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

Registered:

Application P/23/100/COU Date Application 11th December 2023

No:

Applicant: Mr Jeremy Brown Agent: Mr Nigel Bush

Sylina

Mcfarland's Down

St Mary's Isles Of Scilly TR21 0NS Agent: Mr Nigel Bush
St Mary's House,

Point Mills, Bissoe, Truro, Cornwall,

TR4 8QZ

Site address: Sylina Mcfarland's Down St Mary's Isles Of Scilly TR21 0NS

Proposal: Change of use of workshop to local needs dwelling

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:
 - 01 Rev A Existing Plans, Elevations and Location Plan, Date Stamped 11/12/2023
 - 02 Rev A Proposed Plans, Elevations and Location Plan, Date Stamped 11/12/2023
 - Planning, Design and Access Statement, Date Stamped 11/12/2023
 - Preliminary Roost Assessment (PRA), Date Stamped 05/12/2023

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).

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 extensions (Class A, Part 1), alterations to the roof or chimneys (Class B and C, Part 1), curtilage buildings (Class E, Part 1) or flues (Class G, Part 1) shall be erected or constructed on/within the curtilage of, the dwelling, 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).

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 external illumination 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 Isles of Scilly Local Plan 2015-2030.

PRE-FIRST OCCUPATION CONDITION: Biodiversity Enhancement Measures

Prior to the first occupation of the dwelling, hereby approved, details of measures to promote biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of any bat boxes and/or bird nesting opportunities appropriate to species found on the Isles of Scilly. Appropriate local guidance from the Isles of Scilly Wildlife Trust, for example, should be sought to inform the type, number and positioning of suitable bat and bird boxes. The measures approved shall be installed, prior to the first breeding/nesting season following completion of the development and shall be retained as such thereafter.

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

PRE-COMMENCEMENT CONDITION: Site Waste Management Plan

Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all waste arising from building works, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon landscape and management of waste, to be submitted to and agreed in writing by the Local Planning Authority. This is to ensure adequate consideration is given to the minimisation of unnecessary waste generation, and adherence to the waste hierarchy, in accordance with the requirements of Policy SS2 (2) and Policy OE5 of the Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT CONDITION: Sustainable Design Measures

Prior to the commencement of the development, hereby approved, a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures to seek to ensure the development achieves a water consumption standard of 110 litres of water per person per day as well as energy generation/minimisation measures. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted and be retained as approved thereafter.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to ensure the accommodation is as sustainable as possible. In accordance with the requirements of Policy SS2 (2) and Policy OE5 of the Isles of Scilly Local Plan 2015-2030.

PRE-INSTALLATION CONDITION: Finish of Doors and Windows

Prior to their installation in the building, details of the design, materials and colour finish of new and replacement doors and windows, shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed as approved and be retained as such thereafter.

Reason: To ensure the details of these features are in keeping with the character and appearance of the Conservation Area, in accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

No construction plant and/or machinery shall be operated on the premises 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 neighbouring properties.

Further Information

- 1. **SECTION 106 AGREEMENT:** The planning permission hereby approved is subject of a section 106 agreement to control the occupancy of the dwelling to ensure it contributes towards the housing need of the local community.
- 2. **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.
- 3. **FIRE SAFETY:** Access and Facilities for the Fire Service as detailed in B5 AD B Volume 2 will be required. You will be required to provide reasonable facilities for the Fire Service. In most circumstances this will mean providing vehicular access for fire appliances. It is important to remember that failure to do so may prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk.
- 4. **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.
- 5. **DISCHARGE OF CONDITIONS**: 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 £145 for each request to discharge condition(s) and is payable for each individual request made to the Local Planning Authority.
- 6. **REGISTERING FOR 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.
- 7. 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.
- 8. **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
- 9. **CONVERSION ONLY:** This planning permission has been granted on the basis that the development relates strictly to the conversion of the building(s) as shown on the approved planning application drawings forming part of this permission. Any works of rebuild or new build other than as detailed on the approved planning application drawings and any departure from these drawings will require separate planning permission and the Local Planning Authority should be notified at once in the event in works being required or having taken place outside the scope of this planning permission as such works could have the effect of invalidating the planning permission. This planning permission does not grant or imply any form of building control approval for which separate notification will be required under the Building Regulations.

Chief Planning Officer

Signed Yulton

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: 12th April 2024



COUNCIL OF THE ISLES OF SCILLY

Planning Department
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW
20300 1234 105
2planning@scilly.gov.uk

Dear Mr Jeremy Brown

Name:

Please sign and complete this certificate.

This is to certify that decision notice: P/23/100/COU and the accompanying conditions have been read and understood by the applicant: Mr Jeremy Brown.

- I/we intend to commence the development as approved: Change of use of workshop to local needs dwelling at: Sylina Mcfarland's Down St Mary's Isles Of Scilly TR21 0NS 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):

Contact Telephone Number:

	And/Or Email:	
Print Name:		
Cianad		
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-FIRST OCCUPATION CONDITION:

C5 Prior to the first occupation of the dwelling, hereby approved, details of measures to promote biodiversity enhancements shall be submitted to and approved in writing by the Local Planning

Authority, this shall include details of any bat boxes and/or bird nesting opportunities appropriate to species found on the Isles of Scilly. Appropriate local guidance from the Isles of Scilly Wildlife Trust, for example, should be sought to inform the type, number and positioning of suitable bat and bird boxes. The measures approved shall be installed, prior to the first breeding/nesting season following completion of the development and shall be retained as such thereafter.

PRE-COMMENCEMENT CONDITION(S)

- Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all waste arising from building works, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.
- Prior to the commencement of the development, hereby approved, a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures to seek to ensure the development achieves a water consumption standard of 110 litres of water per person per day as well as energy generation/minimisation measures. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted and be retained as approved thereafter.

PRE-INSTALLATION CONDITION

Prior to their installation in the building, details of the design, materials and colour finish of new and replacement doors and windows, shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed as approved and be retained as such thereafter.



COUNCIL OF THE ISLES OF SCILLY

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-COMMENCMENT CONDITIONS

Dear Applicant,

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

Carrying out the Development in Accordance with the Approved Plans

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

Discharging Conditions

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

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

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

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

Amendments

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

Appealing Against the Decision

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

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

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

You find more information on appeal types including how to submit an appeal to the Planning Inspectorate by visiting https://www.gov.uk/topic/planning-development/planning-permission-appeals or you can obtain hard copy appeal forms by calling 0303 444 5000. Current appeal handling times can be found at: Appeals: How long they take page.

