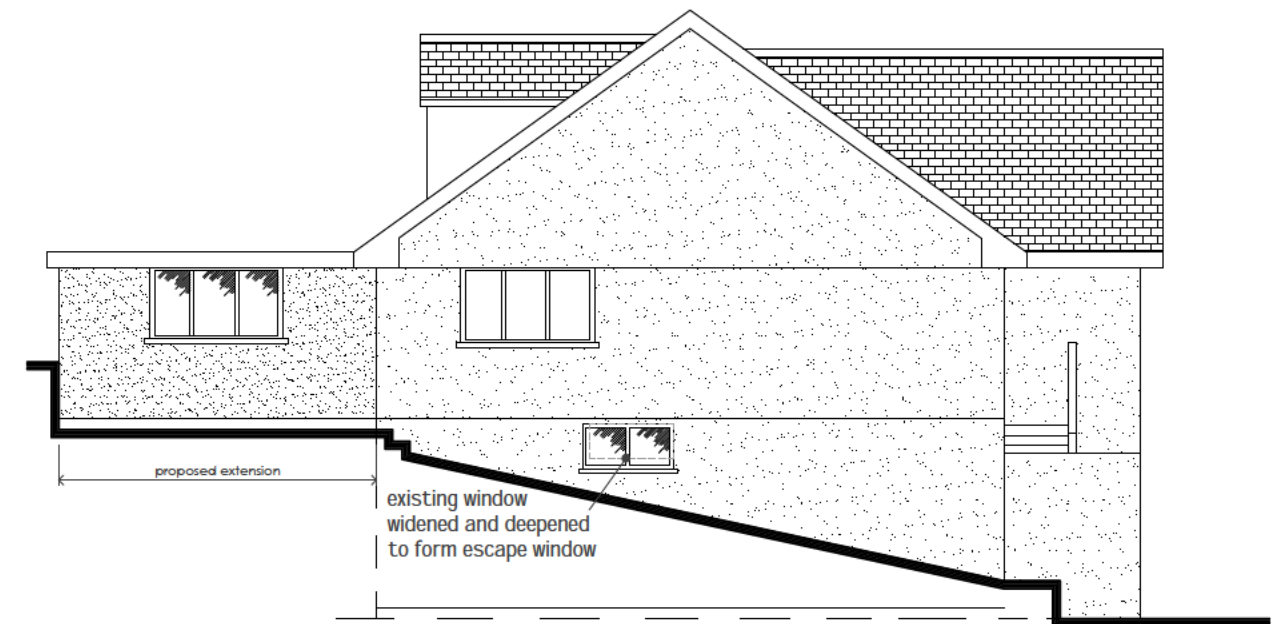


| | | |
|------------------|---|------------------|
| drawing title | Block and Location Plans | |
| project | Beverly Hills Pilots Retreat St Marys Isles of Scilly | |
| client | Peter Green | |
| date | 6 June 2023 | |
| scale | 1:1250 1:500 | sheet size A3 |
| BHpg-P-01 | | |



