



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/17/042/FUL	Expiry date: 21/07/17
Received on: 26/05/2017	Neighbour expiry date: None
UPRN: 000192001549	Consultation expiry date: 20/06/17
Legal agreement:	Site notice posted: 30/05/2017
Departure:	Site notice expiry: 20/06/2017
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 and Mrs T Garratt
Site Address:	Maypole Cottage, St Mary's
Proposal:	Erection of single storey lean-to extension to rear of dwelling to expand living space.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17042>

Description of site and development:

This application proposes the erection of single storey lean-to extension to rear of dwelling to expand living space at Maypole Cottage, St Mary's. This includes the removal of the existing single storey rear extension. It is also proposed to replace the roof covering of the existing outbuilding to the front of the dwelling with natural grey slate.

Site Description

The existing extension to be demolished and replaced is attached to the north-eastern side of the property known as Maypole Cottage. Maypole Cottage is a two storey detached dwelling with a stone external finish, uPVC windows and a slate roof. The existing extension to be replaced is a single storey flat roof structure with a uPVC window and single width timber door. The extension is timber clad. The proposed extension is a single storey mono-pitched roof structure with three no timber framed (white in colour) slimlite glazing windows (2 on the north-east elevation and 1 on the south-east elevation), three rooflights, one single width timber door (white in colour) on the south-east elevation and one double width timber door (white in colour) on the north-east elevation. The proposal also seeks to replace the roof covering on an existing stone built workshop which is situated on the south west elevation. It is proposed to change this from slate to natural grey slate.

To the south-western side of the proposed extension is the attached existing dwelling, to the south-east and north-east lies residential curtilage belonging to the existing dwelling with a mature hedgerow forming the boundary, to the north-western side of the extension there is a mature hedgerow forming the boundary with a field beyond.

Background and Relevant History

In 1962 application (**P370**) was submitted and approved for a bathroom extension. This extension is proposed to be demolished as part of this application.

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. Two letters of representation have been received.

Cornwall Archaeology Unit

We note that the application is close to the site of a Bronze Age entrance grave (MCO30127) and a findspot comprising two prehistoric querns (MCO30674). The proposed development is also situated adjacent to Anciently Enclosed Land, as defined by the Isles of Scilly Historic Landscape Assessment and Management Strategy. This type has a high potential for medieval or earlier archaeological remains.

We therefore consider it prudent that an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified organisation or individual, and subject to a Condition attached the planning consent. This is in accordance with the provisions of NPPF Section 12, paragraph 141.

We recommend that if consent is given that a single archaeological recording condition of section A-C inclusive (please do not split into separate Conditions or treat separately), which includes words recommended by the Association of Local Government Archaeological Officers (ALGAO).

Isles of Scilly Bat Group

The Bat Group conducted a survey on 12/06/17. The following observations were made:

1. A roost was located and registered here in 2011. It was under the fascia board at the front of the house.
2. Examination of the rear lean-to that is to be demolished showed no signs of bat habitation and no obvious suitable roosting sites.
3. The roof of the proposed extension will meet the existing rear wall of the house below the existing eaves and fascia board.
4. Dusk surveys have indicated little or no signs of bat activity at this location recently.
5. Stone workshop to front and north-west of house, the roof of which is to be replaced: there is no access for bats to roost under the fascia board and no evidence of bat habitation in the interior of the building.

The conclusions/recommendations of the report are:

1. The fact of an original roost at the front will not be relevant since there will be no disturbance to the front by this proposal.
2. The demolition of the rear lean-to will have no implications for bats.
3. If any bats should roost under the rear fascia, they should not be disturbed by the erection of the new extension.
4. Stone workshop: replacement of the roof should have no implications for bats, but see cautionary remarks below.

On present evidence, we do not consider that the proposals will disadvantage bats in any way. However, we can never be sure that, when the work is commenced, this situation might not have changed.

Care should therefore be taken during the works, especially in removing the rear lean-to and the roof of the stone workshop 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 and Anne Gurr, 422224) or, if none is available, The Bat Conservation Trust's National Bat Helpline on 0845 1300 228. The BCT's adviser for the South West Region is David Jackson.

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 (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 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 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; and (c) utilising natural resources efficiently in the design, construction and future use of land and buildings.

Appraisal/key issues and conclusion:

The principal issue for consideration is the impact the extension will have on the character and appearance of the conservation area and AONB designations including the historic environment in particular, given the proximity of the Bronze Age entrance grave and the Prehistoric findspot. It is also a material planning consideration to consider the impact of the proposed development upon the privacy and amenity of neighbouring properties.