Building Regulations

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

The Building Control function is carried out on behalf of the Council of the Isles of Scilly by Cornwall Council. All enquiries and Building Control applications should be made direct to Cornwall Council, via the following link <u>Cornwall Council</u>. 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/

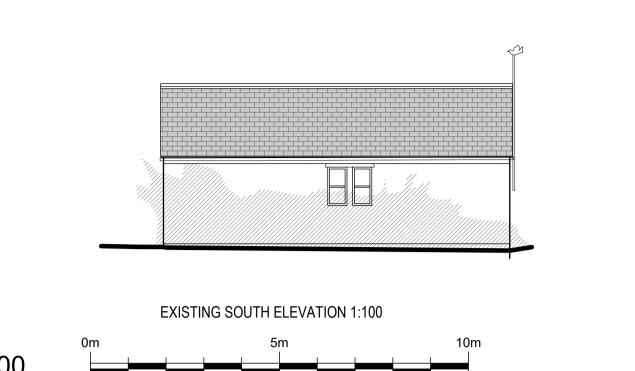
Registering/Altering Addresses

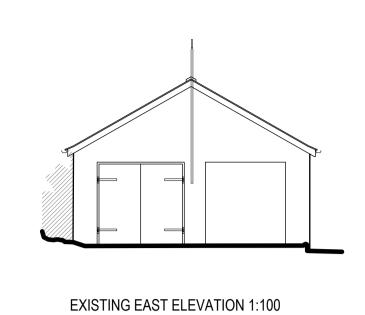
If you are building a new dwelling, sub dividing a dwelling into flats or need to change your address, please contact the Planning Department who will be able to make alterations to local and national databases and ensure postcodes are allocated.

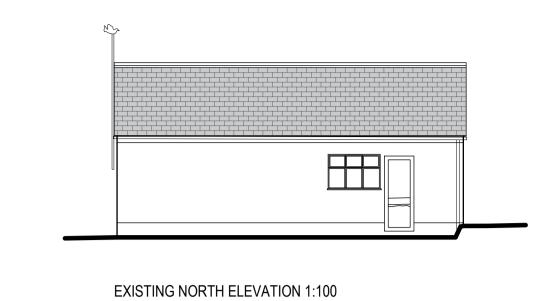
Connections to Utilities

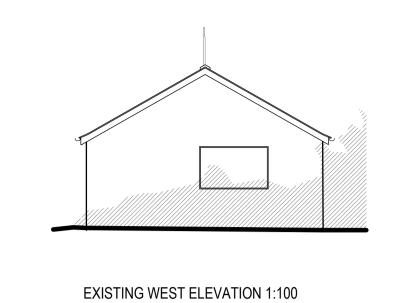
If you require a connection to utilities such as water and sewerage, you will need to contact South West Water on 08000831821. Electricity connections are made by Western Power Distribution who can be contacted on 08456012989.

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.

