

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/18/063/FUL

**Received on:** 14 August 2018

**UPRN:** 000192001273

**Application Expiry date:** 23 October 2018

**Neighbour expiry date:** 18 September 2018

**Consultation expiry date:**

**Site notice posted:** 28 August 2018

**Site notice expiry:** 18 September 2018

**Applicant:** Mrs Mary Barclay

**Site Address:** Dracaena

Church Road

Hugh Town

St Mary's

Isles Of Scilly

TR21 0NA

**Proposal:** Replacement of fibre cement slate roof covering with natural stone

**Application Type:** Planning Permission

**Public Representations:**

**Consultation Representations:** NONE

## **Constraints:**

Historic Landscape Character

Landscape Type: Settlements.

## **Recommendation**

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1. That the Application is APPROVED subject to the condition set out below.
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## Site Description and Proposed Development

Dracena is a semi-detached dormer bungalow property that is located directly behind the frontage development along Church Road and overlooks the Western Power, Power Station in Hugh Town on St Mary's. The proposal is to replace the existing fibre cement roof tiles with natural slate and a sample of the slate has been provided..

## Background and Relevant History

The property was approved for construction in 1957 under P0184. Later planning history shows this was later extended under permission granted in 2013 (P13/006/FUL). This later extension does have a natural slate roof.

## Consultations and Representations

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

- Flat 6 Tremellyn
- Gallinule
- Chy Carn
- Nerina
- Rosemerryn

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

#### **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

### **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. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

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 residential extensions (Policy LC9). Additional space created by an extension to a dwelling, or the erection or alteration to outbuildings and other structures to provide ancillary accommodation, can be an acceptable means of meeting changes in household space requirements. However, they can also have a significant effect on the neighbours' enjoyment of their property, as well as impacting on the character and appearance of the building and surrounding area. Consequently proposals should be properly integrated with the existing dwelling, respect the character of the surrounding area and safeguard the privacy and amenity of neighbouring properties.

Policy LC9 Residential Extensions: sets out that developments that propose to extend and/or alter a dwelling will be permitted where the proposal: a) respects the scale, proportions, materials and overall design and character of the existing property; and b) does not harm the street scene or surrounding area; and c) avoids the material loss of privacy and amenity for the residents of neighbouring properties.

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 principle, 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.

It is considered that removal of a fibre cement roof and replacement with a natural slate is acceptable in principle. The slate proposed will match the later extension to this property and is a more appropriate and sustainable material to use on development in a highly designated environment, where the most traditional roofing material is natural slate. The works will result in an enhancement to the wider character of the conservation area, and not harm the wider scenic beauty of the AONB designation. The site is not a listed building and there are no listed buildings or other designated heritage assets within the vicinity of the site. In relation to the wider character of the area it is considered that the proposal is acceptable.

Outside of the construction works, the replacement of roofing materials will not give rise to any impacts upon the amenity of neighbouring properties. As potentially noisy development it is recommended that the hours of construction, in relation to the use of noisy machinery, are conditioned to take place after 8am and not on Sunday's or bank holidays. Subject to this it is considered that the proposal would be acceptable in terms of the amenity of the area.

In terms of the impact upon protected species has commissioned a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment. The report has been submitted as part of the application. This report confirms that the impact level on roost sites and bats is low subject to reasonable avoidance measures taken to reduce the probability of committing an offence in respect to bats. These include:

- ensure all workers on site are familiar with bat legislation and agree to work within best practice measures, with respect to bats;
- carry out careful checks of any crack/crevices and cavities in or on the building prior to roof removal, looking out for signs of bat presence including bat droppings, discolouration or polishing of access points where bats rub against them, urine stains and lack of cobwebs, particularly if other crevices around them have plenty, and not restricting their use for bats, during the course of the works;
- individual bats may be found in/under cladding, between timber boards, between corrugated sheeting, in soffit boxes, behind lead flashing and sometimes just clinging to timber beams around joins as well as other areas. When any of these are removed, this should be done carefully, lifting outwardly and checking for bats continually. If bats are discovered then the actions set out in the bat discovery informative should be followed;
- try to minimise dust generated from roof removal works from entering the building.

The above can be a conditioned and subject to the above it is not considered the proposal would adversely impact upon protected species and would be in accordance with Policy 1 of the Isles of Scilly Local Plan.

The proposal will not impact upon highway safety and there are no other material planning considerations. 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**

- C1. Standard 3 year Time Limit
- C2. In accordance with the approved Plans
- C3. Compliance with Bat Mitigation/avoidance Measures:
- C4. Hours of Operation for Construction works

**Informatives**

- 1. Standard Bat Discovery
- 2. Compliance with Building Regs
- 3. 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 2018

Signed: 	Dated: 15/10/2018	Signed: 	Dated: 15/10/2018
Planning Officer		Senior Manager	