



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/18/054/FUL	Expiry date: 5 September 2018
Received on: 10 July 2018	Neighbour expiry date: 1 August 2018
UPRN: 000192000478	Consultation expiry date:
Legal agreement: No	Site notice posted: 11 July 2018
Departure: No	Site notice expiry: 1 August 2018

Applicant:	Mr Ken Rokison
Site Address:	Trelawney Churchtown St Martin's Isles Of Scilly TR25 0QL
Proposal:	Replacement of scantle slate roof covering with natural dry-laid slate.
Application Type:	Planning Permission

Description of site and development:

This is an application to remove the existing wet-lay traditional scantle slate roof from the property and replace with a dry-lay natural slate. The proposed colour is a natural grey rivern slate 400mm x 200mm with hooked fixings.

The property is a detached single storey property that is situated on the opposite side of the road and to the west of St Martins Fire Station, to the south of The Diving School and to the south east of the new dwelling at Trethagan.

The site slopes down gently in a south westerly direction and the site is enclosed by mature hedges that run around the boundary of the site. A small track runs to the northern boundary between the diving school and the application site.

Public representations:

A site notice has been on display in the vicinity of the site for a period of 21 days. No representations have been received.

Consultee representations:

No statutory consultations have been required.

Constraints and designations:

Conservation Area, AONB, Heritage Coast, Historic Landscape Character: Landscape Type: Farmland: modern enclosures (post 1908), excluding bulb strips.

Primary Legislation and Planning Policy

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) 2018

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. 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.

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

Page 95: Scantling slate (small slates cut roughly in random widths usually diminishing from bottom to top of the roof slope, often embedded in mortar and trimmed all the way round) is an established building tradition which should be used as first preference wherever possible. It is important however that the specification and detailing are correct, and that builders who are experienced in this work are selected. Slate in larger more regular sizes can also be used. It is likely that a rough edged type would be appropriate. Reconstituted slate may not be sufficiently robust in this exposed location. It may also fade in colour over prolonged periods of time.

Consultation 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 OE3). This emerging document also contains policies for sustainable design (Policy SS2). This requires development to respect and reinforce an area's character and identity in order to maintain locally distinctive communities.

Appraisal/key issues and conclusion:

The main planning issues for consideration relate to whether the proposed re-roofing of the existing dwelling is acceptable in principle. It is material to consider the impact upon the wider character and appearance of the area including the impact upon the Conservation Area and AONB. For a householder application it is essential that it does not give rise to any significant harm to the privacy and amenity of existing neighbouring properties.

Re-roofing a property, which is not otherwise protected, can usually be carried out under permitted development rights, as set out in the [GPDO2015](#). There are a series of Article 4 Directions in place for the islands which have removed a number of permitted development rights. This includes any alteration to a roof of a property for which the rights to carry out this type of work was removed in the [Article 4 Direction enacted in 1995](#).

Trelawney on St Martins is not identified as a listed building or other designated heritage asset such as a locally important building within the Conservation Area. It is likely to be an older property due to the use of traditional scantle slate. Externally however the property appears much altered and has a modern appearance with upvc windows and a painted render finish. A review of old Ordnance Survey Maps would suggest the property was built during the first half of the 20th century. Planning History from 1950 (P.0045) shows planning permission being granted for a two bedroom dwelling. It is considered that a property of this period, which is not of a traditional granite cottage style could have a natural slate roof without resulting in any adverse harm to the character of this building. The principle of removing the

scantle and replacing this with a dry-lay natural slate is considered acceptable and would not have an adversely or detrimental impact upon the wider landscape, conservation area or AONB designations.

Impact upon residential amenity.

Being a detached dwelling it is not considered the works would give rise to any harm to neighbouring amenity. It would be appropriate to condition works to take place outside of unsociable hours, when construction noise could cause amenity issues for neighbouring properties.

Impact upon protected species.

As the proposal results in alterations to an existing roof there is the potential to impact upon protected species including bats and birds. The applicants have been asked to carry out a Preliminary Ecological Appraisal and bat roost assessment. This has been carried out by The Isles of Scilly Wildlife Trust. The outcome of this suggested a low possibility of impacting upon protected species due to limited evidence and limited opportunity for opportunistic roost sites. This report required a further dusk-emergence survey, followed by a dawn re-entry survey. The outcome of which would confirm whether or not bats were present or active at this site. A bat presence/absence survey was carried out and submitted to support the application. This stated that currently there are no bats within the building and therefore no EPS (European Protected Species) License is required. In order to ensure appropriate action is taken, should bats be discovered during the course of the works, then mitigation is recommended to minimise bat disturbance and reasonable avoidance measures have been set out and are recommended for any decision notice issued:

- Working outside the main breeding/mating season for bats
- Carrying out checks in crevices prior to demolition
- Using sensitive external lighting to avoid future bat disturbance
- To enhance bat activity provide new opportunities for roosting around the site and building.

Subject to the above it is not considered the proposal would adversely impact upon protected species and would be in accordance with Policy 1 of the Isles of Scilly Local Plan.

Overall it is considered that the works are acceptable and would not give rise to significant harm to issues of acknowledged importance. Subject to the conditions mentioned in this report the application is recommended for approval.

Recommendation:

Grant planning permission subject to the following conditions:

C1. Standard 3 year Time Limit

C2. In accordance with the approved Plans

- **Site Location Plan**
- **River Grey Slate Sample**
- **Site Waste Management Plan**

C3. Submission of Bat Enhancement Measure

- **All work should avoid the main breeding and mating season of Common pipistrelle bats. Removal and re-laying of the roof should be carried out from the 1st November to the 1st April inclusive.**
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- **ii. Ensure all workers on site (including sub-contractors) are made familiar with bat legislation and agree to work in accordance with and fully follow best practice measures**
- **iii. Carry out prior to demolition careful checks of any cracks/crevices and cavities in or on the building. Signs of usage include; bat droppings, dis-colouration or polishing of access points**

where bats rub against them, urine stains and a lack of cobwebs, particularly if other crevices around them have plenty.

- iv. Individual bats may be found in/under; cladding, between timber boards, between corrugated sheeting, in soffit boxes, behind lead flashing and sometimes just clinging to timber beams around joins as well as others areas. When any of these are removed, please do so carefully, lifting outwardly, and checking for bats continually. If in doubt, consult a licensed bat worker.
- v. In the unlikely event that a bat is found please see below:

Informatives

1. Standard Bat Discovery

- At no point should a worker handle a bat. Untrained handling may cause undue stress and injury to the bat, and if bitten may expose the worker to rabies-related European Bat Lyssavirus
- 2. Where possible replace any covering without damaging the bat, then halt works and contact Natural England (Tel: 0845 601 4523), or the Bat Conservation Trust Helpline (0845 1300 228), or IoSWT (01720 422153) for advice.
- 3. Any bats that go to ground should be covered with a box and left alone until a licensed bat worker arrives to assess the condition of the bat
- 4. If the bat attempts to fly at any point allow it to do so. Preventing natural behavior will cause unnecessary stress and may cause injury. Attempt to see where bat goes. If the bat returns to the building, halt works and report the escaped bat to the local bat work

2. Compliance with Building Regs

3. 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 paragraph 38 the National Planning Policy Framework 2018.

Signed:  Lisa Walton Planning Officer	Dated: 14/09/2018	Signed:  Craig Dryden Senior Manager	Dated: 14/09/2018
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