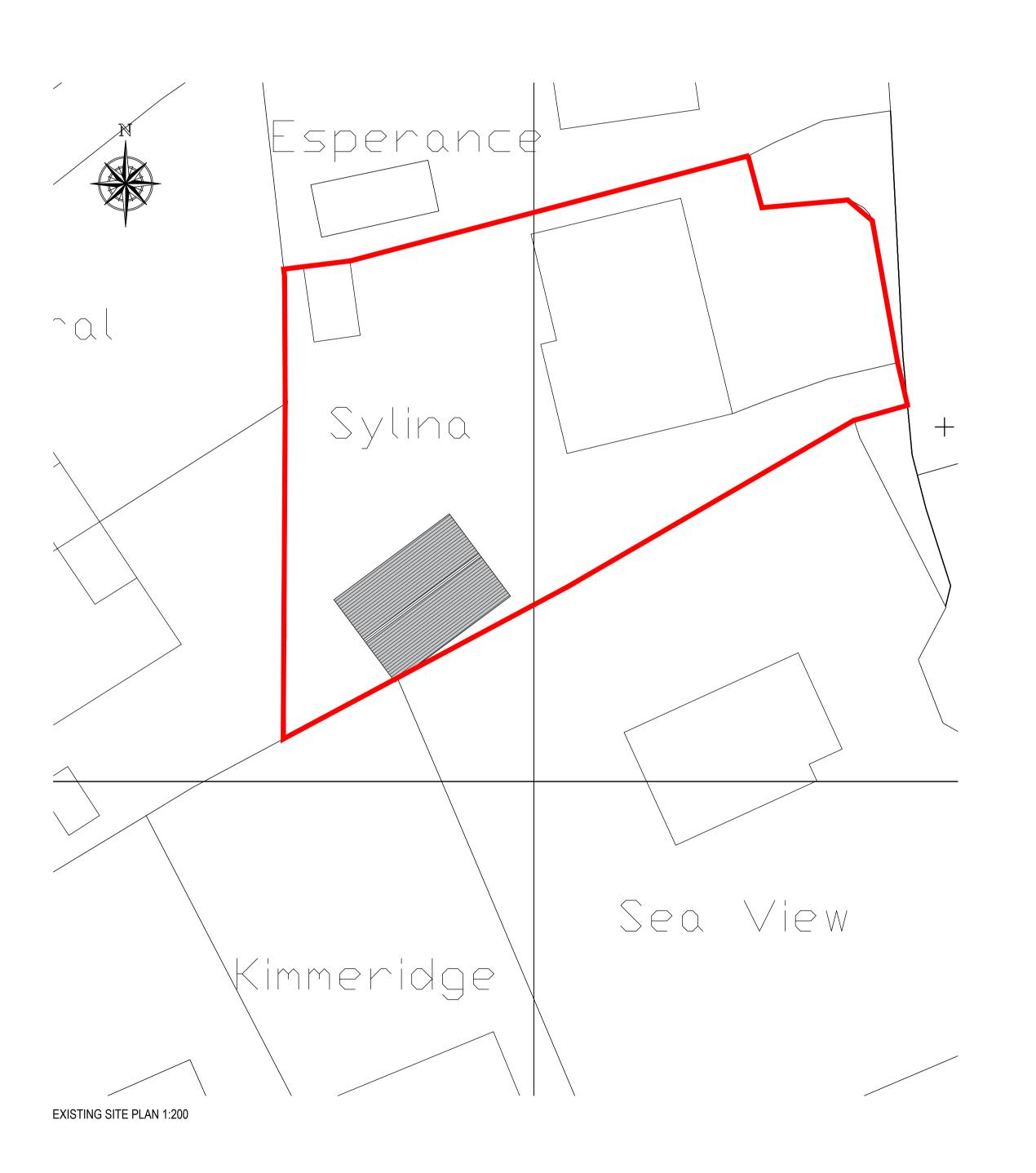




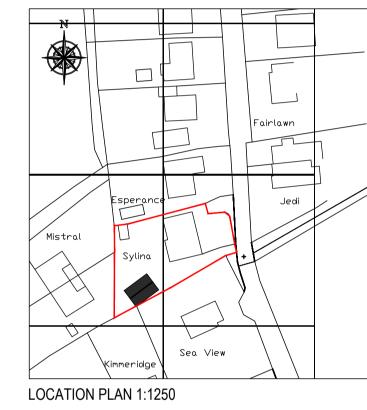




EXISTING FLOOR PLAN 1:50









THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DRAWINGS, DETAILS AND SPECIFICATIONS ISSUED FOR CONSTRUCTION PURPOSES BY OTHERS.

THIS DRAWING HAS BEEN PREPARED TO OBTAIN PLANNING AND BUILDING REGULATION DECISIONS $\underline{\text{ONLY}}$ ALL CONTRACTORS MUST VISIT THE SITE FOR THEIR OWN ASSESSMENT WHEN PRICING

THE CONTRACTOR IS RESPONSIBLE FOR ALL DIMENSIONS AND FOR THE CORRECT SETTING OUT OF THE WORK ON SITE, ONLY FIGURED DIMENSIONS ARE TO BE USED. ANY DISCREPANCIES ARE TO BE REPORTED BEFORE PROCEEDING. DO NOT SCALE FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK! ALL MATERIALS AND WORKMANSHIP TO COMPLY WITH CURRENT BRITISH STANDARDS AN CODES OF PRACTICE 08-12-23 PLANNING APPLICATION

THIS DRAWING IS COPYRIGHT

CLIENT / SITE

Mr Brown

NOTES.

Sylina, McFarlands Downs St Mary's, Isles of Scilly TR21 0NS

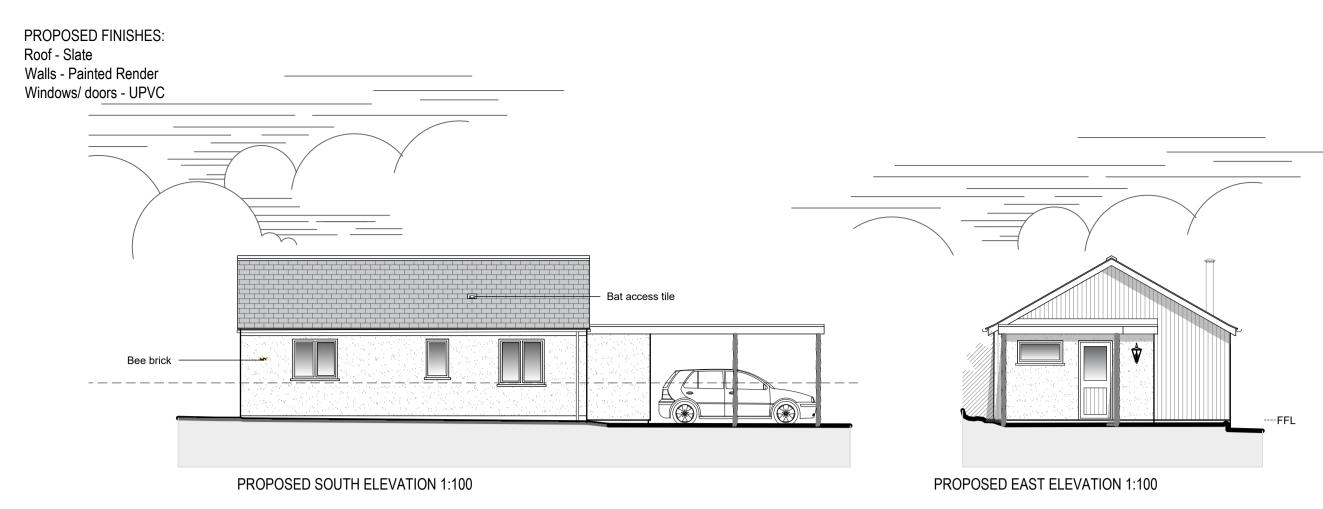
Proposed conversion/change of use of workshop to local needs dwelling

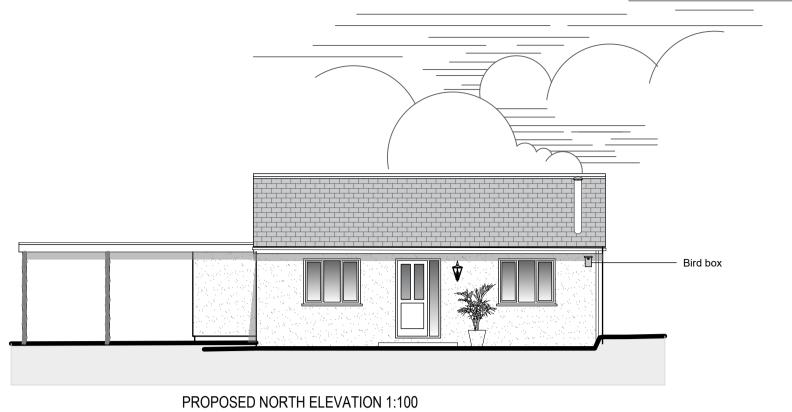
Existing Plans, Elevations and Location Plan

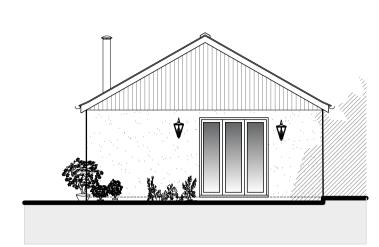
O1 SCALES 1:50, 1:100 &1:1250 @ A1 DATE October 2023 A DRAWN DN



St Marys House, Points Mills, Bissoe, Nr Truro, TR4 80Z e-mail : enquiries@n-h-b.co.uk telephone : 01872 870888 / faxsimile : 01872 870500 www.nhbarchitecturalservices.co.uk

