

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/20/070/FUL

**Received on:** 2 September 2020

**UPRN:** 000192001341

**Application Expiry date:** 28 October 2020

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:**

**Site notice posted:** 4 September 2020

**Site notice expiry:** 25 September 2020

**Applicant:** Mrs B Lishman

**Site Address:** Mincarlo  
Carn Thomas  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0PT

**Proposal:** Replace existing roof covering on east and west elevation (front section) with natural slate and replace existing skylights on the east facing roof slope with double-glazed Velux units.

**Application Type:** Planning Permission

## **Recommendation**

1. That the Application is APPROVED for the following reason and subject to the condition set out below.

## Site Description and Proposed Development

Mincarolo is a large detached dwelling, comprising accommodation over 3 floors with a large rear wing. It currently operates as a guesthouse, with an outdoor seating area to the front. Within the building is staff/owners accommodation as well as a self-contained flat.

This current application is to replace the scantle roof with a dry-lay natural slate, replace two existing rear facing rooflights with slightly larger rooflights and 1 additional rear facing rooflight.

## Constraints

**Scheduled Monuments:** None

**Listed Buildings:** None

**Archaeological Constraint Areas:** Name: Porth Mellon. Island: St Mary's

**HER Findspots:** CARN THOMAS - Post Medieval cemetery. Period: Post

**Historic Landscape Character:** Settlement

## Background and Relevant History

Relevant planning history includes any planning decisions under the adopted (2005) Local Plan or any decision made under the emerging Local Plan (2015-2030). This includes the following applications:

**P/08/095/ART4** - Installation of solar thermal panels on South facing roof of rear extension. Permitted December 2008.

**P/11/012/FUL** - Solar thermal panels installed on single storey extension. One new window in East elevation, East door and West window swapped. Permitted March 2011

**P/17/111/FUL** - Erection of porch at first floor level to the North side of the building and timber bridge giving access to the rear garden. Permitted March 2011

## Consultations and Representations

A site notice has been on display in the vicinity of the application site for a period of 21 days (04/09/2020 – 25/09/2020). The application was published on the weekly list published on the 7<sup>th</sup> September 2020. Neighbouring properties have been written to directly. No representations have been received.

Neighbour Consulted	Date Consulted	Response Received (Date)	Comments
Rosemarinus	04/09/2020	None	n/a

<b>Jus Llin</b>	04/09/2020	None	n/a
<b>The Biggal</b>	04/09/2020	None	n/a
<b>Ice Cottage</b>	04/09/2020	None	n/a
<b>Carn Thomas Cottage</b>	04/09/2020	None	n/a
<b>Beach Haven</b>	04/09/2020	None	n/a

Due to the nature of this application there are no external consultation required.

## **Primary Legislation**

The Town and Country Planning Act 1990

The Planning (Listed Buildings and Conservation Area) Act 1990

The Countryside and Rights of Way Act 2000

The Conservation of Habitats and Species Regulations 2017

## **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.

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

Policy 1 environmental protection

Policy 2 Sustainable Development

Policy 4 Economic Development

### **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**

Policy OE1 Landscape Character

Policy OE2 Natural Environment

Policy OE7 Historic Environment.

Policy SS1 (Principles of Sustainable Development)  
Policy SS2 (Sustainable Quality Design and Place-Making)  
Policy WC1 General Employment Policy

### **Planning Assessment**

The main planning issues are considered to be whether the proposal would accord with the adopted Local Plan (2005) and specifically Policies 1 and 2. These relate to protection of the environment and sustainable development. Additionally the adopted Design Guide SPD sets out the principles of good design and amenity issues to take into account. Although acknowledging that it cannot be given full weight in planning decision making, Policy WC1 of the submission draft Local Plan (2015-2030) also supports proposals for development where these strengthen, enhance and diversify the islands economy provided they are appropriately designed, scaled and located in accordance with other policies of the plan.

Material planning considerations of neighbouring amenity and the impact upon the wider character of the area are assessed below. As this relates to external alterations of an existing building (as opposed to a new building or an extension to an existing building) there is no assessment of an increase in scale, and on this basis there are not considered to be any impacts upon the wider infrastructure issues such as water, long-term waste management or highway safety.

