

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/026/HH
Received on: 22 May 2020
UPRN: 000192000508
Application Expiry date: 23 July 2020
Neighbour expiry date: **24 June 2020**
Consultation expiry date:
Site notice posted: 5 June 2020
Site notice expiry: 26 June 2020

Applicant: Mrs Maureen Bayetto
Site Address: Trevean
Higher Town
St Martin's
Isles of Scilly
TR25 0QL

Proposal: Raise existing roof and recover with natural slate, alterations to fenestration including new window, re-sizing of windows and replacement of UPVC windows with grey painted timber windows.

Application Type: Householder

Recommendation

1. That the Application is APPROVED for the following reason and subject to the condition set out below.

Site Description and Proposed Development

This is an application for alterations to this existing detached dwelling including the raising of the existing roof and recovering this with natural slate, alterations to fenestration including new window, re-sizing of windows and replacement of UPVC windows with grey painted timber windows.

Trevean is a complex of different buildings that, at some point during their history, have become linked to form a single and complex dwelling with mainly single storey structures with the main dwelling being of a two storey construction. The main two storey house has a linked single storey structure to the north west side, facing the main road. The site slopes down to the south from the main road. To the west side of the property is a set of outbuildings which include a grage, greenhouse and series of storage buildings.

Background and Relevant History

P3509 Installation of rooflight and replacement of window. Refused 1993

P3522 Installation of roof light. Refused 1993

P3843 Installation of rooflight. Approved 1995

P/19/088/TWA Elm T1, Elm T2, Elm T3. Crown reduction by 30%. Trees very close to the cottage and give excessive shading. Work to be carried out in early spring. No objection 2020

Consultations and Representations

Public Representations: NONE

Neighbouring properties have been consulted, listed below and a site notice has been in place for a period of 21 days to the front of the property: 03/06/2020 – 24/06/2020.

NEIGHBOUR	DATE CONSULTED	COMMENTS (DATE)
Glenmoor Higher Town St Martin's Isles of Scilly TR25 0QL	03/06/2020	None
Harbour Lights Higher Town St Martin's Isles of Scilly TR25 0QLI	03/06/2020	None
Hillside Higher Town St Martin's Isles of Scilly TR25 0QL	03/06/2020	None

Consultation Representations:

Due to the nature of this proposal no consultations were necessary.

Constraints:

Listed Building: The site is adjacent to K6 Listed Telephone Kiosk [ID: DCO14296] Grade: II. Name: K6 TELEPHONE KIOSK

Scheduled Monument: None

Archaeological Constraint Area: None
Historic Landscape Character: Settlement

Planning Policy

National Planning Policy Framework (NPPF) 2019

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.

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

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that “It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic”.

Submission 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 OE7). This emerging document also contains policies for residential extensions (Policy LC9). This permits extensions and alterations to enable smaller homes to be enlarged to either the minimum size (internal space standards) or enlarged to meet a growing household need, providing the design is otherwise in keeping with the character of the area and it does not impact upon the amenity of neighbouring properties, highway safety or any other material planning consideration

As of 30th September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight. As of 21st -23rd January 2020 the Local Plan has been through an Examination in Public (EiP). The Inspectors Modifications, to ensure a sound and legally compliant plan is adopted, will shortly be the subject of a final round of public consultation ahead of his final report and recommendation to the Council. Where there are no outstanding modifications it is considered that the emerging Local Plan policies can be given substantial weight in planning decision making.

Planning Assessment

The principle of alterations to an existing dwelling is considered acceptable and in accordance with both the existing Local Plan (2005) and the Design Guide SPD (2007). Additionally, the emerging Local Plan Policy LC9 of the submitted draft Local Plan (2015-2030) also accepts the principle of alterations and extension to existing dwellings. The issues for consideration therefore relate to whether the proposed raised and recovered roof, replacement doors and windows and the resizing of windows gives rise to any issues of impacts upon the amenity of adjoining neighbouring properties and whether it is in keeping with the design of the existing dwelling and the wider character of this part of the conservation area.

As the proposal does not include an enlargement of the gross internal floor space of the existing dwelling at Trevean, there are no calculations submitted in relation to the proposed and existing floor space measurements. There are similarly no details about

the number of floors, the number of bedrooms or the number of permanent occupants at this address. This assessment therefore does not consider an enlargement of the gross internal floorspace of the existing dwelling, which will remain unchanged.