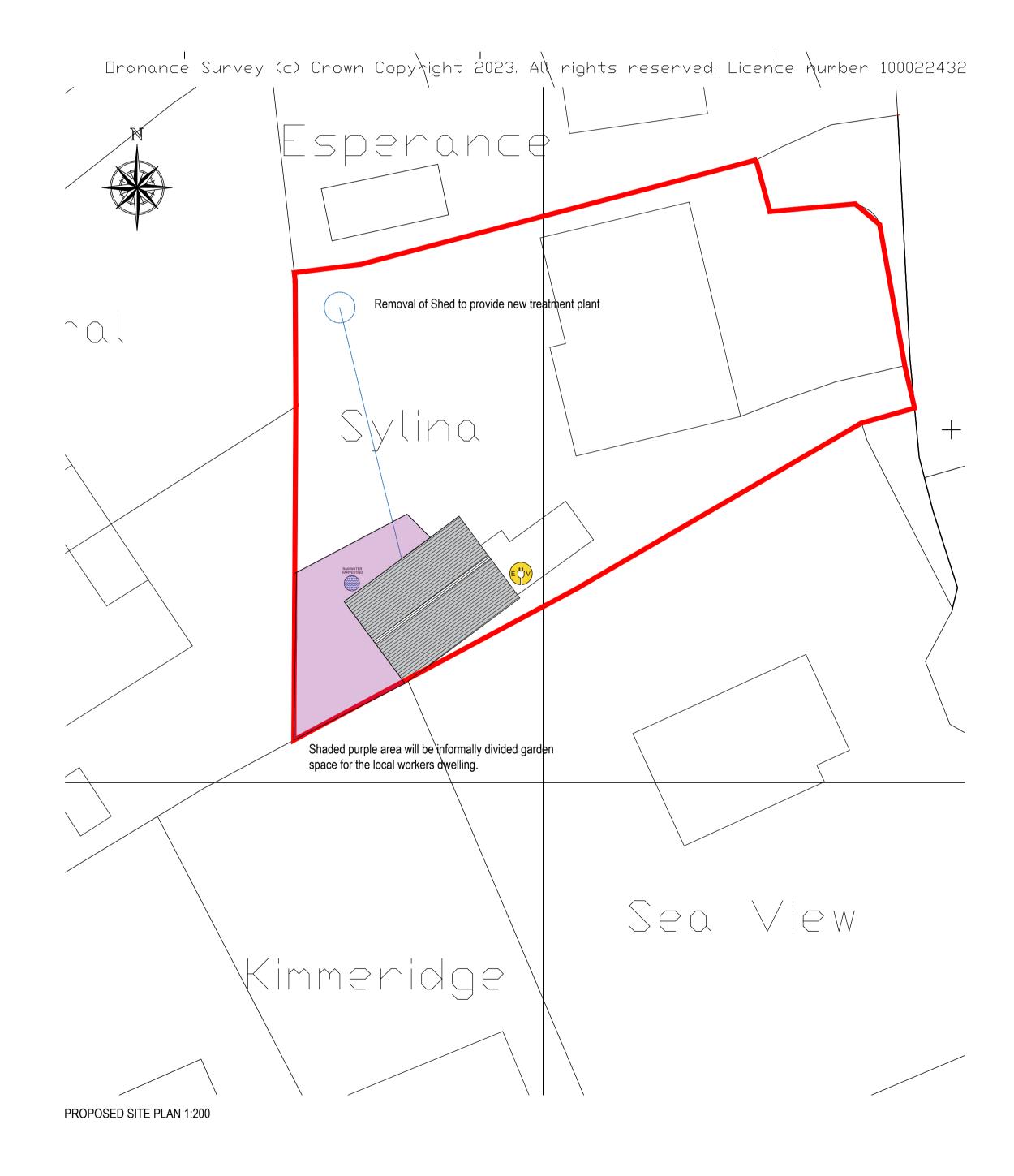


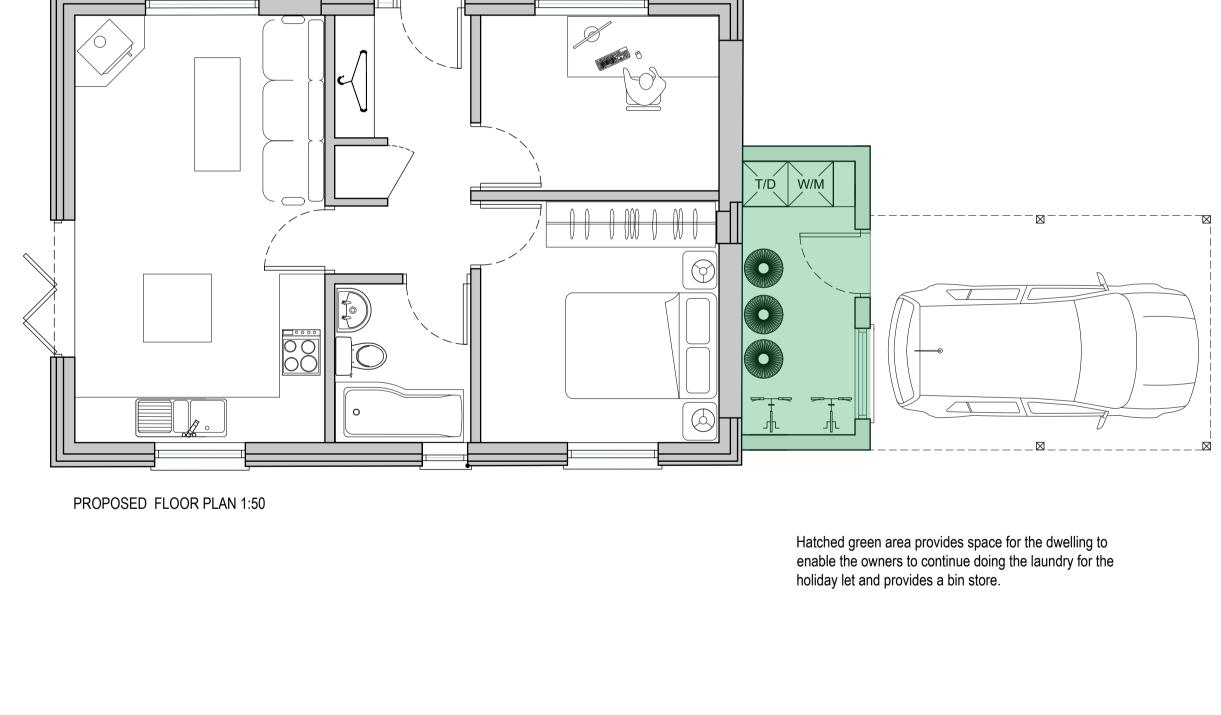




PROPOSED WEST ELEVATION 1:100







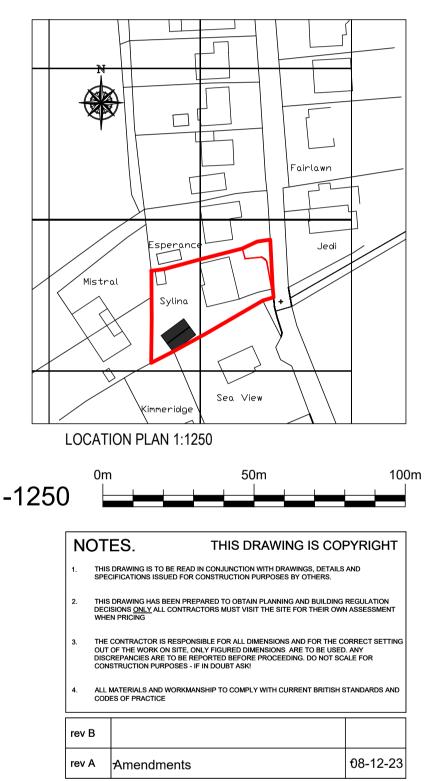
1-50





APPROVED

By Lisa Walton at 11:20 am, Apr 11, 2024



PLANNING APPLICATION

Proposed conversion/change of use

of workshop to local needs dwelling

Proposed Plans, Elevations and

Sylina, McFarlands Downs

St Mary's, Isles of Scilly

CLIENT / SITE

Mr Brown

TR21 0NS

Location Plan



02 SCALES 1:50, 1:100 &1:1250 @ A1

DATE October 2023

St Marys House, Points Mills, Bissoe, Nr Truro, TR4 8QZ e-mail : enquiries@n-h-b.co.uk telephone : 01872 870888 / faxsimile : 01872 870500 www.nhbarchitecturalservices.co.uk APPROVED

By Lisa Walton at 11:19 am, Apr 11, 2024

RECEIVED
By A King at 2:08 pm, Dec 11, 2023

ARCHITECTURAL SERVICES LID

PLANNING, DESIGN AND ACCESS STATEMENT – PROPOSED CHANGE OF USE OF WORKSHOP TO LOCAL NEEDS DWELLING AT SYLINA, MACFARLAND DOWNS, ST MARYS, TR21 ONS FOR MR J BROWN

1. INTRODUCTION

This planning statement supports an application for conversion of workshop to letting accommodation for persons employed locally.

2. SITE DESCRIPTION

The current use of the site is an existing holiday let with residential accommodation. The proposed development site is a detached block built pitched roof building to the south-east boundary corner of Sylina. The new dwelling will have its own amenity space as shown in purple. There will not be a formal boundary created. There will be no impact on the existing holiday let or residential accommodation.

3. DESCRIPTION OF DEVELOPMENT

Conversion of redundant workshop to accommodation for local needs persons. The property will be upgraded to comply with the current building regulations. A small extension is proposed to form a utility area and bin store for the holiday let and residential accommodation.

4. DEVELOPMENT JUSTIFICATION

Amount of Development

Conversion of redundant workshop to accommodation for locally employed persons. The property will be upgraded to comply with the current building regulations. A

small extension is proposed to form a utility area and bin store. The proposal will have a wood burner with back boiler to provide sustainable heat and hot water. Rainwater harvesting is to be incorporated. The building will be insulated to the current building regulation requirements.

Layout, scale and external appearance

The layout, appearance and scale are clearly illustrated on the accompanying plans.

Highways & access

There are no changes to the existing vehicular and pedestrian access.

5. PLANNING POLICY

Promoting a sustainable Scilly (8)