### **Impact upon Neighbouring Amenity**

The proposal relates to the removal of an existing and traditional wet-lay 'scantle' slate roof and its replacement with a natural dry-lay slate roof. In addition the proposal includes the replacement of two existing small rooflights with slightly larger rooflights as well as the insertion of 1 additional rooflights. The rooflights will be located in rear facing roof slope which overlooks the applicant's rear extension as well as the neighbouring property at Jus Limin and to a lesser extent its neighbour at Carn Thomas Cottage. These properties are semi-detached and lie to the south of Mincarolo and are approximately 9 metres from the proposed rooflights. It is noted that the roof lights will face south east and as such views towards the rear of properties to the south will be oblique. It is not considered that an additional roof light will give rise to adverse overlooking towards these existing neighbouring properties.

To the north side of Mincarolo is a detached property known as Biggal. This sits forward of Mincarolo and the proposed rooflights would not be visible from this neighbouring property.

The proposed re-roofing works through the removal of the scantle roof slates and replacement with a dry-lay slate would not give rise to harm towards neighbouring amenity outside the normal construction activities associated with development. It is considered that the condition limiting noisy construction works at unsociable times would be appropriate. Subject to these conditions it is considered that the proposal would be acceptable and not give rise to adverse impacts upon the privacy and amenity of neighbouring properties.

**Impact upon the wider character of the area (Conservation Area and AONB)**

Mincarolo is located within a built-up and relatively prominent part of Hugh Town. The property has a prominent position on the 'carn' of Carn Thomas to the south of the lifeboat station and has views out on to Town Beach and the Harbour. To the rear of the property is Carn Thomas former primary school building, which appears on the 1890 OS maps for Hugh Town. The former primary school is not a listed building but it is considered to be a relatively important building within the Conservation Area. The property Mincarolo is not a listed building and it does not appear on the 1890 OS maps of this area. The building does appear on the 1908 OS map where it shows as a pair of semi-detached dwellings.

Mincarolo has a relatively traditional appearance with exposed granite walls and a traditional 'scantle roof'. It is noted that the front (west elevation) roof slope has been repaired within the last couple of years with the application of mortar, which gives the roof slope a 'whiter' appearance and obscures the traditional appearance of the scantle tiles. The applicant describes the roof as being in 'poor condition' as a result of storm damage in 2008. They note that cement wash was added to the roof in 2016 in order to preserve its use. Due to damp and leaks from the roof the existing B&B is being affected during the winter months.

As a property that is very prominent in the public realm it is important that the works are sympathetic and appropriate. It is considered that the roof is likely to be an original feature. It is noted that due to its position facing almost full west and with a frontage directly on to St Mary's pool, it is more likely to be affected by severe weather conditions. This is evidenced by both the applicant's statement and the planning officers own observations of recent repairs to the roof. It is also noted that the property, although older than the two properties either side retains

a character that connects back to a more traditional form of development. It is considered, however that the style and character of this property would not be adversely affected by the proposed replacement of the scantle on the east and west facing roofslopes given that a natural slate is proposed as part of repair and maintenance works of the property. The scantle as it currently appears is largely obscured by the cement wash and it appears oddly white in contrast to a natural slate roof colour. The works would reinstate a natural slate roof in appearance which is considered to be a positive change to the appearance of this building. The building is of a period which would have had a natural slate roof finish and the proposed works are considered to be acceptable and would have a neutral to positive impact upon the character of the conservation area and wider scenic beauty of the AONB designation.

The proposal includes the replacement of two existing rooflights and the insertion of a third rooflight to match. These will face east and the additional rooflight will be visible from the street scene. In the context of the buildings to the front, which have had large extensions as well as the rear wing of Mincarolo it is considered that the insertion of an additional rooflight would not have a significant impact. The views of this property, particularly the rear (east) elevation are visible as you approach Hugh Town from the east, along Telegraph Road where the roofscape of Carn Thomas and the Strand are a prominent part of the streetscene, where rooflights and PV panels are quite prominent. Views of the front of Mincarolo, as you leave Hugh Town and out to the west will be relatively unaffected by the proposed works, save for the positive changes in finish to the roofing materials.

