

Council of the Isles of Scilly Delegated Planning Report Householder application

Application Number: P/22/019/HH & P/22/020/LBC

UPRN: 000192000447

Received on: 4 February 2022

Valid on: 8 February 2022

Application Expiry date: 5 April 2022

Neighbour expiry date: 2 March 2022

Consultation expiry date: 4th March 2022

Site notice posted: 11 February 2022

Site notice expiry: 4 March 2022

Extension of Time Agreed: 23 September 2022

Applicant: Mr Alistair Martin

Site Address: Ashvale Farmhouse

Lower Town

St Martin's

Isles Of Scilly

TR25 0QW

Proposal: Replacement of existing wet laid scantle slate with dry laid
Trevillett slate. (Listed Building).

Application Type: Householder & Listed Building Consent

Recommendation: Approve

Summary Conditions:

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Hours of Construction
 4. SWMP
 5. Bat Avoidance Measures
 6. Confirmation of a EPSML
 7. Sample slate
-

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Dan Marcus

Date: 09/02/2022

Site Description and Proposed Development

Ashvale Farmhouse is a Grade II listed Building located at Lower Town on the island of St Martins, Isles of Scilly. The farmhouse was added to the Statutory List in 1992 and is described as:

Farmhouse. Mid C19, incorporating older former dwelling. Uncoursed and roughly coursed granite rubble with C20 slate and pantile roofs; brick end stacks to main mid C19 range and truncated end stack to older range. 3-unit plan to main range and 2-unit plan to older range at right angles to west. 2 storeys. Main 3-window range has granite lintels over panelled door and horned 2/2-pane sashes. Lower former dwelling has granite lintels over C20 plank door and small window; concrete lintel over C20 window to right and C20 window under eaves. Interior: former dwelling has pegged A-frame trusses.

The proposal is to re-roof the property removing the wet-laid scantle slate roof with a dry lay natural slate roof. The new roofing slate is identified as Trevillet Slate. No other changes are proposed.

In June and August 2021 Wheel Grey Ecology were commissioned to carry out a bat survey on the building. This found the building does house a regular day roost for up to 9 common pipistrelle bats, potentially a maternity roost. The works, if approved, would result in temporary damage to the roost. This requires any works to be carried out under a Bat Mitigation License from Natural England and specifically a Full European Protected Species Mitigation License will need to be obtained. Works will also need to be timed to avoid the maternity period for bats, (May-mid-September) and the hibernation period (late March to mid-November).

Certificate: A

Other Land Owners: N/A

Consultations and Publicity

The application has had a site notice on display for 21 days (11/02/2022 – 04/03/2022). The application appeared on the weekly list on 14th February 2022.

Due to the nature of the listed building consent application, there has been one external consultation (Cornwall Archaeological Unit) for which the summary response is set out below. The full response can be found via the following link: <https://www.scilly.gov.uk/sites/default/files/planning-apps/planning-application-p/22/020/lbc/P-22-020%20CONSULTATION%20RESPONSE%20CAU.pdf>

Consultee	Date Responded	Comments
Cornwall Archaeological Unit	04/03/2022	Further assessment and details of the roof covering, trusses and torching required in order to consider its heritage significance. Further details were requested from the agent. Following a further heritage impact assessment, CAU have been reconsulted who have stated:
CAU	09/09/2022	Thank you for re-consulting us on this application to re-roof this Grade II Listed Building. We have consulted the submitted Heritage Statement and Impact Assessment (Silverlake Design, 23rd August 2022) which clearly assesses the significance and development of Ashvale, and the potential impacts of the proposed scheme. Based on this information, in this instance, we consider it unlikely that significant historic fabric will be disturbed by the proposed scheme. No archaeological mitigation or historic building recording is required, and therefore no condition is sought.

Representations from Residents:

Neighbouring properties written to directly:

- Appletree Cottage, Lower Town, St Martins

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

Relevant Planning History:

P4752 – Listed Building Consent application approved to remove existing brick part of North West chimney. Replace with clay pot on retained stone part of chimney. Approved 14.03.2000.

P4874 – Listed Building Consent application approved to demolish and rebuild wall, build kitchen and bathroom facilities incorporating internal and external repairs. Approved 12.10.2000.

P5096 – Approved amendments to LBC P4874 dated 12/10/2000 internal and external repairs. Approved 29.01.2002.