- 98. Re-Using Buildings The re-use of previously developed land and buildings is a sustainable way of reducing the need to construct new buildings, and reduces the depletion of greenfield land. The Agricultural Buildings of Scilly project, which was carried out in 1995, sought to identify all existing traditional agricultural buildings on the islands. Many of these buildings still remain, and it is vital that any re-use of these, as well as other non-agricultural buildings, is sympathetic to the character and scale of the existing structures and surrounding landscape character. The re-use of any existing historic or traditional building, particularly those agricultural buildings listed in the Agricultural Buildings of Scilly Project, should be accompanied by a structural survey to ensure it can be viably converted.
- 99. To support growth and expansion of the rural economy, existing buildings that are suitable for conversion should be used for small-scale business uses, to help sustain the rural economy without creating the need for new buildings in the countryside. Employment uses will often require only minor alterations to the structure or exterior of the building, thereby maintaining a traditional appearance in the rural scene; and, in the case of buildings of historic or architectural merit, their original character.
- **100.** Policy SS3 allows for the re-use of non-residential buildings as new homes. Allowing residential use needs to be balanced against the importance of retaining buildings that are capable of helping the islands' economy.
- 101. Conversion to residential use will only be allowed if it is specifically required to meet a permanent local housing need or for staff accommodation, and it has been demonstrated that commercial uses (excluding holiday lets) are not viable. In certain circumstances, residential use specifically for a holiday letting opportunity may be justified as an appropriate means of preserving a building of particular architectural or historic merit because it is the only means of funding its restoration and retaining its original features. In these circumstances, evidence should be provided demonstrating the reasons why a commercial proposal would not be appropriate for preserving the building.

Policy SS3 (1)

Re-use of Buildings

- 3) The re-use of non-traditional buildings for residential use will only be permitted provided that all of (1) criteria a)-e) are met and where the proposal is to address a local housing need or staff accommodation and is subject to appropriate occupancy restrictions in accordance with Policies LC2 and LC4.
- 4) Any demolition or re-roofing of a building should not result in harm to any protected species. A Preliminary Environmental Assessment should be submitted to demonstrate the impact of the proposal on any protected species present within of using the site.
- 138. Policy SS6 protects the environment and public health by requiring connections to existing networks that are fit for purpose, and with the appropriate existing or planned capacity where available. As a last resort, proposals must provide a new private package treatment system appropriate to the scale of development proposed. The installation of new sewage treatment packages should obtain the necessary permit from the Environment Agency, in accordance with the General Binding Rules.