East (Front) Elevation
No.1

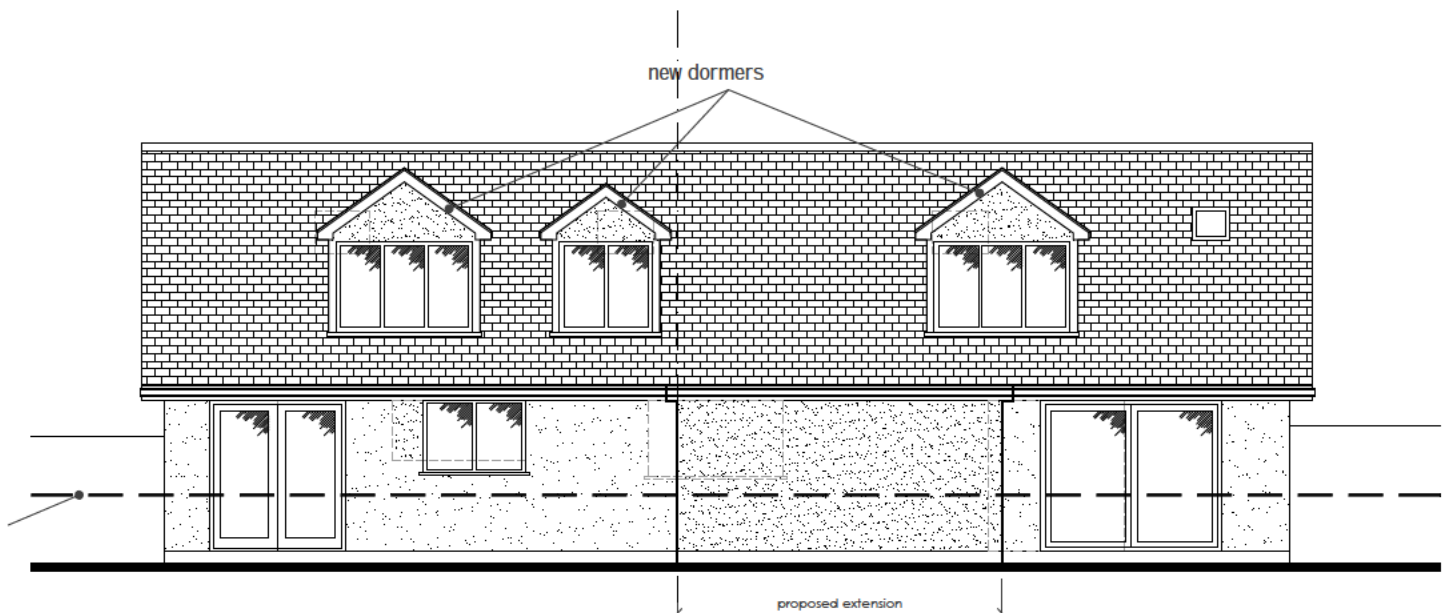
No. 2



South Elevation
No.1



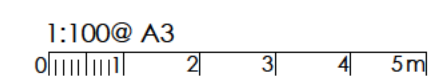
North Elevation
No. 2



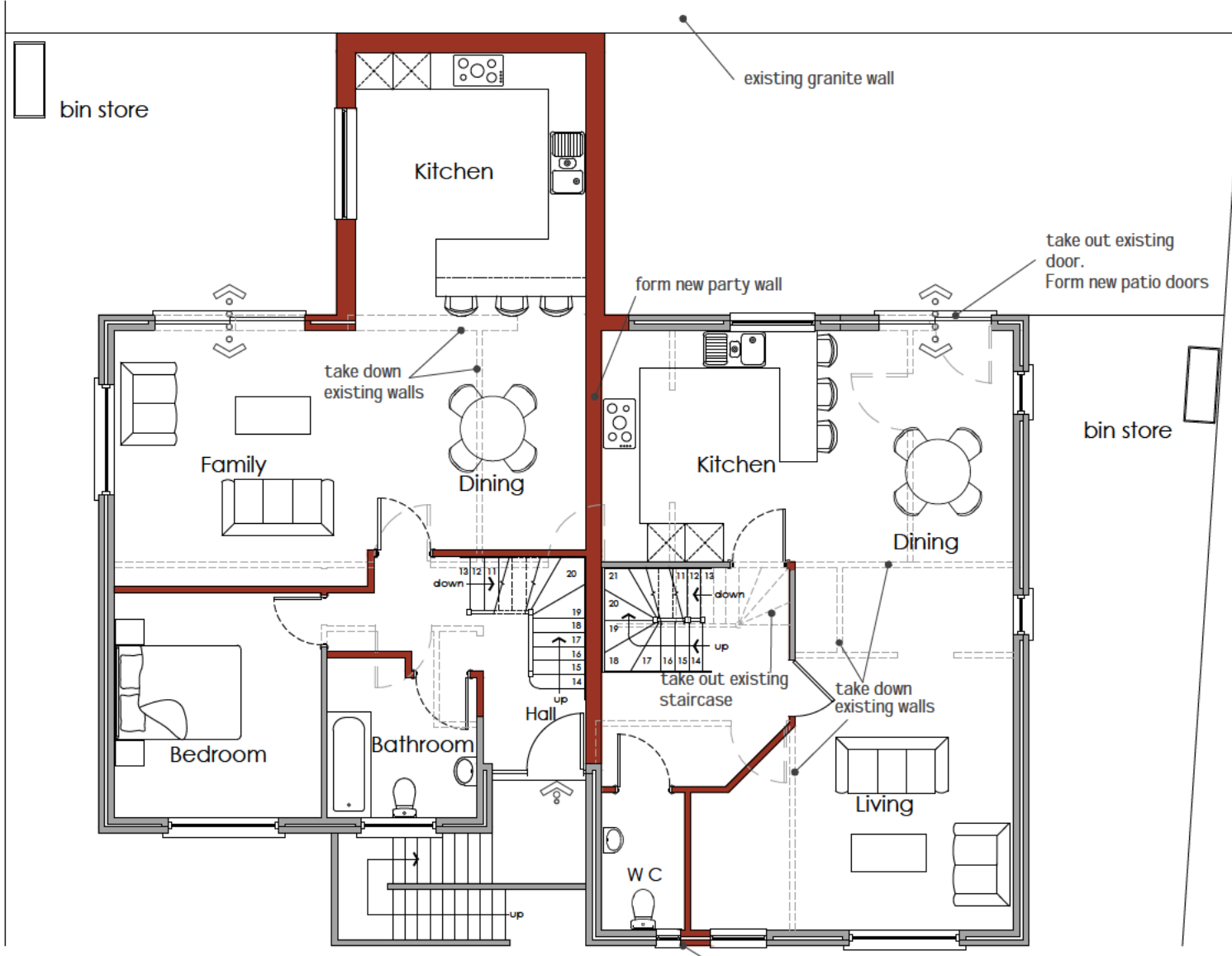
West (Rear) Elevation
No. 2

No.1

| | | |
|---------------|---|---------------|
| drawing title | ELEVATIONS AS PROPOSED | |
| project | Beverly Hills Pilots Retreat St Marys Isles of Scilly | |
| client | Peter Green | |
| date | 8 June 2023 | |
| scale | 1:100 | sheet size A3 |

