

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/048/ROV

Received on: 19 August 2019

UPRN: 000192000128

Application Expiry date: 24 October 2019

Neighbour expiry date: 19 September 2019

Site notice posted: 2 September 2019

Site notice expiry: 23 September 2019

Applicant: Michael Tappin & Mary Clarkson

Site Address: Pine Trees

The Town

Bryher

Isles Of Scilly

TR23 0PR

Proposal: Application to vary condition 8 (canopy finish details) of planning permission P/17/109/FUL (Demolition of existing flower packing shed and erection of new extension) to allow the replacement of the approved lead roof covering with zinc in the same style and design.

Application Type: Removal or Variation of Condition

Recommendation

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| 1. | That the Application is Approved condition 8 is varied to permit the use of zinc in place of the approved lead roof covering for the following reason. |
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Site Description and Proposed Development

Pine Trees is a two storey dwelling located on the north eastern side of Bryher. It has a slate roof and has horizontal cladding on the exterior of the first floor. Pine Trees is cut into the slope and the land runs downwards in a southerly direction. Attached to the west elevation of the dwelling is a single storey packing shed and runs in an east-west direction. The old packing shed is used as ancillary accommodation to the existing dwelling.

Background and Relevant History

In June 2013 application P/13/030 was approved for the extension and alterations including creation of annexe for use as holiday accommodation. In January 2017 application P/16/056 was approved for the removal of condition 11 from planning permission P/13/030 (use of annexe restricted to holiday letting) to allow use of annexe as a separate dwelling. This was approved following the applicants entering into a S106 legal agreement to ensure the smaller of the two dwellings was retained for local need accommodation

In 2017 an application was submitted to demolish an existing flower packing shed and erection of a new extension. This was for the purposes of ancillary accommodation to the main dwelling. P/17/109/FUL was approved in January 2018.

This current application is to vary condition 8, which specifically required the roof to be covered with lead. This was conditioned on the basis that the applicant has stated the roof would be covered with a lead material. For reasons for sourcing a contractor to install the lead and secure appropriate insurance, which has not been possible, the applicant now wishes to cover the roof with a zinc roof covering.

Consultations and Representations

Public Representations: One letter of representation has been received from the neighbouring property. This does not raise any issues with the change in roof covering.

Consultation Representations: NONE

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determination planning applications.

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.

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”.

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 the natural (Policy OE2) and historic environment (Policy OE7). This emerging document also contains policies for domestic extensions (Policy LC9) which requires development proposals to take into account of the minimum range of internal space standards. It is permitted to enlarge a property where this would bring it up to a size that is in accordance with the Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards). Where the existing dwelling is already within the minimum range of internal space standards and a proposal is to enlarge the property, this will only be permitted to meet a growing household size. In such circumstances applicants must be clear on the number of bedrooms and the size of the household. The size of extension must be in accordance with Nationally Described Space Standards (Technical Housing Standards) (or any replacement standards) for the size of property proposed. In all cases proposals will also need to: a) improve the overall energy performance of the building and accord with the principles set out in Policies SS1 Principles of Sustainable Development and SS2 Sustainable Quality and Design; and b) ensure there is sufficient space within the existing curtilage to accommodate the extension without resulting in overdevelopment of the site or adversely impacting on residential amenity space and parking provision. An extension to an existing dwelling will not be permitted to include any element of holiday letting accommodation and, where appropriate, a condition will be imposed removing permitted development rights to further extend or alter the dwelling. All planning applications for extensions to existing dwellings should be supported by calculations of the existing and proposed habitable floor space.

As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight.



Planning Assessment

As the principle of the works have previously been approved and are still capable of being implemented, this report does not intend to re-assess the principle of the scale and design of the works. This assessment will focus only on the change in roof covering for building from lead to zinc.

It is considered that roof coverings that are metal in nature can initially have a significant impact due to the high contrast of the ‘bright’ metal finish relative to other lower contrast materials such as granite, timber and slate, particularly when these are of a reclaimed and already ‘weathered’ nature. It is recognised however that a newly laid lead or zinc roof covering will quickly weather to a duller finish resulting in a roof covering that is as low contrast as any slate roof.

In terms of a change from lead to zinc then it is considered that whilst zinc would not have the same ‘tonal’ quality of a lead roof, it is considered to be a sympathetic material that would not give rise to any harm in the wider landscape. On this basis it is considered that the amendment to condition 8, to permit a zinc roof covering, would have a neutral impact upon the character and appearance of the conservation area and would not harm the wider scenic beauty of the Isles of Scilly as an Area of Outstanding Natural Beauty.

The proposal is therefore acceptable and is recommended for approval.

Signed: 	Dated: 05/11/2019	Signed: 	Dated: 5/11/2019
Planning Officer		Senior Manager	

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:

Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)	A, b	A, b, c, d								
Contrary to (tick)										
In accordance with (tick)	✓	✓								

Our Outstanding Environment							
	OE1	OE2	OE3	OE4	OE5	OE6	OE7
Clause/Part (State)	a						
Contrary to (tick)							
In accordance with (tick)	✓						

A Strong Living Community									
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9
Clause/Part (State)									All
Contrary to (tick)									
In accordance with (tick)									✓

A Strong Working Community						
	WC1	WC2	WC3	WC4	WC5	WC6
Clause/Part (State)						
Contrary to (tick)						
In accordance with (tick)						