Policy SS6

Water and Wastewater Management

- 139. With Flood Risk The islands are a flooded landscape that was originally connected to Cornwall until around 10,000 years ago. The rising sea level created the islands of St Agnes, Annet and the Western Rocks at around 3000 BC. The other modern-day islands remained a single island until a period from around 1000 BC onwards. This process of inundation is ongoing, and the predicted rise in sea level varies from 15 cm to 60 cm over the next 75 years. As such, the islands are, and will remain, vulnerable to coastal flooding.
- **140.** Development will be permissible where it complies with the NPPF and national guidance, takes account of local evidence and strategies (including the Local Flood Risk Management Strategies (LFRMS) and the Shoreline Management Plans (SMP)), and incorporates appropriate mitigation. To assist in the process, the Environment Agency is mapping the islands in terms of flood risk zones,17 which will be rolled out during the plan period.
- **141.** The LFRMS for the Isles of Scilly was published in 201718 and states that the primary flood risk for the islands will be from coastal flooding. Coastal flooding occurs when the sea level rises above the level of coastal land. It is exacerbated by tidal movements, ground sea swell, strong winds or other extreme weather conditions, as well as low atmospheric pressure and/or heavy rainfall.
- 142. The Isles of Scilly Climate Change Strategy 2011 indicates that the climate change impacts for the region include the likelihood of warmer, drier summers, milder, wetter winters, and rising sea levels. In addition, the area will be subject to more extremes, including increases in intense downpours, both in terms of volume and frequency; shorter return periods for high-water levels at the coast; storm surge levels being predicted to exceed current levels; as well as an increase of around 1 metre in average annual offshore wave heights by 2080. High spring tides are predictable, but weather conditions can create storm surges and groundswell that add to the water levels. Future predictions indicate that the islands can expect an increased level of flood risk, due to a combination of rising sea levels (at a rate in the South

West that is faster than the rest of the UK); more intense storm activity, with storm surge levels that exceed current levels; along with increased offshore wave heights.

- **143.** The higher frequency and ferocity of storm events will increase the severity and incidence of tidal flooding and the rates of coastal erosion. Given that it is not viable to continually raise the height of sea defences, the maintenance and strengthening of existing defences, both man-made and natural, will be important to protect property and critical infrastructure. The islands will need to adapt to flooding by developing effective mitigation and recovery measures.
- 144. Historic flooding events have affected all of the inhabited islands in recent years, with certain areas known to be at greater risk than others. Within these areas, the LFRMS and SMP advocate a range of approaches, including taking no active intervention (NAI), Holding The Line (HTL), and Managed Realignment (MR). Areas known to be at a higher risk from coastal flooding and erosion are below the 5-metre contour (5 metres Above Ordnance Datum (AOD), Newlyn), and are identified on the Policies Map of this Local Plan. Development proposals in these areas should be avoided where possible, or subject to a Flood Risk Assessment (FRA) as required by Policy SS7, to ensure that vulnerable uses are protected and risks mitigated.
- 145. The submission of a site-specific FRA will be required, to ensure that development proposals that have to take place in areas at risk of flooding are resilient to those risks. A FRA must demonstrate a knowledge of the flood risks and ensure that the physical damage of flooding on homes and businesses is both minimised and recovered quickly (i.e. the time it takes to make the property usable/habitable again, with more advice provided by the Flood Repairable House guidance19). Further policy and guidance on undertaking a Flood Risk Assessment can be found on the Environment Agency website and National Planning Practice Guidance on Flood Risk and Coastal Change.
- **146.** As of 2019, a £3.4 million Sea Defence Works and Dune Management Project is being prepared by the Council, with funding from the ERDF21 and the Environment Agency. This project is anticipated to take place during the plan period.
- 147. Historic flooding events have affected all of the inhabited islands in recent years, with certain areas known to be at greater risk than others. Within these areas, the LFRMS and SMP advocate a range of approaches, including taking no active intervention (NAI), Holding The Line (HTL), and Managed Realignment (MR). Areas known to be at a higher risk from coastal flooding and erosion are below the 5-metre contour (5 metres Above Ordnance Datum (AOD), Newlyn), and are identified on the Policies Map of this Local Plan. Development proposals in these areas should be avoided where possible, or subject to a Flood Risk Assessment (FRA) as required by Policy SS7, to ensure that vulnerable uses are protected and risks mitigated.
- 148. Where appropriate, development proposals need to consider adequate and appropriate drainage systems to direct flood waters without putting other areas at risk, as well as the use of permeable surfaces. This requirement could include the identification of appropriate sites for containing those flood waters during storms, prior to their release at times of low tide or when the storm event abates. Sustainable Drainage Systems (SuDS) will have an important role in the management of rainfall and surface water, particularly in low-lying or flood-prone areas, as well as helping to

improve water quality. 160. During the plan period, the following areas have already been identified as likely to be subject to flood and coastal risk-management works.

Protecting and enhancing the Natural Environment

A bat and owl survey has been carried out. Bird box, bat tile and bee brick are to be provided.

Policy OE2 (1)

Biodiversity and Geodiversity

- 1) Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should:
- a) Protect the hierarchy of international, national and local designated sites in accordance with their status;
- **b)** Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;
- c) Contribute to the restoration and enhancement of existing habitats and the creation of wildlife habitats and linkages between sites to create and enhance local ecological networks;
- **d**) Seek to eradicate or control any invasive non-native species present on site; and
- **e**) Be required to contribute to the protection, management and enhancement of biodiversity and geodiversity.

Policy OE2 (2) (3) Biodiversity and Geodiversity

- 2) Development proposals must:
- a) apply the mitigation hierarchy to all proposals;
- **b)** demonstrate how they conserve or enhance biodiversity and ecosystem processes;
- c) follow local guidance on biosecurity to control the spread of invasive non-native species; and
- **d**) ensure proportionate and appropriate biodiversity net-gain is secured.
- 3) Development proposals will not be supported where significant and harmful direct or indirect effects on biodiversity and ecosystem processes are identified, unless: a) the need for the development clearly outweighs the harm caused; and b) an appropriate scheme is proposed that will secure compensation and net-increases in biodiversity.

Policy OE2 (4) (5) Biodiversity and Geodiversity

4) Development proposals will not be permitted where a detrimental impact is identified to geodiversity sites unless the need for development outweighs the harm caused.

Avoidance, Mitigation and Compensation for Biodiversity and Geodiversity Impacts

5) Development should avoid adverse impacts on existing biodiversity and geodiversity interests as a first principle, and enable measurable net gains by designing-in biodiversity features and enhancements and opportunities for geological conservation alongside new development, in accordance with Policies SS1 and SS2. Where adverse impacts are unavoidable, it must be demonstrated that the

development cannot be reasonably located on an alternative site that would result in less or no harm to biodiversity or geodiversity interests; and impacts must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort. Clear arrangements for the long-term maintenance or management of the mitigation and compensation need to be provided.