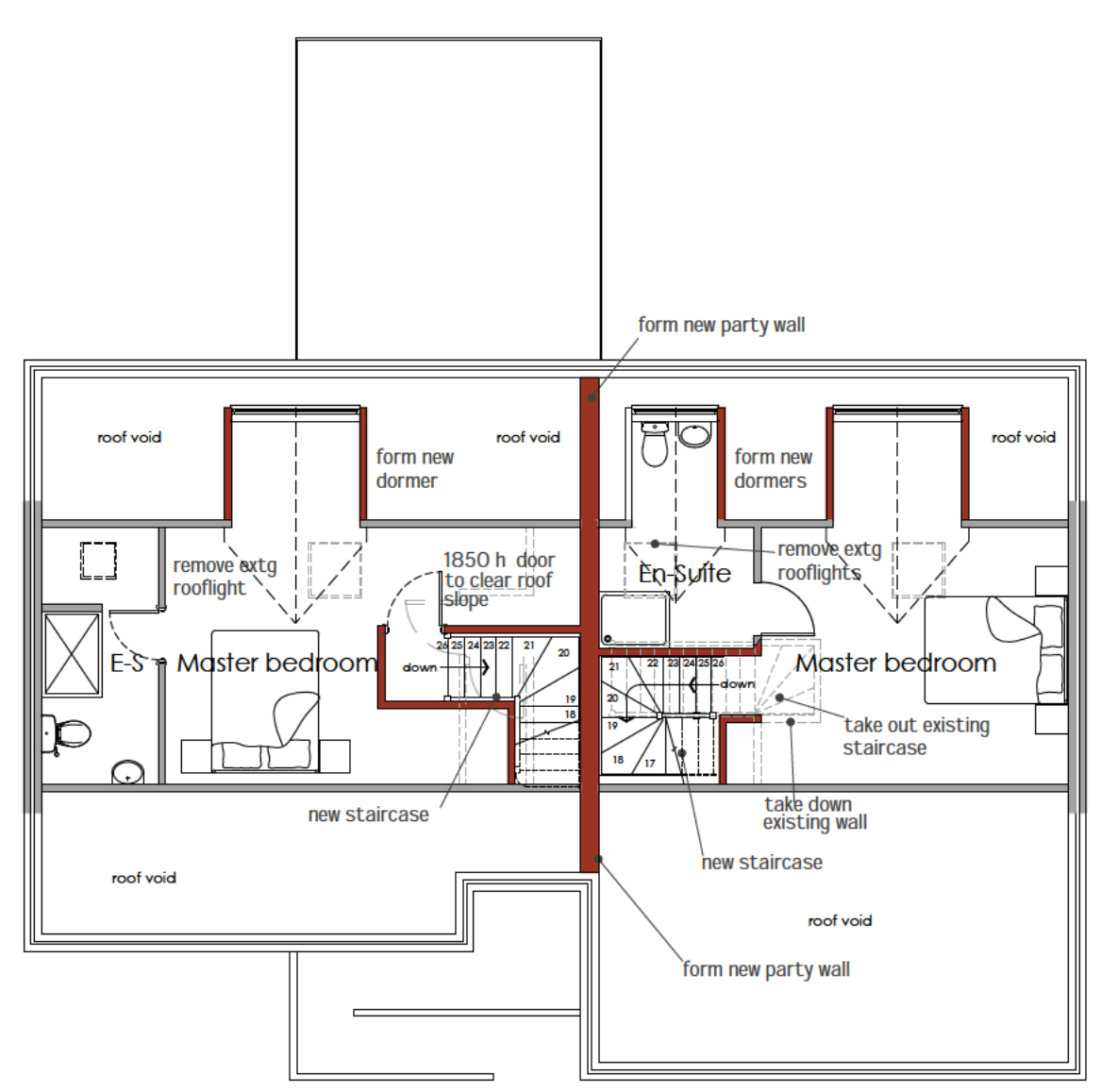


BHpg-P-05



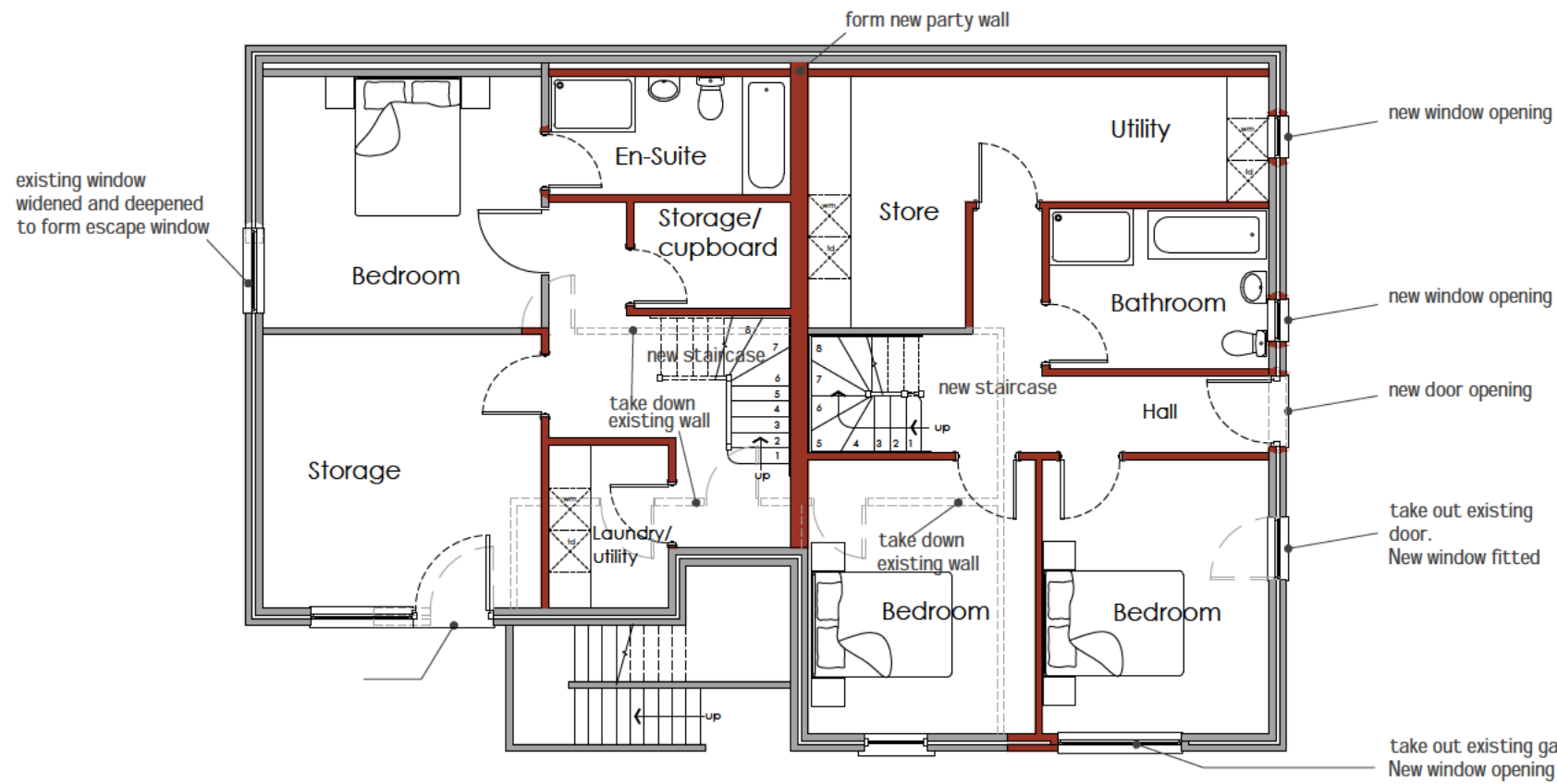
FIRST FLOOR PLAN - No.1
area 73.93 SqM

FIRST FLOOR PLAN - No.2
area 63.26 SqM



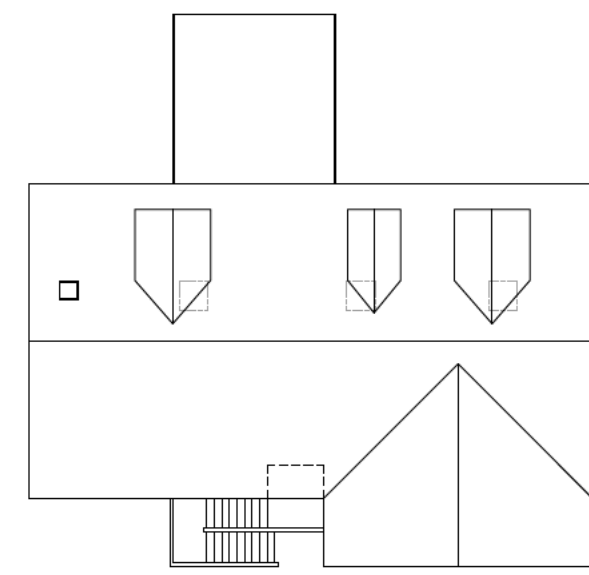
SECOND FLOOR PLAN - No.1
area 29.92 SqM

SECOND FLOOR PLAN - No.2
area 28.22 SqM



GROUND FLOOR PLAN - No.1
area 56 SqM

GROUND FLOOR PLAN - No.2
area 62 SqM



ROOF PLAN 1:200 @ A3
0 2 4 6 8 10m

| TOTAL FLOOR AREAS | |
|-------------------|------------|
| No.1: | 159.85 SqM |
| No.2: | 153.48 SqM |

1:100@ A3
0 2 3 4 5m

| | |
|------------------|---|
| drawing title | FLOOR PLANS AS PROPOSED |
| project | Beverly Hills Pilots Retreat St Marys Isles of Scilly |
| client | Peter Green |
| date | 8 June 2023 |
| scale | 1:100 |
| sheet size | A3 |
| BHpg-P-04 | |

PRELIMINARY ROOST ASSESSMENT (PRA)

BEVERLEY HILLS,
7 PILOTS RETREAT, ST MARY'S, ISLES OF SCILLY



Client: Peter Green

Our reference: 23-5-4

Planning reference: P/23/037/FUL

Report date: 19th June 2023

Author: James Faulconbridge BSc (Hons), MRes, MCIEEM

Contact: ios.ecology@gmail.com

Executive Summary

Bats - Results and Findings

The preliminary roost assessment (PRA) survey concluded that there was **negligible potential** for those aspects of the building affected by the proposals to be used by roosting bats.

Whilst a negligible potential is concluded, it is noted that there is a small chance of opportunistic/transient use of individual discreet features. This potential is not sufficient to justify further surveys or significant constraints to works, but should be taken into account in accordance with the precautionary principle.

This judgement was reached in accordance with the survey methodologies and evaluation criteria outlined in the Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition¹

Bats - Further Survey Requirements

No further surveys are recommended – the PRA conclusion does not require further survey information with regards to bats in order to inform a planning application.

Bats - Recommendations

Standard good practice and vigilance should be observed by the contractors undertaking the works in acknowledgement that bats are transient in their use of roosting opportunities and may explore potential locations, especially if the condition of structural features were to change. A specific methodology is provided in Appendix 1.

A Planning Condition requiring compliance with the Precautionary Method of Works (PMW) outlined in Appendix 1 could be attached to a Decision Notice. If so, it is recommended that this should be compliance only – no further information would be required as the methodology outlined in the PMW is comprehensive.

If the applicant wishes to provide biodiversity enhancement, a bat box could be erected on the gable of the building. Guidance on suitable specifications is provided.

Nesting Birds - Results and Findings

There was no evidence of nesting birds recorded within the building; however there are discreet opportunities which may be suitable for some species such as house sparrow.

Nesting Birds - Recommendations

Works should take account of the minor residual risk of species such as sparrow making use of nesting opportunities during the breeding season.