Impact upon neighbouring amenity

There are a number of neighbouring properties around the site. These include Glenmoor which is around 6m to the east of the site, Corner Cottage, around 7m to the north east of the site, Harbour Lights is around 25m to the south, Ivydene is around 50m to the south, south west and Hillside being around 55m to the south west. From the north east (front) elevation there will be no noticeable changes from the proposed works, save for the north west facing roof slope, of which the increase in roof pitch angle and ridge height will be visible, it is not considered that this would impact upon the amenity of neighbouring properties.

To the side of the site facing the road, which is the north west elevation, the increase in roof height will be similarly noticeable above the single storey section of the property (the single storey part of the property does not itself include any other modifications) but again it is not considered that this would impact upon the neighbouring properties. The main, principal, elevation faces south east. Proposed changes that will be visible from this side include the increase in ridge height and the change in the windows and doors as well as one additional first floor window, centrally positioned above the door on the ground floor. This elevation faces away from the neighbouring properties, although it does face the outbuildings of Glenmoor but even at an angle of 25 degrees the distances are such and as such it is not considered that the additional window, alterations to the existing windows or the increase in roof height, would have an overlooking or other negative impacts upon the neighbouring properties.

To the south west the increase in ridge height proposed, together with the change in roof pitch angle and the additional of a first floor gable window, will be visible. It is considered that the first floor window, which will serve a bedroom, will have views over the garden of Trevean and some views towards Harbour Lights, the outbuildings of Ivydene and towards the rear of Hillside. It is noted that all of the properties are in excess of 21 metres from Trevean and on this basis, whilst there could be an increase in the perception of overlooking, it is not considered significant, due to the mature boundary along the south and south west side of the property. There is a wide side garden of around 15metres before the boundary with Harbour View with the dwelling at this neighbouring property being located more than 25 metres to the south west. It is not considered that there would be any adverse impact upon the property Ivydene similarly due to the distances between the proposed alterations and the position this neighbour. In relation to Hillside, then it is noted that this neighbouring property is around 55 metres to the south west and as such it would not be adversely affected.

It is considered that whilst the cumulative impact of the changes proposed will be visible from neighbouring properties, there will be no significant impact of overlooking,

loss of privacy or dominating or overshadowing impact as a result and on this basis the proposal is considered to be acceptable. As a result the proposal is considered to accord with emerging Policy LC9 (3) b) of the submission draft Isles of Scilly Local Plan (2015-2030).

Impact upon the character of the area

The proposal includes a number of positive changes including the replacement of an artificial fibre tiled roof with a natural slate roof and installation of fenestration that will be of a traditional scale and be constructed of timber. Additionally the south west gable will have its render removed and the natural stone revealed. It is considered that the proposed alterations by virtue of the design, will improve the visual appearance of the dwelling. There will be elements that will be visible from the public realm, including the increase in roof pitch and eaves and ridge height, the removal of render but it is considered that these will have positive impact upon the street scene and will be in keeping with the style of this traditional dwelling. On this basis it is considered that the proposal will not result in any harm and will have a positive impact overall on the character of the conservation area. On balance, it is considered that the proposal is acceptable and in accordance with Policy 1 of the adopted Isles of Scilly Local Plan (2005) and Policy OE7 (5)a of the submission draft Isles of Scilly Local Plan (2015-2030).

Impact upon the Natural Environment

As the proposal includes removal of a roof of an existing building there is a requirement to demonstrate whether the proposal will have an impact upon protected species such as birds, bats or other wildlife. Whilst there is a statutory requirement to ensure protected species are not harmed or injured, the emerging Local Plan also requires development proposals to not result in net losses of biodiversity and where possible should result in biodiversity net-gains. The applicant has submitted a Preliminary Ecological Appraisal which concluded a Preliminary Roost Assessment should be carried out and include 2 emergence surveys (dusk and dawn). This report identified a moderate potential to support roosting bats due to multiple features which would provide suitable roosting habitat for small numbers of crevice dwelling bats. The emergence surveys confirmed a roost in the main dwelling (entry beneath a fascia board on the south east facing elevation). The report notes that the works will result in the permanent destruction of the roost site through the removal of the structural features, as well as some impact, through injury or death, of individual bats, should they be present when works to the roof take place. If planning permission is granted then works should be conditional to include suitable mitigation measures including a replacement roosting site, and works being timed appropriately and under the application of a EPSL. Subject to such conditions, it is considered that the impact upon bats could be mitigated sufficiently to ensure the conservation status of common pipistrelle bats on St Martins.