Protecting and enhancing the Natural Environment (11) (12) (13) – No negative impact on the environment

Policy OE4

Protecting Scilly's Dark Skies

No external lighting is required.

Policy OE5

Managing Waste

Responsible recycling will be carried out. Kerb side waste will maintained for collection.

Building a Strong Living Community

Policy LC1 (1) (2)

Isles of Scilly Housing Strategy to 2030

This application is for accommodation for people employed on the islands

Building a Strong Working Community (1)

297. The islands are a place where a variety of employment needs have to be met to support a working community. It is important that those employment needs are consistent with protecting Scilly's natural and historic landscape, particularly as the economy is largely underpinned by its exceptional environment.

Building a Strong Working Community

Policy WC2

Home-Based Businesses

- 1) Small-scale home-based businesses will be supported in residential properties including:
- a) the change of use of existing buildings, or
- **b**) small-scale extensions, or

Building a Strong Working Community (6)

310. New Employment Development There are a number of existing employment sites across the inhabited islands; these have a variety of business or storage uses. Such sites comprise an important element of the island economy and provide local job opportunities. Within the boundaries of existing employment sites, proposals for redevelopment or intensification through extensions or new buildings will be permitted, provided there is no significant harm to the landscape, and that proposals deal comprehensively with the whole site. Proposals that involve the extension of the site boundary into the countryside will be considered on their individual merits. Open storage will only be permitted if it is not visually intrusive.

Policy WC3

New Employment Development

- 1) The redevelopment or extension of buildings or erection of new buildings for employment use will be permitted provided that proposals accord with Policy WC1, and where:
- a) it is well integrated within an existing settlement; or
- **d**) it does not result in an unacceptable impact on the environment or residential amenities, in accordance with other relevant policies within the Local Plan.

Building a Strong Working Community (10)

Staff accommodation is an important aspect of supporting the tourism industry. Where new or expansions of businesses are proposed that require additional staff accommodation, this would need to be in accordance with Policy LC4. If accommodation approved or already provided is no longer needed to support a business, Policy LC5 seeks to ensure that any change of use meets local housing needs, unless it is otherwise demonstrated to meet the criteria for other uses.

6. CONCLUSION

The building is currently unused. On the Isle of Scillys there is a desperate shortage of accommodation for people employed on the Islands. The conversion will make a valuable contribution to reducing the shortage without the loss of land.

We therefore consider your council should reasonably grant conditional planning permission.

APPROVED

By Lisa Walton at 11:18 am, Apr 11, 2024

PRELIMINARY ROOST ASSESSMENT (PRA)

GARAGE ASSOCIATED WITH SYLINA, MCFARLANDS DOWN, ST MARY'S, ISLES OF SCILLY



Client: NHB Architects

Our reference: 23-11-3

Planning reference: Produced in advance of submission

Report date: 3rd December 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 use of the garage by bats.

This judgement was reached in accordance with the survey methodologies and evaluation criteria outlined in the Bat Surveys for Professional Ecologists: Good Practice Guidelines 4^{th} edition 1

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 summary of standard Good Practice to be observed by contractors is provided in Appendix 1.

It is not recommended that any Planning Conditions are required with regards to bats in order to ensure legislative compliance during conversion works.

In order to provide biodiversity enhancement, a bat box could be erected on the western aspect of the converted building. Guidance on suitable specifications is provided.

Nesting Birds - Results and Findings

The building provides suitable nesting habitat for breeding birds, with historic nests identified.

The more mature vegetation within the garden is likely to support suitable nesting habitat for breeding birds.

Nesting Birds - Recommendations

Recommended measures to ensure legislative compliance and Good Practice with regards to nesting birds is outlined in the report. This includes methodologies for pre-emptive exclusion in specific locations; timing of works to avoid impacts; or as a last resort, a pre-commencement nesting bird survey.

Nest boxes could be erected either on the converted building or within the garden. Guidance on suitable specifications is provided.

¹ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London

PRELIMINARY ROOST ASSESSMENT (PRA)

Planning Authority:	Location:	Planning Application ref:
Isles of Scilly	SV 91237 12238	Report produced in support of application

Planning application address:

Sylina, McFarland's Down, 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:

1) Conversion of the existing garage into a residential dwelling. This would involve both internal and external works but would not include replacement of the existing roof.

Building references:

The garage 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 $30^{\rm th}$ November 2023 in accordance with relevant Best Practice methodology².

Local and Landscape Setting:

The Site is set at the southern end of a small linear development of detached dwellings at MacFarland's Down. Each of the properties are set within their own mature gardens consisting of a mixture of lawn and flower borders which are bounded by hedgerows that contain the occasional mature tree.

The land immediately to the west is a dwelling in the process of construction, beyond which is a large, open field of semi-natural grassland broken up by small blocks of scrub which is seasonally grazed by cattle. This field backs onto open headlands, consisting of a mosaic of coastal grassland, heathland and scrub which are grazed for conservation purposes.

Immediately to the west is a small block of cultivated fields used for growing flowers which are linked to a small shelterbelt by mature hedgerows of Pittosporum. This shelterbelt forms part of the north-eastern boundary of the local golf course, a large, exposed expanse of very short grassland and heathland with minimal trees or shrubs to provide cover.

Due south and to the south-east of the proposed development the landscape is dominated by a mosaic of small, enclosed fields used for growing flowers. This contiguous patchwork of small fields, hedgerows and linear shelterbelts extends for at least 2km, reaching as far south as both wetland SSSIs.

Immediately east of the site is a lane bounded on both sides by mature hedgerows which leads to a small shelterbelt to the north and to further cultivated fields bounded by hedgerows. This habitat extends 660m north-eastwards to the large pine shelterbelt at Trenoweth. To the east

² Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London

the small fields and lanes are bounded by hedgerows or mature trees. This habitat continues south-eastwards for at least 2km.

A common pipistrelle roost was recorded within McFarland's Down in 2014 in a garage approximately 60m to the east of the site, with further transient/day roosts recorded associated with properties over 500m away to the east.

Building Description(s):

This assessment is restricted to the garage set within the grounds of Sylina – it does not include the existing dwelling house or any other aspects of the property. The garage under assessment in this report is identified in the map provided in Appendix 2.

The garage is a single-storey structure built around a timber frame atop a breeze block base. The exterior is rendered and in good condition throughout. The window and door frames are tightly fitted with no gaps noted.