There is no requirement to replace nesting habitat for breeding birds as no nesting habitat would be lost. If the applicant wishes to provide biodiversity enhancement, nest boxes for common bird species could be erected in the garden or on the buildings.

¹ Collins, J. (ed.) 2016 Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

PRELIMINARY ROOST ASSESSMENT (PRA)

| | | |
|---|------------------------------------|--|
| Planning Authority: Isles of Scilly | Location: SV 90864 10410 | Planning Application ref: P/23/037/FUL |
| Planning application address: Beverley Hills, 7 Pilots Retreat, Hugh Town, St Mary's, Isles of Scilly | | |
| Proposed development: The proposed works were identified by the client and should accord with the documentation submitted in support of the application. These involve: <ol style="list-style-type: none"> 1) The installation of dormer windows in the western roof pitch of the property; 2) The construction of a flat-roof extension on the western aspect of the property. The following assessment takes into account both the potential direct impacts to the structure (e.g. removal of the existing roof tiles and Velux windows) and the indirect impacts (e.g. disturbance to adjacent or offsite features which may support roosting bats). | | |
| Building references: The building is identified in the plans provided in Appendix 2. | | |
| Name and licence number of bat-workers carrying out survey: James Faulconbridge (2015-12724-CLS-CLS) | | |
| Preliminary Roost Assessment date: The visual inspection was undertaken on 14 th June 2023 in accordance with relevant Best Practice methodology ² . | | |
| Local and Landscape Setting: The building is located to south-eastern end of Hugh Town, where the land rises and the character of the housing becomes more widely spaced with larger gardens in contrast to the more tightly spaced buildings which characterise the main town. The property itself is set on a slope with a garden to the west of the property. The land use immediately surrounding the building is residential development on all sides, with associated gardens, roads, hardstanding and access features. Beyond the residential edge of the town to the east, there is abundant suitable habitat for bats, dominated by Lower Moors SSSI – a topogenous mire with areas of elm woodland and scrub as well as a series of pools and marshy grassland. Records from the Local Bat Group indicate that this is an important foraging resource for bats on the island. Small-scale agricultural fields and associated trees and hedge lines occur to the east. There are three records of bat roosts within 500m of the property – the closest is a common pipistrelle roost in a building situated within 100m of the Site. The two other roosts relate to common pipistrelle utilising features such as hanging slates around dormer windows in Hugh Town to the west and south-west of the site. | | |

² Collins, J. (ed.) 2016 Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

Building Description(s):

The property is built on a slope such that the building occupies two stories at the front but a single storey at the rear. The property was constructed around 20 years ago and is rendered externally to a high standard. The multi-pitch roof is tiled with interlocking pre-fab tiles.

