**OFFICER REPORT – DELEGATED**

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| **Application number: P/16/099** | **Expiry date: 25/11/16** |
| **Received on: 30/09/16** | **Neighbour expiry date: 21/10/16** |
| **UPRN: 000192000600** | **Consultation expiry date: None** |
| **Legal agreement:** | **Site notice posted: 30/09/16** |
| **Departure:** | **Site notice expiry: 21/10/16** |
| **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?** | |

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| **Applicant:** | **Mr C Freeman** |
| **Site Address:** | **Minalto, Church Street, St Mary’s** |
| **Proposal:** | **Removal of defective scantle slate roof and replacement with dry laid natural slate** |
| **Application Type:** | **Full** |

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| **Description of site and development:** |

The proposed works include the removal of a defective Scantle slate roof on the front (principal) elevation roof slope and replace it with a dry laid natural slate.

**Site Description**

The proposed site is a residential property which has been sub-divided into four self-contained holiday flats (P2777 permitted in 1988) within an existing built up area of relatively high density within the townscape of Hugh Town on St Mary’s.

It is a stone terraced building with a Scantle tile roof.

**Background and Relevant History**

Planning History for Minalto starts in 1988 when application (P2777) was submitted and approved for the conversion of Guesthouse into four self-contained holiday flats. In 1995 an application was submitted (P3779) for the lifting of conditions and refused. In 1996 an application was submitted (P4021) for the removal of part of conditions and was permitted.

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| **Public representations:** |

The neighbouring properties either side of the site (Flats in Kenwyn and Flats in Warleggen) have been written to directly and a site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

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| **Consultee representations:** |

Due to the nature of the proposal there are no statutory consultees to notify. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

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| **Constraints and designations:** |

Conservation Area, AONB and Heritage Coast

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| **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**](http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1) **(Consolidation of** [**Conservation (Natural Habitats, &c.) Regulations 1994**](http://www.hmso.gov.uk/si/si1994/uksi_19942716_en_1.htm)**)**

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.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

**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 (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; 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 through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

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, and includes guidance on traditional materials. Page 47 of the Design Guide lists scantle slate as a traditional material and explains how the slate should be cut, laid and bedded. Page 95 of the Design Guide states that slate in larger more regular sizes can also be used.

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| **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 use of dry laid slate instead of the more traditional scantle slate is in keeping with the wider character of the conservation area of St Mary’s.

**Impact upon the wider landscape and Natural Environment**

The proposed works are restricted to the front roof slope of the property only. The Planning (Listed Buildings and Conservation Area) Act 1990 states that “development in the Conservation Area should preserve or enhance the character and appearance of it”. The development is prominent within the street scene and is therefore not considered to negatively affect the Conservation Area. Although Scantle Slates are a traditional slating method intrinsic and distinctive of the Isles of Scilly and Cornwall, the alteration proposed has taken place on a number of nearby dwellings and the change is not considered to negatively impact the character and appearance of the area. The external appearance of the dwelling is not considered to be adversely altered by the proposal and it would respect the character and overall appearance of the dwelling and the wider street scene. Therefore preserving the Conservation Area.

The site waste management plan submitted with the application is considered to be acceptable in relation to ensuring that the characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

**Impact upon residential amenity**

The proposal is for the change of roofing material on an existing residential roof slope. The works do not proposal any alteration to the roof height of the building, therefore it is considered that it would not result in any wider harm to the privacy of amenity of neighbouring properties.

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| **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).

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

* The Site Waste Management Plan Dated 27 September 2016

These are signed and stamped as APPROVED

Reason: To ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

1. Prior to the commencement of the approved development, hereby approved, an Ecological Survey of the roof materials and loft space must be conducted and its recommendations carried out.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon 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, is to be submitted to the Local Planning Authority.  This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are protected. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005

1. Prior to their installation on the building hereby approved, details including samples of the natural slate to be used on the roof of the building, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To confirm details of the development not already clearly shown in the interests of the character and appearance of the building.

**INFORMATIVE:**

BAT INFORMATIVE:

Care should be taken during the work, especially in removing the tiles or roofing felt, in case bats had gained entry by some means that we could not detect. If any bats should be discovered during the work, they must not be handled: work must stop immediately and advice sought from local bat wardens in the first instance (Mike & Anne Gurr, 422224, The Bat Conservation Trust’s National Bat Helpline on 0845 1300 228. The BCT’s adviser for the South West Region is David Jackson.

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| Signed: | Dated: | Signed: | Dated: |
| Planning Officer | Senior Manager |