The pitched roof is covered by flat-slate with ridge tiles – the roof is in good condition with no gaps or other roosting opportunities noted. The roof verge is well sealed on the gables with no gaps noted.

There are boxed soffits running along the eaves with guttering attached – this guttering would obstruct any potential access to features beneath the flat tiles, if present. The soffits themselves are in relatively poor condition with gaps between the timbers – these are not sufficiently wide to provide access for roosting bats in their current condition but this could develop in time with ongoing deterioration in condition. A minor gap in the soffit at the north-eastern gable has debris indicating historic nesting – an inspection with a video endoscope revealed that this debris blocks the cavity and therefore precludes access for bats.

Internally, the building is used for routine storage and historically for housing rescued racing pigeons. The timber studwork walls are exposed internally and are tightly fitted to ply on the exterior providing no gaps or other roosting opportunities. The concrete floor was relatively clean and a full inspection of interior surfaces did not reveal any evidence of droppings or urine staining. The timber roof frame does not have a ridge beam. The underlay membrane is in good condition throughout preventing access between the interior of the garage and cavities beneath the tiles.

The windows and doors are in good condition – the main access includes double-doors on one side, and a further opening sealed with wire mesh allowing air flow but precluding fly-in access by bats.

Survey Limitations

There were no significant limitations to access or survey inspection which might affect the evidence base for 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 with regards to the garage.

Recommendations and Justification (Bats):

No further surveys are recommended – the conclusion of **negligible potential** 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, especially if the condition of structural features were to change.

A summary of standard Good Practice to be observed by contractors is provided in Appendix 1.

It is not recommended that any Planning Conditions are required with regards to bats in order to ensure legislative compliance during conversion.

In order to provide biodiversity enhancement, a bat box could be installed post-conversion. The box should be positioned facing west at a height of at least 3m from the ground to minimise the risk of predation – ideally below the gable apex. An open-based box design would ensure that it would not require cleaning. The location and aspect would be optimal for bats such as 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

Swallow nests were identified in the garage itself. From a conversation with the owner, it is understood that these occurred in previous years when the garage was left open and, once the nests had established, the birds were allowed to maintain the nest and fledge the young. However in more recent years, the doors have been closed to prevent this use which means that conversion works would not affect the availability of this nesting resource in the future.

The historic nest present in the north-eastern corner of the soffit represents a feature associated with deterioration in the condition of the structure – similarly, routine repairs might be expected to remove this feature regardless of conversion works.

The more mature vegetation within the garden would provide suitable nesting habitat for birds although it is not clear that removal of woody vegetation would be required to facilitate the development of the site.

Recommendations and Justification (Birds):

There are three approaches which can be taken to ensure that the proposed conversion works do not impact on nesting birds. These are:

- pre-emptive exclusion outside of the breeding season;
- avoidance of impacts through timing of works; and
- pre-commencement inspection.

A combination of approaches can be applied depending on the schedule of works.

Pre-emptive exclusion

Access to the interior of the garage by birds including swallows can be prevented by keeping doors and windows closed during the breeding season.

If all access features are sealed before the end of February, this would ensure that breeding birds do not have opportunity to establish nests. Utmost care must be taken to ensure that no birds are present in the garage at the time that the access features are sealed to prevent birds from being trapped. This would require a careful walkover of the garage. Upon completion of this inspection, windows and doors should be closed and sealed.

Excluding access to the soffit could also be undertaken with care outside of the breeding season. The old nest should be carefully removed by hand and confirmed not to be in active use before the feature is are sealed. The presence of the dense nesting material and lack of access to further voids within the soffits would currently prevent use of these features by bats.

Timing of Works

Works affecting all structures can be undertaken without constraint if completed outside of the breeding season which runs from March – September inclusive. This is also the recommended approach to any minor clearance works related to shrubs and small trees within the grounds of the property.

Pre-commencement Inspection

If the recommended timing of works is not practicable, and if pre-emptive exclusion measures have not been undertaken, then a nesting bird survey would need to be carried out by a suitably qualified person prior to the commencement of works.

Careful observation would be required to ensure that the parent birds are not constructing a nest or provisioning the young. Nests are only protected if they are active (i.e. being used to rear young) or in the process of being built.

- Where active nests are identified, works affecting these must be delayed until the chicks have fledged the nest.
- Once it is confirmed that nests are absent or no longer active, the relevant features should be dismantled carefully and by hand as a precaution and works can continue.

Enhancement Measures

It is recommended that enhancement measures are designed into the project to provide replacement nesting habitat for breeding birds. This could be achieved through the erection of bird boxes on the converted building or within the garden.

- The mature garden would offer a high chance of occupation by a range of birds including woodland edge species. Nest boxes could include those suitable for hole-dwelling species such as blue tits, or open-fronted boxes for species such as blackbird and robin. 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.
- Externally-mounted nest box(es) for swallow should be provided. These should be situated on the western aspect of the building where there is a good fly-in access for this species and where disturbance would be minimal.

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

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

Signed by bat worker(s): Date: 3rd December 2023

APPENDIX 1

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BEST PRACTICE WITH REGARDS TO BATS

The purpose of this Method Statement is to ensure that contractors undertaking conversion works are aware of their legal duties with regards to bats, and aware of the appropriate action to be taken in the highly unlikely event of bats being encountered.

Contractors should 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:

Soffits

There are occasional gaps between timbers of the boxed soffits. Where these are to be removed or impacted as part of the proposed works, the soffits should be carefully removed and the void behind them exposed 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 a Licenced Bat Worker 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 Licenced Bat Worker 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 Licenced Bat Worker cannot be contacted for advice.

APPENDIX 2

LOCATION PLAN AND PHOTOGRAPHS



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



Map 02 – Showing the garage with a red wash. The residential property Sylina is present to the northeast of the garage. The property shown to the south-east has been demolished and a new dwelling is being constructed on the site at the time of writing.



Photograph 1: Showing the northern and western (gable) aspects of the garage.



Photograph 2: Showing the front of the garage facing east – the mesh-sealed opening can be seen to the right of the double doors.



Photograph 3: Showing an example of the well-sealed window frames.



Photograph 4: Showing the soffits on the northern aspect – the minor gap between timbers is indicated.



Photograph 5: Showing the minor cavity at the north-eastern corner of the building where a historic nest is present.



Photograph 6: Showing the interior of the property - the exposed studwork walls and well-sealed membrane above the rafters can be seen.