The proposals under consideration in the current Planning Application are restricted to installation of dormer windows in the western roof pitch and the construction of a small flat-roof extension on this aspect – therefore the remainder of this description and assessment will relate to those aspects of the property to be directly and indirectly affected by these works only. This is to ensure clarity and brevity.

The western pitch of the roof has well-fitted interlocking pre-fab roof and ridge tiles – all are well fitted with no gaps noted. There are existing Velux rooflight windows, some of which would be removed to permit the installation of the new dormers. At the intersection between the roof and the windows there are occasional gaps but these appear large and sealed with battens and are unlikely to provide suitable roosting opportunities for bats. The shallow pitch of the roof would also limit the fly-in at this location. The gables are capped with end-tiles which appear to be well-fitted but would not be directly impacted by the proposals.

There are uPVC soffits with guttering at the eaves which would preclude direct fly-in access – these were well-fitted and in good condition. The wall below is rendered in good condition, with well-fitted uPVC window and door frames offering no roosting opportunities.

Internally, the upper floor rooms are built into the roof space with three discreet and unconnected voids – these are at the two eaves and at the apex above the tie-beam.

- The void at the apex is sealed but external inspection of the roof indicates no potential access for bats due to the tight fit of the tiles;
- The void associated with the eastern eaves would not be directly or indirectly impacted by the proposals;
- The void associated with the western eaves would be directly impacted by the proposals and was subject to a full internal inspection. The modern timber trusses do not offer roosting opportunities due to their tight fit. Insulation occurs between the joists. The void is tightly under-felted throughout – daylight can be seen at the eaves but any potential fly-in for bats would be significantly obstructed by the positioning of the guttering and conjunction with uPVC soffits. The void was clean and free from obstructing storage – a single mouse dropping was identified but no evidence of bats was found.

Survey Limitations

There were no significant limitations to access or survey inspection which might affect the evidence base or subsequent conclusions of this survey.

Assessment of Potential for use by Roosting Bats

No evidence of current or historic use by bats was identified during the survey and an overall **negligible potential** was determined; however it is noted that there is a small residual risk of opportunistic/transient use of the features noted.

Recommendations and Justification (Bats):

No further surveys are recommended – the conclusion of **negligible potential** related to the structures to be impacted does not require any further information with regards to bats in order to inform a planning application.

Standard good practice and vigilance should be observed by the contractors undertaking the works in acknowledgement that bats are transient in their use of roosting opportunities and may explore potential locations. The potential for individual common pipistrelle bats to make use of minor opportunities associated with listed features should be taken into account during works. These features are restricted to:

- The gaps associated with tiles around the existing Velux windows which do not appear to offer roosting opportunities but where a precautionary approach to removal would be advisable.

At the discretion of the Planning Authority, a compliance condition could be included in any Planning Application approval requiring that works proceed in line with the PMW requirements outlined in Appendix 1 of this report. This is in order to ensure that bats are not impacted by the proposed works.

If the applicant wishes to provide biodiversity enhancement, the gables of the property would offer a suitable location to install a bat box. This should be positioned above 3m from the ground to minimise the risk of predation. An open-based box design would ensure that it would not require cleaning, though siting should avoid being positioned directly above windows or doors to prevent nuisance. The location and aspect would be optimal for common pipistrelle which is the dominant species present on the island and the most likely species to use the environs for foraging and roosting.

A suitable box could be purchased or constructed following freely available plans. Kent Bat Box-style boxes are slim easy to construct from appropriate timber using the plans provided at:

<http://www.kentbatgroup.org.uk/kent-bat-box.pdf>

Assessment of Potential for use by Nesting Birds

No evidence of nesting birds was identified associated with the property; however access at the eaves may allow species such as house sparrow to find nesting opportunities within the building.

Care should be taken to ensure that no birds are nesting prior to works taking place. This could be achieved either through timing of works, or a pre-commencement inspection.

Recommendations and Justification (Birds):

Timing of Works

Works affecting the roof should be undertaken outside of the breeding season which runs from March – September inclusive, where practicable. This would provide the most robust means of avoiding risk of impact to nesting birds.

Pre-commencement Inspection

If this is not possible, then contractors should visually inspect the work area internally and externally before they are affected by the works, in order to confirm that no nests are present. In the unlikely event that a bird nest is present, it must be left undisturbed until chicks have fledged the nest, at which point works can proceed.

Care must also be taken to ensure that the works do not cause disturbance or damage to proximate nesting areas through indirect impacts including vibration, noise or contractor presence. This includes adjacent parts of the building, as well as vegetation within the garden and boundary hedges.

Enhancement Opportunities

There is no requirement to mitigate for loss of nesting habitat for breeding birds as no nesting habitat would be removed; however if the applicant wished to provide biodiversity

enhancement measures, this could be achieved through the erection of bird boxes on the residential property or within the garden.

House sparrows nest communally and nest boxes could accommodate this, either through the installation of a single purpose-built nest box comprising several individual chambers with separate entrances, or the installation of 3+ nest boxes in close proximity. Nest boxes suitable for hole-dwelling species such as blue tits, or open-fronted boxes for species such as blackbird and robin also have a high likelihood of occupation.

Boxes should be mounted on a wall or tree if possible, at a height of at least 3m above the ground with an entrance clear of vegetation/other features which may put them at risk of predation from cats.