In addition to wildlife, the site is 800 metres to the south west of Chapel Down Site of Special Scientific Interest (SSSI). The Chapel Down SSSI is largely (98.2% of the 34.9

hectare site) in an unfavourable but recovering condition. Chapel Down forms an exposed headland on the eastern side of the island of St Martin's on the north-eastern margins of the Isles of Scilly archipelago. The site overlaps with the Isles of Scilly Special Protection Area (SPA) and Ramsar. Due to the distances between the application site and the type of development proposed it is considered that the proposal would not have an impact upon the natural environment of the SSSI, SPA or Ramsar.

Impact upon the historic environment

Trevean is not itself a listed building or scheduled monument. It does however lie in close proximity to a number of designated heritage assets. These include the listed K6 telephone kiosk, which abuts the north west boundary of this site and is Grade II listed. Directly to the north is Corner Cottage which is also grade II and within 7 metres of the boundary of the application site. The proposal makes a number of changes to the interior as well as the exterior of the building of which there is some potential to impact upon the historic environment. Whilst the internal changes are not considered to make any impact, it is noted that the proposals will make positive changes to the exterior of the building and will reinstate a number of more traditional details, including the use of a natural slate in place of the current fibre tiles, and the use of timber doors and windows, in place of UPVC. The most noticeable element, in relation to the dwelling opposite, will be the increase in roof height. The application site is, however, separated from Corner Cottage by the road and it is not considered that the enlargement proposed will impact upon the setting of this nearby listed cottage. It will, on balance result in more positive changes to the dwelling which will enhance the site and buildings within the vicinity will not be adversely affected.

Unlike the adjacent cottage, the setting of the phone box includes the wider street scene of Higher Town. The phone box is set within a traditional small-scale street scene which is quite intimate and the property at Trevean, which is the property that is closest to it, has the potential to detract from this intimate setting. It is noted that no changes are proposed to the single storey elements, which run up to the edge of the highway and would be closest to the phone box and as such this setting will be largely unchanged. The two storey cottage element of the site, set back behind the single storey buildings, will be visible, but when balanced with the reinstatement of traditional materials on the roof and in the windows, it is considered that the proposal overall will result in an enhancement to the street scene and the setting of the phone box as a result. The proposal is therefore considered to be in accordance with Policy 1c) of the adopted Local Plan (2005) and Policy OE7 (6) of the emerging Local Plan (2015 – 2030).

Other Issues

The Infrastructure of the islands needs to be taken into account when dealing with development proposals. The emerging Local Plan requires all sites to be accompanied and supported by Site Waste Management Plans (SWMP) to ensure waste, both in the short and long term, are effectively managed. In the short term this is about the

management of construction waste and the sourcing of minerals and aggregates in connection with construction. In the long term this this about ensuring adequate facilities are provided, in this case for the occupation of a household in the larger dwelling that is proposed. The applicant has provided a SWMP which does address the management of waste in the short-term as part of the construction phase. It is considered that the matters set out have been adequately addressed to ensure waste is managed effectively. The proposal does not include details of the long-term occupation phase to manage household waste and recycling but given the size of the application site, there are no concerns about the adequacy of space for the appropriate management of waste.

The emerging Local Plan also requires development proposals to be accompanied and supported by proportionate sustainable design measures as a means to reduce both water as well as energy consumption. In relation to water and wastewater then it is considered that the existing dwelling is connected to a foul water treatment facility and as no increase in size is proposed, this should remain adequate. Measures to minimise energy and water consumption have not been provided as part of the submission and as such this proposal fails to comply with Policy SS2(2). This could be addressed by a pre-commencement condition which would provide the opportunity for the applicant to address this matter, without any significant alteration to the plans submitted, but with the certainty of having their plans approved.

Subject to a pre-commencement condition to provide the sustainable design measures, it is considered that the proposal would have an acceptable impact upon the infrastructure of the islands, particularly Policy SS2(2).

Conclusion

It is noted that Trevean is currently a modest-sized 3-bedroom home, in need of modernisation and refurbishment. The proposal will reduce the number of bedrooms and improve the visual appearance of this property through the reinstatement of traditional materials, without adverse harm being identified. It is considered that the proposal, whilst will see a reduction in bedrooms, it does so without any enlargement of the property. Overall it is considered that the alterations proposed will better reveal the original and traditional cottage which will enhance the character of the conservation area and AONB designations.

The above assessment reflects the changing policy context of the emerging Local Plan, that now sets out greater controls over domestic extensions on the islands. It has concluded that the scale of the scale of the works are in accordance with Policy LC9 of the Isles of Scilly Local Plan (2015-2030). It is understood that Policy LC9 will be included as a modified policy by the Planning Inspector and as such the weight attached to this policy is lessened as a result.