The proposed works include the demolition of an existing extension (6.4m²). However, in a Conservation Area permission is not required to demolish a building (that is unlisted) which does not exceed 115 cubic metres.

The proposed extension will be constructed of timber clad walls, timber fenestration and doors (white in colour) with a slate roof. The proposed structure will have a mono pitched roof that meets the existing roof at eaves height with 3 no. rooflights. The proposed plan indicates that these will have a stainless steel rating for coastal use. The proposed floor area is 37.05m².

The proposed extension will be 9.5 metres x 3.9 metres with the lean-to slate roof meeting the existing eaves height of 4.4 metres and dropping to its own eaves height of 2.6 metres.

The proposed works also include the replacement roof covering of an existing stone outbuilding with natural grey slate.

Impact upon the wider landscape.

Properties within this area are largely rendered white or a pale shade of stone with slate roofs and a mixture of materials on fenestration details. The proposed materials for the extension and replacement roof covering are traditional and it is judged that the use of these materials will not cause material harm to the building or the character and appearance of the Conservation Area.

The proposed site is well screened from public views with mature planting forming the boundary of the residential curtilage belonging to the existing dwelling to the south-east and north-east sides, to the north-western side of the extension there is a mature hedgerow forming the boundary with a field beyond and to the south-western side of the proposed extension is the attached existing dwelling.

The Cornwall Archaeological Unit have advised that the application site is close to the site of Prehistoric, Romano-British and medieval findspots and is also adjacent to Anciently Enclosed Land. As such they consider it prudent that an archaeological watching brief should be carried out during the early stages of groundworks, undertaken by a suitably qualified organisation or individual, and subject to a Condition attached to the planning consent.

The Isles of Scilly bat group have confirmed that there were no signs of bats during their inspection and that the proposed works are to the rear of the dwelling (and will cause no disturbance to the front) with the original roost being located on the front elevation. Their examination of the rear extension to be demolished showed no signs of bat habitation and no obvious suitable roosting sites. With regards to the replacement roof of the stone workshop there is no access for bats to roost under the fascia and there was no evidence of bat habitation in the interior of this building. They have recommended that an informative be added to the approval to remind the applicant of the need to inform a qualified specialist in the unlikely event of a bat being discovered during the works.

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 an existing extension and re-roof an existing stone workshop. The proposed extension is larger than existing and the roof height is higher. However, there are no near neighbours. It is considered therefore that the proposal is acceptable.

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 – Scale of 1:1250 and dated 15th May 2017**
- **The existing Site Plan – Scale of 1:500 and dated 15th May 2017**
- **The proposed Site Plan – Scale of 1:500 and dated 12th May 2017**
- **Proposed Plans – Drawing Number 10/0746-02**

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. Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/ location of disposal of all demolition material and all waste arising from building works, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**

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 landscape and management of waste, to be submitted and agreed by 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 not eroded by uncontrolled tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 4. A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation**

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written

Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

[Note: The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.]

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 the Islands archaeological, historic and built environment, to be submitted and agreed by 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 preserved or enhanced. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

- 5. Prior to their installation, a sample of the natural slate to be used on the development, on both the roof of the proposed extension and the roof of the stone workshop, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**

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 and to ensure that the development harmonises with its surroundings and contributes to the preservation of the character and appearance of the Conservation Area in accordance with Policies 1 and 2 of the Isles of Scilly Local Plan 2005, to be submitted and agreed by the Local Planning Authority.

- 6. Notwithstanding the approved plans, the rooflights to be installed in the proposed extension shall be flush fitting conservation style rooflights, with an integral central, vertical glazing bar and thereafter retained as such, unless an alternative is otherwise agreed by the Local Planning Authority.**

Reason: To minimise the impact of the building in the landscape.

INFORMATIVE



Care should therefore be taken during the works, especially in removing the rear lean-to and the roof of the stone workshop 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 and Anne Gurr, 422224) or, if none is available, The Bat Conservation Trust's National Bat Helpline on 0845 1300 228. The BCT's adviser for the South West Region is David Jackson.

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 Town and Country Planning (fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 a fee is payable to discharge any condition(s) on this planning permission. **The fee is £28 for each request to discharge condition(s).** The fee is payable for each individual request made to the Local Planning Authority.
3. 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: 24/07/17	Signed: 	Dated: 24.07.17
Planning Officer		Senior Manager	