

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/18/085/FUL  
**Received on:** 30 November 2018  
**Application Expiry date:** 01 February 2019  
**Extension of Time Agreed:** None  
**Neighbour expiry date:** 28 December 2018  
**Consultation expiry date:** None  
**Site notice posted:** 07 December 2018  
**Site notice expiry:** 28 December 2018

**Applicant:** Mr Alastair Martin  
**Site Address:** Old Town Barn,  
Old Town Road,  
Old Town,  
St Mary's  
Isles of Scilly

**Proposal:** Installation of roof light on north facing roofslope.  
**Application Type:** Planning Permission

## Recommendation

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1. That the Application is APPROVED subject to the condition set out below.
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## **Contributors:**

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### **Public Representations:**

None

### **Consultation Representations:**

None

## **Constraints:**

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**Scheduled Monuments:** None

**Listed Buildings:** None

**Archaeological Constraint Areas:** None

**Historic Landscape Character:** Multiple (Spatial)

## **Site Description and Proposed Development**

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This is an application for the installation of a new rooflight to the north-western roofslope of the property Old Town Barn. Old Town Barn is a detached dwelling located adjacent to the south-eastern side of the public highway Old Town Road within Old Town of St Mary's. The building has residential neighbouring properties to the south and to the north on the other side of Old Town Road. The dwelling has stone elevations under a slate roof with timber fenestration.

The proposed rooflight would measure approximately 0.5m x 0.5m and would be conservation style with a central glazing bar. It is proposed to be installed on the north western roofslope close to the ridge.

## **Background and Relevant History**

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In 1988 permission was granted under application **P2818** for the change of use of a redundant buildings into a workshop (class B1 Use). In 2004 permission was granted for the change of use and conversion of the workshop into a dwelling under application ref: **P5486**.

## **Consultations and Representations**

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No consultations have been required due to the nature of the proposal. Neighbouring properties sharing a boundary with this property or adjacent to this property have been written to directly:

- Old Town Cottage
- 19 Launceston Close
- 18 Launceston Close
- 2 The Farmhouse
- 1 The Farmhouse

A site notice has been on display in the vicinity of this property for a period of 21 days. No letters of representations have been received.

## **Primary Legislation and Planning Policy**

### **Primary Legislation**

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#### **The Planning (Listed Buildings and Conservation Area) Act 1990**

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

#### **The Countryside and Rights of Way Act 2000**

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and

enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

### **The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)**

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

## **Planning Policy**

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### **National Planning Policy Framework (NPPF) 2018**

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at draft stage, which has gone through one further Regulation 18 Public Consultation and is supported by a raft of evidence on these issues. The Draft Local plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

### **Isles of Scilly Local Plan 2005**

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest (SSSI); and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.

### **Isles of Scilly Design Guide 2007**

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

### **Consultation Draft Isles of Scilly Local Plan 2015-2030**

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE3). This emerging document also contains policies for the following policies relevant to this proposal:

Policy SS1 (Principles of Sustainable Development): requires development to meet the economic and social needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment. Development will be required to make a positive contribution towards the social, economic and environmental sustainability of the Isles of Scilly, while minimising its environmental footprint and taking into consideration climate change.

Policy SS2 (Sustainable Quality Design and Place-Making): requires new development design to contribute to the creation of high quality, distinctive, functional and sustainable places. Development will not be permitted if it is considered to be of poor or unsustainable design.

Clearly, the consultation draft Local Plan has not yet been adopted. At the time of writing this report, these policies can only be given limited weight.

## **Planning Assessment**

The main planning considerations are whether the proposal is acceptable in principal, whether it gives rise to any harm to the wider character of the area, whether there are any amenity issues for neighbouring properties. As the works include alterations to a roof, it is necessary to establish the likely impact of the proposal upon protected species including bats and birds.

Installing a rooflight within an existing property, which is not otherwise protected, can usually be carried out under permitted development rights, as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). There are a series of Article 4 Directions in place for the islands which have removed a number of permitted development rights. This includes an alteration to a roof of a property for which the rights to carry out this type of work was removed in the Article 4 Direction enacted in 1995.

Old Town Barn is not identified as a listed building or other designated heritage asset such as a locally important building within the Conservation Area, for example. The dwelling was created through the conversion of a former Use Class B1 workshop in 2004 (P5486).

In principle, it is considered that the installation of a single rooflight in this residential dwelling is acceptable. In terms of amenity impact, it is noted that the proposed rooflight would be installed on the north western roofslope of the property. This elevation fronts the public highway and separates

the property from the neighbouring property- Old Town Cottage- on the other side of the highway. The proposed rooflight would not afford views into the existing openings of Old Town Cottage due to the orientation of the two properties and the height of the proposed rooflight on the roofslope of Old Town Barn. No letters of public representation have been received and it is therefore considered that the addition of a rooflight would not create an unacceptable impact upon the privacy and amenity of neighbouring properties.

Although there are no existing openings on this elevation, the proposal would be seen within the context of the existing dwelling and would not give rise to any harm to the wider character of this area and would have a neutral impact upon the Conservation Area. The proposal is not considered to give rise to harm to the scenic beauty of the wider AONB and Heritage Coast.

The proposal would not impact upon highway safety.

In terms of the impact upon protected species, a Bat and Barn Owl Survey (dated 18<sup>th</sup> January 2019) has been commissioned and submitted in support of the application. The report confirms that there was no evidence of the use or occupation of this building by bats and there was no evidence of the use or occupation of the building by Barn Owls or nesting birds. The report therefore recommends that no further work is necessary and that the works can proceed with a negligible risk of disturbing/harming roosting bats or damaging or destroying a bat roost. An informative note would be attached to any subsequent decision notice outlined the legal protection afforded to bats. The proposal is not considered to adversely impact upon protected species in accordance with Policy 1 of the adopted Local Plan and Policy OE2 of the Draft Local Plan.

Overall, it is considered that the works are acceptable and would not give rise to significant harm to issues of acknowledged importance. Subject to the conditions mentioned in this report, the application is recommended for approval.

## Conditions

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The following conditions are recommended

1. Standard 3 year time limit
2. In accordance with the approved details including:
  - Drawing number: 10/0520-01 Rev.0
3. The rooflight to the development hereby approved shall be of the 'conservation type', with a frame flush with the roof slope and a central vertical metal glazing bar.

## Informatives

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1. Statement of Positive Engagement
2. Standard Bat Discovery Condition
3. Compliance with Building Regs.

Signed: <i>S.Wade</i>	Dated: 22.01.2019	Signed: 	Dated: 22/01/2019
Planning Officer		Senior Manager	