Recommendation

For the above reasons it is considered that proposal is acceptable and in accordance with the adopted and emerging Local Plan and is recommended for approval, subject to the conditions set out below.

Conditions

- C1 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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**
- Plan 1 Location Plan
 - Plan 2 Block Plan
 - Plan 3 Proposed Plans and Elevations, Drawing Number: TV-RRD-2a
 - Plan 4 Site Waste Management Plan
 - Plan 5 Bat Presence/Absence Survey (timing of works)
- These are 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) and Policy OE1 and OE7 of the submission Isles of Scilly Local Plan (2015-2030).
- C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**
Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the St Martins Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.
- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions (Class A), alterations to the roof (Class B and C), porches (Class D), ancillary outbuildings (Class E), hard surfaces (Class F) or chimneys or flues (Class G) shall be erected or constructed on the dwelling, here by permitted, without the prior permission, in writing, of the Local Planning Authority through the submission of a further**

application.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality and in the interests of the affordability of the dwelling and the local housing stock.

- C5 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800- and 1800-hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of neighbouring properties.

PRE-COMMENCEMENT

- C6 Prior to the commencement of the development, hereby approved, details of a replacement roosting site should be submitted to and approved in writing by the Local Planning Authority. This should comprise a bat box using the Kent Bat Box design which would be sited on an elm tree which is located approximately 5m to the east of the current roost just in front of the house. The installation of the box should be supervised by a Licensed Bat Worker to ensure that the aspect and height replicate the character of the existing roost as closely as possible. Provision of this feature would ensure continuity of roosting habitat and should be permanently retained as approved thereafter.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to in order to retain control over the development, to safeguard bats and their roosts which are specifically protected by law. In the interests of securing appropriate and proportionate biodiversity net gains at this site in accordance with Policy OE2, SS1(d) and SS2(g).

- C7 No development on the roof (or any part of the building where bats have been found) shall take place until a European Protected Species License (EPSL) has been obtained from Natural England. The applicant shall provide the Local Planning Authority with copies of all relevant documentation and the results of any required further survey work as applicable. Works to be completed in strict compliance with the terms of any licence issued by Natural England. The Local Planning Authority shall be provided with a copy of all relevant bat mitigation provision and the results of any required post-development monitoring as applicable. All bat survey records arising from this project to be provided to the relevant Biological Recording Centre which for the Isles of Scilly is at Environmental Records Centre for Cornwall and the Isles of Scilly (ERCCIS).**

Reason: This is a pre-commencement condition that requires details that

were not submitted as part of the application but are required in the interests of safeguarding protected species and to enhance biodiversity in accordance with Policy 1(e) of the adopted Isles of Scilly Local Plan 2005 and Policy OE2 of the Draft Isles of Scilly Local Plan 2015-2030.

PRE-COMMENCEMENT

C8 Prior to the commencement of the development hereby permitted a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority and should include water conservation and harvesting measures and energy reduction measures. The sustainable design scheme shall be implemented in strict accordance with the details as agreed and be retained as such thereafter.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to in order to comply with Policy 2 of the Local Plan (2005) and Policies SS1(b) and SS2(k) of the Submission Draft Isles of Scilly Local Plan 2015-2030 and to minimise the impact of the development on the islands carbon footprint and reduce energy and water demands.

Print Name: Lisa Walton

Job Title: Senior Officer, Planning and Development Management

Signed:



29/07/2020

Authorised Officer with Delegated Authority to determine Planning Applications

Monitoring – Case Officer – Don’t forget to complete and enter into the Monitoring Table: Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)	a), b)	1. a), b), c), d), e),								
Contrary to (tick)										
In accordance with (tick)	✓	✓								
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			

Clause/Part (State)									(6)
Contrary to (tick)									
In accordance with (tick)									✓
Strong Living Community									
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9
Clause/Part (State)									(1) (3)b
Contrary to (tick)									
In accordance with (tick)									✓
A Strong Working Community									
	WC1	WC2	WC3	WC4	WC5	WC6			
Clause/Part (State)									
Contrary to (tick)									
In accordance with (tick)									

Monitoring	Yes	No
Sustainable Design Measures required	✓	
Provided		✓
Conditioned	✓	
Site Waste Management Plan Required	✓	
Provided	✓	
Conditioned		✓
Biodiversity enhancements required	✓	
Provided		✓
conditioned	✓	