

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/041/HH
Received on: 22 July 2019
Application Expiry date: 30 September 2019
Neighbour expiry date: 26 August 2019
Consultation expiry date: 26 August 2019
Site notice posted: 07 August 2019
Site notice expiry: 28 August 2019
Agreed Extension of Time: 11 October 2019

Applicant: Mrs A Pearce
Site Address: The Hump
Higher Town
St Agnes
Isles of Scilly

Proposal: Replacement of corrugated asbestos sheeting roof with terracotta double roman tiles.
Application Type: Householder

Recommendation

1. That the Application is APPROVED subject to the conditions set out below
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Contributors:**Public Representations:** NONE**Consultation Representations:** NONE**Constraints:****Scheduled Monuments:** ESIGUID: DCO625. NAME: PREHISTORIC TO ROMANO-BRITISH FIELD SYSTEM AND SETTLEMENT AT HIGHER TOWN, ST AGNES**Listed Buildings:** NONE but less than 20m from GII Rosenhill, which lies around 17.5m to the south west of The Hump**Archaeological Constraint Areas:** Porth Killier. Island: St Agnes**Historic Landscape Character:** Farmland/Settlement**Site Description and Proposed Development**

The Hump is a single storey granite dwelling situated in Higher Town, St Agnes. The existing dwelling has an extension built onto the south eastern elevation that houses the bathroom and water tank. The existing property has a mixture of upvc and timber windows and doors, partial timber cladding to the upper part of the north eastern elevation and a corrugated asbestos sheeting roof.

This application seeks planning permission to replace the corrugated asbestos sheeting roof with terracotta double roman tiles on the main roof and the roof of the bathroom extension.

Background and Relevant History

No Planning History attached with application

Consultations and Representations

No comments 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) 2019

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 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. 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.

Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposals 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 and (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.

Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing 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; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

Isles of Scilly Design Guide (2007)

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required.

Submission 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 biodiversity and geodiversity (Policy OE2).

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Local Plan 2015-2030, although not yet adopted as the development plan document for the Isles of Scilly, has, as of 30th September 2019, been submitted to the Secretary of State for an Examination in Public. It has therefore reached an advanced stage for the purposes of its weight in the consideration of a planning application.

Planning Assessment

The main planning issues are considered to relate to the impact on the character and appearance of the building and the impact on the character and appearance of the Conservation Area. Although the boundary of the Scheduled Monument, referenced above, overlaps with this property to a small extent, this proposal does not impact upon the historic nature or significance of that designation. There is therefore no attempt to assess such an impact in this delegated report.

The application property is a detached bungalow. The proposed development consists of the replacement of the existing roof.

The existing dual pitched, corrugated asbestos sheeting roof will be replaced by terracotta double roman clay tiles. The applicant states that the existing roof has been skimmed over with cement and painted with a water/weather proof paint that was carried out approximately 20 years ago.

The works, in terms of the consideration of the planning application, are considered to have an acceptable impact on the character and appearance of the building. The replacement materials are similar to those of the vernacular. In terms of the roof material, the terracotta double roman clay tiles would appear to be more in keeping with the existing dwelling than the current corrugated asbestos sheet roof. The impact of the works on the character and appearance of the Conservation Area is considered to be negligible and may offer an enhancement upon the existing materials.

Policy 1 of the adopted Local Plan relates to Environmental Protection. This policy seeks to ensure that all development proposals respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment. The proposed development seeks to alter an existing dwelling through the removal of an existing corrugated asbestos sheet roof and its replacement with terracotta double roman clay tiles. It is considered that the proposed development preserves and may offer an enhancement to the character or appearance of the Conservation Area and therefore accords with Policy 1 of the Local Plan.

Policy OE2 of the draft Local Plan states that (1) development will be required to conserve, protect and, where possible, restore and/or provide measurable net gains to biodiversity and geodiversity interests and soils. All development must ensure that the importance of habitats, designated sites and species are taken into account; they must also incorporate appropriate measures to avoid and reduce the disturbance of sensitive wildlife sites and habitats, provide opportunities for enhancement wherever possible, and minimise the impacts on non-native species through the lifetime of the development.

A Bat Presence and Absence survey report (dated 11 July 2019) was submitted alongside the application. Section 5 of this report sets out the recommendations. The dusk emergence survey carried out found no evidence of roosting bats within the proposed development site and as such no further surveys or a European Protected Species licence are required. Section 5 of the report also sets out the mitigation and further actions required. As the results of the survey have shown that there is a likelihood of a roost nearby and that commuting, foraging and social behaviour is taking place in and around the Hump, there is an opportunity for this proposed development to provide additional roosting habitat and an opportunity to strengthen the population of locally important species. The report sets out four steps to be followed and these will be conditioned.

It is considered that the proposed works conserve, protect and the recommendations contained in the report offer biodiversity net gains, and the development, therefore complies with Policy 1 of the adopted Local Plan and Policy OE2 of the draft Local Plan.

Other Considerations

The Ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article I of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third part interests/ the Development Plan and Central Government Guidance.

Conclusion

On balance, the proposed development is judged to have an acceptable impact on the character and appearance of the building, the Conservation Area and protected species and habitats. The proposal is considered to comply with Policies 1 and 2 of the adopted Local

Plan and Policy OE2 of the draft Local Plan, it is, therefore, recommended that permission be granted.

Links

<http://www.scilly.gov.uk/planning-application/planning-application-p19041>

Conditions

- 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 re-roofing works, hereby approved, shall be carried out so as to manage waste in accordance with the submitted Site Waste Management Plan (Ben Hicks, 07/10/2019), and no waste materials, in connection with the re-roofing works shall be stored in the open or left on site once the re-roofing works are complete.**
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 1 of the Isles of Scilly Local Plan 2005.
- C3 The re-roofing works, hereby approved, shall be covered with redland double roman pantiles only as per the photographs submitted, which shall be retained as such thereafter.**
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 1 of the Isles of Scilly Local Plan 2005.
- C4 The proposed works shall be carried out in accordance with the recommendations contained in Section 5 of the Bat Presence/Absence Surveys Report for The Hump dated 11th July 2019 carried out by Isles of Scilly Wildlife Trust, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To retain control over the development, to safeguard bats and these roosts which are specifically protected by law.

Informatives

- 1. Statement of Positive Engagement

Checked by CIOS Planning Officer	Signed: 	Date 08/10/2019
Signed: <i>Y. Dale</i>	Dated: 19/09/19	Signed:  Dated: 8/10/2019
Planning Officer		Senior Manager