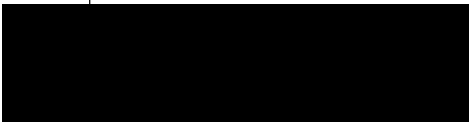
Boxes can be sourced online, or can be constructed on site using methodology and specifications provided by the RSPB:

Sparrows: <https://www.rspb.org.uk/get-involved/activities/give-nature-a-home-in-your-garden/garden-activities/createasparrowstreet/>

Other Species: <https://www.rspb.org.uk/fun-and-learning/for-families/family-wild-challenge/activities/build-a-birdbox/>

Signed by bat worker(s):

Date: 19th June 2023



APPENDIX 1

-

PRECAUTIONARY METHOD STATEMENT WITH REGARDS TO BATS

The purpose of this Method Statement is to ensure that proposed works can proceed where presence of bats has been determined to be unlikely, but a precautionary approach is still advisable. It has been determined that direct harm to roosting bats during the proposed works would be highly unlikely.

Contractors should, however, be aware of **their own legal responsibility with respect to bats**:

Relevant Legislation regarding Bats

The Conservation of Habitats and Species Regulations 2017, or the 'Habitat Regulations 2017', transposes European Directives into English and Welsh legislation. Under these regulations, bats are classed as a European Protected Species and it is, therefore, an offence to:

- *Deliberately kill, injure or capture bats;*
- *Deliberately damage or destroy bat roosts.*

A bat roost is commonly defined as being any structure or place that is used as a breeding site or resting place, and since it may be in use only occasionally or at specific times of year, a roost retains such a designation even if bats are not present.

Bats are also protected from disturbance under Regulation 43. Disturbance of bats includes in particular any disturbance which is likely:

- (a) *To impair their ability -*
- *to survive, to breed or reproduce, or to rear or nurture their young; or*
 - *in the case of animals of a hibernating or migratory species, to hibernate or migrate; or*
- (b) *To affect significantly the local distribution or abundance of the species to which they belong.*

Bats also have limited protection under the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000 (as amended). It is, therefore, an offence to:

- *Intentionally or recklessly destroy, damage or obstruct any structure or place which a bat uses for shelter or protection.*
- *Intentionally or recklessly disturb bats whilst occupying any structure or place used for shelter or protection.*

Contractors should be aware of **where bats are most likely to be found in respect to the existing building:**

Tiles around existing Velux Windows

There are occasional gaps associated with tiles at the junction between the existing Velux rooflight windows and the surrounding tiles. These tiles should be inspected visually and lifted away carefully until any gaps behind them are fully exposed. This should be undertaken by hand and with care in such a way that, in the highly unlikely event that bats are present, they are not injured or killed by the action.

Once these areas are fully exposed, they can be visually inspected by contractors. If any bats are present, or suspected, works should pause and the Named Ecologist contacted to review the situation. If no bats are present, the remaining materials can be removed and works can continue.

Contractors should be aware of **the process to follow in the highly unlikely event of finding bats** or evidence indicating that bats are likely to be present:

If bats are identified, works should cease and the named ecologist contacted immediately for advice.

If the bat is in a safe situation, or a situation which can be made safe, they should remain undisturbed.

Only if the bat is in immediate risk of harm can the bat be moved with care and using a gloved hand. This is a last resort and should only be undertaken for humane reasons if the bat is at immediate risk of harm **and** if the ecologist cannot be contacted for advice.

APPENDIX 2

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LOCATION PLAN AND PHOTOGRAPHS



Map 01 – Illustrating the location of the property within the local environs (red circle). Reproduced in accordance with Google’s Fair Use Policy.



Map 02 – Showing the western pitch of the roof (red wash) on the context of the wider building (blue wash). Reproduced in accordance with Google’s Fair Use Policy.



Photograph 1: Showing the building viewed from the north-western corner – this is the western pitch of the roof which would be impacted by the proposals.



Photograph 2: Showing the tight fit of the uPVC soffits with guttering attached at the eaves of the western pitch. The high quality of the render and tightly fitted windows frame on this aspect can also be seen.



Photograph 3: Showing the tightly-fitted interlocking pre-fab roof tiles on the western pitch of the roof.



Photograph 4: Showing the interior of the void which runs along the western eaves of the roof.

Alterations to:

**Beverly Hills
Pilots Retreat
St Mary's
Isles of Scilly
TR21 0PB**

DESIGN AND ACCESS STATEMENT

June 2023

Background

At present the property is a four-bedroom detached house with a two-bedroom flat below (on the ground floor).

We would like to reconfigure the existing building into two three-bedroom properties (split vertically) which would then accommodate two local families.

As you will note, the main alterations are the addition of windows, a new entrance, two dormers and a rear kitchen extension to one of the 'new' properties. There will be no changes to the exterior finish, other than those mentioned above. Therefore, the front elevation would have minor changes and the extension to the rear of the property would not be visible.

Overall, the changes to the appearance (exterior) of the building would be minimal.

On a separate document you will see our calculations for the Nationally Described Space Standards.

Site Waste Management Plan for:

Beverly Hills
Pilots Retreat
St Mary's
Isles of Scilly
TR21 OPB

Source of Building Materials

PC Green Building Services
Sea Glass
4 Porthcressa Road
St Mary's
Isles of Scilly
TR21 OJL

Materials to be disposed/recycled:

Timber
Concrete block/Masonry
Plasterboard
Carpets
Tiles
Ceramics (Toilets/Basins)
Plastic

Materials to be transported and recycled by:

PC Green Building Services
Sea Glass
4 Porthcressa Road
St Mary's
Isles of Scilly
TR21 OJL

Materials to be placed in the appropriate recycling facility at:

Porthmellon Waste Management Site
Moorwell
St Mary's
Isles of Scilly
TR21 OJY

DATED

26th September

2023

(1) THE COUNCIL OF THE ISLES OF SCILLY

and

(2) KELLY VICTORIA WOOD

PLANNING OBLIGATION BY

AGREEMENT under

Section 106 of the Town and

Country Planning Act 1990

Relating to land at

Beverly Hills, Pilots Retreat, St Mary's, Isles of Scilly

Council of the Isles of Scilly
Town Hall
St Mary's
Isles of Scilly

THIS DEED is made

26th September

2023

BETWEEN

- (1) **THE COUNCIL OF THE ISLES OF SCILLY** of Town Hall, St Mary's, Isles of Scilly TR21 0LW ("the Council")
- (2) **KELLY VICTORIA WOOD** of Beverly Hills, Pilots Retreat, St Mary's, Isles of Scilly, TR21 0PB ("the Owner")