Overall it is considered that the proposed works will result in improvements to this B&B/guesthouse in terms of its character and appearance without giving rise to harm to the wider character of the conservation area or scenic beauty of the AONB. The proposal is considered acceptable and would accord with the requirements of Policy OE1 and OE7 of the emerging Isles of Scilly Local Plan (2015-2030).

### **Other Issues**

Given the proposed works, will result in the removal of tiles on the existing roof, at a position that could be used by bats, the applicant has submitted a Preliminary Ecological Appraisal. This report gives a low probability of use by bats and that no further surveys are required. In terms of mitigation then the report advises that precautions should be taken to ensure that any bats that

could be using the existing roof structure, are not harmed or injured. It is considered that the avoidance measures set out within this report should be conditioned, which includes the timing of works as well as enhancement measures.

The Infrastructure of the islands needs to be taken into account when dealing with development proposals. The emerging Local Plan requires all sites to be accompanied and supported by Site Waste Management Plans (SWMP) to ensure waste, both in the short and long term, are effectively managed. In the short term this is about the management of construction waste and the sourcing of minerals and aggregates in connection with construction. In the long term this is about ensuring adequate facilities are provided. In this case the level of accommodation will not change and as such it is not considered necessary to require any details about the long-term management of waste of the existing B&B guesthouse. The applicant has provided a simple statement as to the management of waste, in connection with the project, and how this material will be managed. It is considered that the proposal therefore complies with the emerging Local Plan requirements of Policy SS2(2) which requires development proposals be accompanied by Site Waste Management Plans.

In terms of sustainable design measures then it is noted that the property already has a number of PV panels located on the rear wing. It is also noted that the replacement of the scantle slate will facilitate the repair of damp problems and enable appropriate insulation to be provided, thus improving the thermal efficiency of the building. It is considered that these elements are proportionate to the level of development proposed. No further sustainable design measures would be required and the proposal would comply with the emerging Local Plan Policy SS2.

## **Conclusion**

It is considered that the work proposed will not result in the property becoming larger, as it would seek to reuse the volume and footprint of an existing structure. The neighbour impacts would be acceptable and there would be a positive-neutral impact upon the wider character of the area. The proposal is considered to align with both the adopted and emerging local plan.

## **Recommendation**

For the above reasons this application is recommended for approval, subject to the conditions set out below.

### **Other implications**

Due to the application being located in a sensitive environment, as denoted by the AONB, the application has been screened for environmental impacts through an Environmental Impact Assessment, Screening Opinion. This screening concluded that the development proposed does not constitute EIA development requiring an Environmental Statement.

The planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

### **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 development hereby permitted shall be carried out in accordance with the approved details only including:**
- **Plan 1 Location Plan**
  - **Plan 2 Site Plan**
  - **Plan 3 Proposed Plans, Drawing Number: PP-08997683, Dated Aug 2020**
  - **Plan 4 Proposed Elevations, Drawing Number: PP-08997683, Dated Aug 2020**
  - **Plan 5 Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment, Dated 2<sup>nd</sup> December 2019 (timing, mitigation and enhancement for Bats)**
  - **Plan 6 Details of Waste Management**
- 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 Policy 1 of the Isles of Scilly Local Plan 2005 and Policies OE1 and OE7 of the Submission Isles of Scilly Local Plan (2015-2030).
- C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800- and 1800-hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**





Our Outstanding Environment							
	OE1	OE2	OE3	OE4	OE5	OE6	OE7
Clause/Part (State)							(5),
Contrary to (tick)							
In accordance with (tick)							✓

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

Application Number:	P/20/070/FUL	
Valid Date	02/09/2020	
Date Decision Issued	28/10/2020	
<b>Approved</b>	Refused	Withdrawn
DEL/LMP: 21/10/2020		COMM

Monitoring	Yes	No
Sustainable Design Measures required		✓
Provided		
Conditioned		
Site Waste Management Plan Required	✓	
Provided	✓	
Conditioned		
Biodiversity enhancements required	✓	
Provided conditioned	✓	