P/19/032/LBC - Listed Building Consent application approved for repairs to glasshouse frame and masonry walls. 07.08.2019

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Grade II Listed Building – Ashvale Farmhouse
- Archaeological Constraint Area – Lower Town

Listed Building Consent Assessment

	Yes or No
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y
Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed works will cause no substantial harm to the significance of the listed building?	Y
Having regard to your answers above, is the application considered to be acceptable?	y

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	y
Is the parking and turning provision on site acceptable?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y
Is the scale proposed in accordance with NDSS	n/a

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	y
Within an Archaeological Constraint Area	y
Other Impacts	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees Will this be acceptable Can impact be properly mitigated?	n/a

Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	n/a
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	y
Are the Water connection/foul or surface water drainage details acceptable?	n/a
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	n/a
Are there external lights	n

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	y
Does the proposal include any demolition	n
Does the proposal include tree or hedge removal	n
Is an assessment of impact on protected species required	n
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	y
Are biodiversity enhancement measures required	y
Is a condition required to provide biodiversity enhancement measures	y

Waste Management	YES OR NO
Does the proposal generate construction waste	n
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	n
Does the proposal include a Site Waste Management Plan	n
Is a condition required to secure a Site Waste Management Plan	Y (not for LBC)

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	n
Does the proposal include any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

This application has been considered in accordance with Sections 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	✓
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	
Policy OE5 Managing Waste	✓
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	

Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	✓
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan		✓	y
Sustainable Design Measures		✓	n
Biodiversity Enhancement Measures:	✓		n

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010: The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in

considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

Recommended Conditions for P/22/019/HH:

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 and Block Plan, drawing number: 10/0142-02 02 and dated 28/01/2022**
- **Plan 2 Existing and Proposed Elevations, drawing number: 10-0142-02 01 and dated 26/01/2022**
- **Plan 3 Design and Heritage Statement, dated 02/02/2022**
- **Plan 4 Heritage Impact Assessment, Silverlake Design, Ref: 3643HIA, Version 2 and Dated 23/08/2022**
- **Plan 5 Bat Emergence Surveys, Wheal Ecology, Report No: 20-248/DofC/Ashvale, St Martins, IofS_FB and dated June and August 2021**

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 OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

C3 Prior to the commencement of the development, hereby approved, either a copy of the European Protected Species Mitigation License issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as Amended) authorising the development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/ development will require a license must be submitted to and agreed in writing by the Local Planning Authority. The development must accord with these details thereafter.

Reason: In order to secure the 'strict protection' of European protected species.

C4 A scheme for bat avoidance measures as set out in the European Protected Species Mitigation Licence (EPSML) in accordance with condition C3, shall be fully adhered to during the course of the

development hereby approved. Once fully implemented the bats' roost area and existing openings shall be permanently retained and maintained thereafter.

Reason: To retain control over the development, to safeguard bats and these roosts which are specifically protected by law.

- C5 Prior to the commencement of the development, hereby approved, 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 all waste associated with the project is managed effectively in accordance with the waste hierarchy. In accordance with the requirements of Policies SS2(2) and OE5 of the Isles of Scilly Local Plan (2015 - 2030).

- C6 Prior to their installation on the building, a sample or details of the natural slate for the roof shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the roof shall be finished in the agreed natural slate and thereafter natural slate shall be retained on the roofs of the house and outbuilding. All nails and fittings shall be corrosion resistant.**

Reason: To ensure that the character and appearance of the approved extensions is sympathetic and in keeping with the architectural details of this as listed building and in keeping with the wider character and appearance the conservation area, in accordance with Policy OE7 (5) and (6) of the Isles of Scilly Local Plan (2015 - 2030).

- C7 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 the islands

Recommended Conditions for P/22/020/LBC


- C1 The development hereby authorised shall be begun not later than three years from the date of this consent.**

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as

amended).

- C2 Prior to their installation on the building, a sample or details of the natural slate for the roof shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the roof shall be finished in the agreed natural slate and thereafter natural slate shall be retained on the roofs of the house and outbuilding. All nails and fittings shall be corrosion resistant.**

Reason: To ensure that the character and appearance of the approved extensions is sympathetic and in keeping with the architectural details of this as listed building and in keeping with the wider character and appearance the conservation area, in accordance with Policy OE7 (5) and (6) of the Isles of Scilly Local Plan (2015 - 2030).

Print Name:	Lisa Walton	23/09/2022
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		