WHEREAS

1. The Council is the Local Planning Authority for the purposes of this Deed for the area within which the Land is situated and by whom the obligations contained in this Deed are enforceable
2. The Owner is interested as Freehold Owner in the Land which is registered at the Land Registry with title absolute under title number CL165371
3. The Owner has applied to the Council for planning permission for the Development on the Land and the Council is minded to grant approval of the Development under reference number P/23/037/FUL ("the Planning Permission") subject to the Owner first entering into this Deed
4. A Section 106 Agreement dated 17th October 2017 and made between (1) THE COUNCIL OF THE ISLES OF SCILLY OF THE TOWN HALL, ST MARY'S, ISLES OF SCILLY and (2) ANDREW STEPHEN GUY & DAWN PHILLIPA GUY OF BEVERLY HILLS, PILOTS RETREAT, ST MARY'S, ISLES OF SCILLY, TR21 0PB and (3) LLOYDS BANK PLC [(COMPANY REGISTRATION NO: 2065)] OF BARNETT WAY, GLOUCESTER, GL4 3RL, ("the Original Agreement") was entered into in respect of the Land
5. As a result of being minded to grant approval for the development the Council has agreed to Discharge the Original Agreement and enter into a new agreement in the terms contained in this Deed

NOW THIS DEED is made in pursuance of Section 106 of the Act and contains planning obligations and is a planning obligation for the purposes of that Section and **WITNESSES** as follows:

1 DISCHARGE

1.1 It is hereby agreed and declared that the provisions of the Section 106 Agreement dated 17th October 2017 and made between (1) THE COUNCIL OF THE ISLES OF SCILLY OF THE TOWN HALL, ST MARY’S, ISLES OF SCILLY and (2) ANDREW STEPHEN GUY & DAWN PHILLIPA GUY OF BEVERLY HILLS, PILOTS RETREAT, ST MARY’S, ISLES OF SCILLY, TR21 0PB and (3) LLOYDS BANK PLC [(COMPANY REGISTRATION NO: 2065)] OF BARNETT WAY, GLOUCESTER, GL4 3RL, (“the Original Agreement”) shall from the date of this deed cease and determine absolutely in relation to the Land so that the Original Agreement no longer has any effect in relation to the Land.

2 DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

- “Act” the Town and Country Planning Act 1990.
- “Application” the application for planning permission dated 6th June 2023 submitted to the Council for the Development and allocated reference number P/23/037/FUL
- “Commencement of Development” the date on which any change of use or material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “Commence Development” shall be construed accordingly.

| | |
|------------------|---|
| "Development" | the development of the Land for the re-configuration of 2 no. existing dwellings into 2 no. 3 bedroom dwellings including extension and dormer windows at rear as set out in the Application. |
| "Dwelling" | means any dwelling to be constructed pursuant to the Development being Dwelling 1 outlined in green or Dwelling 2 outlined in blue on the attached Plan |
| "the Expert" | means a person having appropriate qualifications and local knowledge and experience in the matters in dispute as agreed by the Relevant Parties or failing agreement such person as is nominated by the President for the time being of the Royal Institution of Chartered Surveyors on the application of the Relevant Parties |
| "Household" | means any person who may reasonably be expected to reside with the Qualifying Person(s) |
| "Land" | means the Land referred to in the First Schedule and Recital 2 hereof |
| "Letting Notice" | means a written notice setting out the name and address of the nominated occupant/s and the first date on which the Council intends to permit the Occupation of the Dwelling by the nominated occupant/s |
| "Mortgagee" | means the mortgagee of the Dwelling where the mortgagor has defaulted on the particular mortgage and shall be deemed to include the Mortgagees appointed representative or receiver appointed by the Mortgagee |
| "Occupation" | means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations and the |

| | |
|-----------------------|--|
| | terms "Occupied" "Occupy" "Occupier" and "Occupiers" shall be interpreted accordingly |
| "Occupation Notice" | means a written notice containing the name and address of the proposed occupant and details of his Household together with evidence that the proposed occupant has been approved by the Council as being a Qualifying Person |
| "Owner" | means the Freehold Owner |
| "Plan" | means the plan attached to this Deed |
| "Planning Permission" | the planning permission subject to conditions to be granted by the Council pursuant to the Application |
| "Qualifying Person" | means, a person who is confirmed in writing by the Council to be a person with a Specific Local Need in accordance with the Third Schedule |
| "Relevant Parties" | means the parties to this deed or their successors in title or assigns and in the case of the Council includes any statutory successors as local planning authority |
| "Specific Local Need" | means those requirements set out at the Third Schedule and any subsequent modifications or revisions to the definition of Specific Local Need approved by Council |
| "Vacancy Notice" | means written notice of the Vacation Date |
| "Vacation Date" | means the first date on which the Owner reasonably considers that the Dwelling will be vacant and ready for Occupation. |

3 CONSTRUCTION OF THIS DEED

- 3.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.

- 3.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 3.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 3.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 3.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 3.6 References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successors to their respective statutory functions.
- 3.7 The headings are for reference only and shall not affect construction.

4 LEGAL BASIS

- 4.1 This Deed is made pursuant to Section 106 of the Act and all other enabling powers and enactments which may be relevant for the purpose of giving validity hereto or facilitating the enforcement of the obligations herein contained with the intent to bind the Owner's interest in the Land and to the intent that the obligations on the part of the Owner herein contained falling within the provisions of Section 106 of the Act shall be planning obligations for the purposes of Section 106 of the Act and are enforceable by the Council as local planning authority in accordance therewith but subject as hereinafter provided

5 CONDITIONALITY

This Deed shall take effect from the date hereof PROVIDED THAT if the Planning Permission is revoked or expires by the effluxion of time then this Deed shall cease to have effect provided always that at the time of the said revocation no development has begun within the meaning of Section 56 of the 1990 Act;

6 THE OWNER'S COVENANTS

The Owner covenants with the Council to fulfil the obligations and restrictions specified in the Second Schedule of this Deed.

