



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW  
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## OFFICER REPORT – DELEGATED

Application number: P/17/067/FUL	Expiry date: 25/10/17
Received on: 30/08/17	Neighbour expiry date: N/A
UPRN: 000192000600	Consultation expiry date: N/A
Legal agreement:	Site notice posted: 31/08/17
Departure:	Site notice expiry: 21/09/17
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mr M Groves
Site Address:	Nowhere, Old Town Road, Old Town, St Mary's
Proposal:	Replacement of existing concrete tile roof covering with natural slate tiles.
Application Type:	Householder

<http://www.scilly.gov.uk/planning-application/planning-application-p17067>

### Description of site and development:

This application proposes the replacement of the existing concrete tile roof covering with natural slate tiles at Nowhere, Old Town Road, Old Town, St Mary's.

### Site Description

Nowhere is located on Old Town Road in Old Town, St Mary's. Nowhere is a single storey dwelling with a painted render exterior with a concrete tile roof. The fenestration is a mixture of painted timber and upvc.

### Description of Proposal

The proposed works include the replacement of the concrete roof tiles with natural slate tiles. The agent has confirmed that the existing concrete tiles are square grey interlocking Redland tile 382mm x 226mm. the proposed slate tile is a Westland grey/green prime slates 500mm x 250mm, with a head lap of 100mm.

### Background and Relevant History

In 1970, application P907 was approved for improvements and extensions to No-Where. Revised plans were submitted and approved under application P907A. During the 1990's two applications were approved. One for a shed and the other for a large boatshed.

**Public representations:**

A site notice has been on display outside the site for a period of 21 days.

No letters of representation have been received.

**Consultee representations:**

A site notice has been on display outside the site for a period of 21 days. One letter of representation has been received.

**Isles of Scilly Bat Group**

A normal full report is considered unnecessary for this application. The premises were visited on Tuesday 12/09/17; conditions were cloudy, dry, 15 deg.C, light wind. The existing tiles, which are to be replaced, lack any obvious openings for bat entry. The fascia boards will not be affected. The roof has a velux skylight on the South side. The felt surround is said to be in poor condition but no bats enter the house. We do not consider that interference with bats should be a reason against refusal of the application. It is recommended that the standard cautionary bat informatives are placed on any grants of planning permission as follows:

**Bat Discovery Informative**

The Applicant is reminded of the provisions of the Wildlife and Countryside Act 1981 and the E.C. Conservation (Natural Habitats) Regulations Act 1994, the Habitat and Species Regulations 2012 and our Natural and Environment and Rural Communities biodiversity duty. This planning permission does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in part IV B of Circular 06/2005. Care should be taken during the work and if bats are discovered, they should not be handled, work must stop immediately and a bat warden contacted.

Extra care should be taken during the work, especially when alterations are carried out to buildings if fascia boards are removed as roosting bats could be found in these areas. If bats are found to be present during work, they must not be handled. Work must stop immediately and advice sought from local bat wardens in the first instance (R.Williams 01720 424315, Mike & Anne Gurr, 01720 422224) or Natural England (01872 245045). Or, if none is available, The Bat Conservation Trust's National Bat Helpline on 0345 1300 228. The e-mail address is [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

**Constraints and designations:**

Conservation Area, AONB and Heritage Coast.

**Relevant policies, SPGs and Government guidance:****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) 2012**

At the heart of the NPPF is 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 consideration 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.

#### **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, (c) Preserve or enhance the character or appearance of the Conservation Area, (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; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to sustainable development and seeks to permit development where practicable and appropriate, proposals would 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; (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.

#### **Appraisal/key issues and conclusion:**

In light of the above mentioned policies and identified designations it is considered that the principal issue for consideration is whether the impact of the proposed development is acceptable in relation to the principle of development, the materials, scale, design and appearance; the impact on neighbouring amenity and the wider Conservation Area.

The proposed works are to replace the existing concrete tile roof covering with slate on the two main roof slopes of the house. The existing concrete tile is a square grey interlocking Redland tiles 382mm x 226mm. The proposed slate is Westland grey/green prime slates 500mm x 250mm, with a head lap of 100mm. The slates will be fixed using stainless steel slate hooks that match previous areas covered on the building. The agent has provided a sample of the slate to be used.

The agent has provided a site waste management plan. They state that they have looked at how waste can be minimised. The agent has confirmed that the existing tiles to be removed will be re-used as hard core on other projects carried out by the agent.

In relation to Policy 1(a) of the Isles of Scilly Local Plan 2005 the proposed works will not have an impact on the natural beauty, wildlife or cultural heritage of the AONB or the heritage coast. In relation to Policy 1 (c) the proposed works will enhance the character and appearance of the Conservation Area, through the removal of the existing concrete tiles and their replacement with natural slate. In relation to Policy 1 (e) the proposed works could have an impact on protected wildlife or biodiversity habitats as indicated in the response from the Isles of Scilly Bat Group and the recommendations have been included as an informative in this report.

In relation to Policy 2 (a) of the Isles of Scilly Local Plan 2005 it is considered that the design and materials of the proposed works are appropriate and enhance the existing building. In relation to Policy 2 (c) it is considered that the proposed works to replace the existing concrete roof tile with natural slate use natural resources efficiently in the design, construction and future use of land and buildings.

#### **Impact upon the wider landscape.**

Properties within this area are largely rendered white or a pale shade or stone with slate roofs and a mixture of materials on fenestration details. The proposed materials for the works match the materials on surrounding properties and it is judged that the use of these materials will pass the legislative test of preserving or enhancing the character and appearance of the Conservation Area.

The proposed site is visible from public vantage points but has no near neighbouring properties that are not in the ownership of the applicant. There is existing planting that would help to screen the proposed works. It is judged that the proposed works would have no material impact on the

Conservation Area or the wider landscape due to its small size. The proposed works are to a dwelling and would be seen in context with existing residential dwellings and development.

The Isles of Scilly bat group have conducted a bat survey and advise that the existing tiles, which are to be replaced, lack any obvious openings for bat entry. The fascia boards will not be affected. The roof has a velux skylight on the South side. The felt surround is said to be in poor condition but no bats enter the house. We do not consider that interference with bats should be a reason against refusal of the application. It is recommended that the standard cautionary bat informatives are placed on any grants of planning permission. This advice will be included as an informative in the decision notice.

### **Impact upon privacy and amenity**

The proposal is not considered to result in material harm to the privacy or amenity of adjacent residential properties or neighbouring land uses. The proposed works are to replace the existing concrete tile roof covering with natural slate. It is considered that the proposed works would not cause any material increase in overlooking, be overbearing or cause any additional loss of light and it is therefore judged that the proposal is acceptable, in this case.

### **Conclusion**

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

#### **Recommendation:**

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2. The development hereby permitted, shall be carried out in accordance with the approved details only including:**

- The Location Plan – dated 09 August 2017**

**These are signed and 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.

- 3. The construction of the roof of the dwelling, hereby approved, shall be in accordance with the sample of natural slate submitted on 13/10/2017 (Westland grey/green slates 500mm x 250mm) in support of the application and shall remain in accordance with the approved materials thereafter, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interest of visual amenity and the character and appearance of the development.

INFORMATIVE

**Bat Discovery Informative**

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**Further Information:**

1. 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 paragraphs 186 and 187 of the NPPF.
2. In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (**for which a fee of £28 would be required**) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.

Signed: 	Dated: 23/10/2017	Signed: 	Dated: 23/10/2017
Planning Officer		Senior Manager	