



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

Application number: P/18/056/FUL	Expiry date: 18 September 2018
Received on: 12 July 2018	Neighbour expiry date: 15 August 2018
UPRN: 000192001685	Consultation expiry date:
Legal agreement: No	Site notice posted: 26 July 2018
Departure: No	Site notice expiry: 16 August 2018

Applicant:	Mr Randolph Hessing
Site Address:	Jedi McFarland's Down St Mary's Isles Of Scilly TR21 0NS
Proposal:	Installation of one roof light to the front facing roof slope to provide light source for the upstairs corridor and means of fire escape.
Application Type:	Planning Permission

Description of site and development:

This is an application to install a new rooflight to the front facing roofslope of the property Jedi. Jedi is a semi-detached dormer bungalow located at McFarlands Down on the north side of St Mary's. The property is on the east side of the road, which is a private roadway serving properties along McFarlands Down.

The proposed rooflight would measure 1.6m x 0.79m and would be situated close to the eaves on the (west) front facing roofslope adjacent to x2 existing but smaller rooflights.

Public representations:

Neighbours at the attached property Ventoux have been written to directly and a site notice has been on display for a period of 21 days. No letters of representation have been received.

Consultee representations:

No consultations have been required and no consultation responses have been received.

Constraints and designations:

The site is within the Isles of Scilly Conservation Area, AONB, and Heritage Coast the Historic Landscape Character Type is identified as 'settlement'. Just outside the application site to the west is the Archaeological Constraint Area of Long Rock Down/Pendratheren.

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) 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 71: Although it is important to demonstrate an environmental and cultural awareness of the built heritage of the islands, we must embrace building techniques that reflect our advanced technology and contemporary lifestyles. As we move further into the new millennium, Scilly will be judged on how well these two objectives are met.

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 rooflight within the existing front-facing roofslope 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, highway safety or protected species.

Installing a rooflight within an existing 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](#).

Jedi is not identified as a listed building or other designated heritage asset such as a locally important building within the conservation area, for example. The property is a relatively modern dwelling which appears to have finally been granted planning permission in 1996 (P4050) following a series of refusals in the 1970s (P1270 and P1460) and the granting of a light industrial shed in 1987 (PP2543), a further refusal of a dwelling in 1995 (P3763). Permission being granted in 2008 to split the 6-bedroom property into x2 dwellings. Permission has subsequently been approved to convert the garage to a unit of holiday letting accommodation (P/14/045/FUL).

In terms of the principle then it is considered that the installation of a single rooflight in a modern property is acceptable. In terms of amenity impact then it is considered that whilst this window would afford views out across the road to the west toward the properties opposite (Sylina and Esperance) these properties are around 25 metres from the property at Jedi. Additionally there is intervening hedges that would provide adequate screening. It is not considered that the addition of a rooflight would give rise to an unacceptable impact upon the privacy and amenity of neighbouring properties.

The proposal would result in the addition of a rooflight which will be very much seen within the context of the existing dwelling and would not give rise to any harm to the wider character of this area and would have a neutral impact upon the conservation area. The proposal is not considered to give rise to harm to the scenic beauty of the wider AONB and heritage Coast.

There are no impacts upon highway safety.

The proposal does have the potential to impact upon protected species. Through alterations to a roof there is the potential to disturb bats or bat habitats, particularly as the adjacent garage is recorded as a bat roost. There is a known bat roost recorded at this site, in the garage, this structure has now been converted to residential use. Bat nesting boxes were required to be installed as a result of that permission. On this basis the applicants have been requested to submit a Preliminary Ecological Appraisal to determine any impact upon protected species. 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 conclusively 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;
- ensure all workers on site are familiar with bat legislation and agree to work within best practice measures, with respect to bats;
- carry out careful checks under any tiles of the roof when being removed, checking continually for bats, ceasing works should any bat be discovered,
- retaining roof vents and not restricting their use for bats, during the course of the works; and
- operational activities should be careful not to disturb bats around the known roost site that existing at this property.

The above can be a conditioned and 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:

C1. Standard 3 year Time Limit

C2. In accordance with the approved Plans

- **Site Location Plan**
- **Velux GPL MK 10 2070 Pine Top-Hung Window 78x160cm Specification Sheet**

- Proposed Elevation Plan, Drawing No: J-AM-2A dated June 2011

C3. Submission of Bat Mitigation Measures

Informatives



1. Standard Bat Discovery

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.

ANY ADDITIONAL INFORMATION:

- 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: 	Dated: 12/10/2018	Signed: 	Dated: 13/10/2018
Planning Officer		Senior Manager	