7 MISCELLANEOUS

- 7.1 The Owner shall pay to the Council on completion of this Deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.
- 7.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999
- 7.3 This Deed shall be registered:
- (a) as a Local Land Charge by the Council
 - (b) on the Charges Register of Title Number CL165371 at the Land Registry by the Owner on each disposal and Office Copies from Land Registry provided to the Council as evidence of registration
- 7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Chief Planning Officer and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 7.5 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 7.6 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to the Commencement of Development.
- 7.7 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

- 7.8 The planning obligations in this Deed shall not be enforceable against any statutory undertaker which has acquired part of the Land for the purposes of constructing or operating utility facilities offered by the statutory undertaker
- 7.9 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.
- 7.10 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.

8 MORTGAGEE CONSENT

- 8.1 Any Mortgagee taking possession of the Land will be bound by the obligations as if it were a person deriving title from the Owner however the Mortgagee shall only be liable for a breach of the Deed that it has itself caused whilst mortgagee in possession and shall not be liable for any pre-existing breach.

9 SETTLEMENT OF DISPUTES

- 9.1 Any dispute arising out of the provisions of this Deed shall be referred to the Expert for the determination of that dispute PROVIDED THAT the provisions of this clause shall be without prejudice to the right of any party to seek the resolution of any matter relating to the Deed by the courts and / or in accordance with Section 106(6) of the 1990 Act
- 9.2 The Expert shall be appointed jointly by the Relevant Parties who are in dispute
- 9.3 The decision of the Expert shall be final and binding upon the Relevant Parties and subject to the following provisions:-
- (a) the charges and expenses of the Expert shall be borne equally between the Relevant Parties who are in dispute unless the Expert shall otherwise direct;
 - (b) the Expert shall give the Relevant Parties who are in dispute an opportunity to make representations and counter representations to him before making his decision;
 - (c) the Expert shall make his decision within the range of any representations made by the Relevant Parties who are in dispute themselves;

10 WAIVER

No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

11 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

12 DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

FIRST SCHEDULE

ALL THAT piece or parcel of land known as Beverly Hills, Pilots Retreat, St Mary's, Isles of Scilly **ALL OF WHICH** said land is shown for identification purposes only edged with a red line on the Plan

SECOND SCHEDULE

("the Obligations and Restrictions")

1. The Dwelling shall not be occupied by anyone other than a Qualifying Person or in accordance with paragraphs 5 & 6 of this schedule.
2. The Dwelling shall not be Occupied otherwise than as the sole private residence of the Occupier with or without their Household in accordance with and subject to the provisions of this Second Schedule.
3. Nothing in paragraphs 1 and 2 shall prevent any former joint spouse civil partner or other member of the Qualifying Person's Household from continuing to reside at the Dwelling after the Qualifying Person ceases to reside there.
4. The Owner shall serve a Vacancy Notice on the Council each time the Dwelling becomes available for Occupation but in any event the Vacancy Notice shall not be served more than 28 days before the expected Vacation Date.
5. Prior to the Occupation of the Dwelling by a Qualifying Person the Owner shall serve on the Council an Occupation Notice and shall obtain the Council's written confirmation that the proposed occupant is a Qualifying Person PROVIDED THAT if the Council fails to respond to the Occupation Notice within 14 days of receipt of the Occupation Notice the proposed occupant shall be deemed to be a Qualifying Person for the purposes of this Deed.
6. In the event that the Owner after using reasonable endeavours is unable to identify a Qualifying Person who wishes to Occupy the Dwelling within a period of 6 months from the date of service of the Vacancy Notice the Dwelling may be Occupied by a person who need not be a Qualifying Person PROVIDED THAT the Owner has sent prior written notification to Council confirming what reasonable endeavours have been made and obtained written authorisation from the Council permitting such Occupation ALSO PROVIDED THAT the proposed occupier is only permitted to Occupy the Dwelling on terms that do not confer security of tenure for a period of more than 8 months upon the expiry of which the provisions of this Deed as to the Occupation of the Dwelling will again apply unless the Owner has obtained the Council's written approval to any renewal of such permitted Occupation.
7. The provisions of paragraphs 4 to 6 of this Second Schedule shall not be binding on a Mortgagee.

8. Any purchaser from a Mortgagee shall be deemed to be a Qualifying Person for the purposes of this deed PROVIDED THAT the restrictions in this deed as to the Occupation of the Dwelling will continue to apply.

THE THIRD SCHEDULE

(Specific Local Need)

A person shall not be considered to be a person with a Specific Local Need unless they satisfy the following:

1. the property would be their sole private residence; and
2. they need to live permanently on the islands due to their employment circumstances and work commitments; or
3. they have been continuously resident on the islands for at least five years and require new accommodation as a result of the requirement to:
 - vacate tied accommodation; or
 - relocate to more suitable accommodation due to a medical and/or mobility condition; or
 - relocate to smaller accommodation due to under-occupation; or
4. they are a former resident who has previously lived permanently on the Isles of Scilly for a continuous period of at least 5 years and who:
 - a) has been away for educational, training purposes or to obtain work experience or professional or technical accreditation; or
 - b) is currently employed by the armed forces and merchant navy and whose main residence will be on the islands; or
 - c) is retired from the armed forces or merchant navy; or
 - d) needs to provide substantial care to a relative who has lived continuously on the islands for at least 5 years (substantial care means that identified as required by a medical doctor or relevant statutory support agency).

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13/23

EXECUTED as a DEED by)
THE COUNCIL OF THE ISLES OF SCILLY)
whose Common Seal was hereinto)
affixed in the presence of:)



Authorised Officer [Redacted]
[Print Name] NICOLA STINSON

SIGNED as a DEED by KELLY VICTORIA WOOD)
[Redacted])
In the presence of [Redacted])

Witness name JAMES SQUIRE
Address THE HOLT, RAMS VALLEY, 105
Occupation ST MARY'S QUAY MANAGER.

