

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/013/FUL

UPRN: 000192001661

Received on: 13 February 2024

Valid on: 02 September 2024

Application Expiry date: 28 October 2024

Consultation expiry date: 25 September 2024

Site notice posted: 04 September 2024

Site notice expiry: 25 September 2024

Case Officer: PSMYTH

Applicant: Mr Keith Sanders

Site Address: The Downs
Trenoweth
St Mary's
Isles Of Scilly
TR21 0NS

Proposal: Replacement of scantle slate roof covering with natural slate
and insertion of 3 no. roof lights

Application Type: Full

Recommendation: PERMIT

Summary Conditions

1. Standard time limit (3 years)
 2. In accordance with the approved plans
 3. Materials as per application
 4. Ecology
 5. Hours of Construction
-

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: Cllr Dan Marcus

Date: 25.09.2024

Site Description and Proposed Development

The application site comprises a 2-storey, 3 bedroom detached dwelling with a 1-bed ground floor annex used as holiday accommodation. The building is part of, but sited slightly apart from, the cluster of agricultural buildings at Higher Trenoweth. The building is constructed of coursed granite with a slate roof.

The site is accessed via a farm track from Pungies Lane which serves a number of properties. The track continues past the application site to reach the coast path.

Permission is sought for the following works:

- Replacement of scantle slate roof coverings with natural slate

The proposal is to remove the defective existing slate roof covering, carry out repairs as found necessary and provide a new natural slate roof covering.

- Insertion of 3 rooflights on the rear roof slope

The roof lights would be heritage conservation roof lights which would be slim and sit flush to the roof tiles. The purpose of the roof lights is to provide lights to aid the retrieval of goods stored in the roofspace. It has been confirmed by the agent that there are no plans to use the space for habitable accommodation over and above domestic storage.

Certificate: A

Other Land Owners: No

Consultations and Publicity

The application has had a site notice on display for 21 days (04/09/2024 – 25/09/2024). The application appeared on the weekly list on 9th September 2024. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly: None

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

P/13/012	Alterations to rear lean-to roof structure including replacement of roof covering with fibreglass	GRANTED 04.06.2013
P/11/087	Conversion of ground floor window on East elevation into a softwood framed, glazed door and side window and the construction of a slate tiled wooden canopy over; and raising the sill level of an existing window on West elevation to match adjacent window	GRANTED 09.11.2011

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
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?	N/A
Is the parking and turning provision on site acceptable?	N/A
Would the proposal generally appear to be secondary or subservient	N/A

to the main building?	
Is the scale proposed in accordance with NDSS	

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

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	YES
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?	N/A
Within an Archaeological Constraint Area	NO
Other Impacts	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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?	YES
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	YES
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/A

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

Waste Management	YES OR NO
Does the proposal generate construction waste	YES
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	NO
Does the proposal include a Site Waste Management Plan	YES
Is a condition required to secure a Site Waste Management Plan	NO

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

Design

Policy SS2 outlines proposals should demonstrate high quality design that respects the character of the site and existing townscape, landscape and seascape. Policy LC8 requires proposals to demonstrate an appropriate, scale, density, layout, height, mass and use of materials so as to not be visually intrusive in the landscape. In addition, LC8 requires proposals to demonstrate they do not result in the overdevelopment of the site.

The proposal would see the removal of the existing roof tiles and their replacement with natural slate tiles. There would be no alterations to the bulk and mass of the roof. Whilst the replacement of the roof tiles would alter the appearance of the building it would not materially alter the character or result in visual harm.

The proposed rooflights would be sited on the rear roof slope and would therefore not be highly visible from the public realm and would not dominate the roof slope.

In summary, the proposal is considered to accord with SS2 and LC8.

Residential Amenity

Policies SS2 and LC8 require proposals to safeguard residential amenities.

The proposed development would not give rise to any unacceptable adverse overbearing, overshadowing or overlooking impacts to residential amenity. Consequently, the proposal accords with policies SS2 and LC8.

Historic Environment Impacts

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the conservation areas, listed buildings, Scheduled Monuments and Archaeological Site.

The application site is within the Conservation Area and is sited to the north of Trenoweth Farm which features a number of listed assets: The Barn at Trenoweth Farm (Grade II), Trenoweth Farmhouse and Cottage as well as the adjoined garden wall (all Grade II). The closest feature, the Barn, is approximately 60m to the south of the application site.

The proposal involves the replacement of all rooftiles and the inclusion of 3 conservation rooflights to the rear of the property. The rooflights would not be discernible from the adjacent properties. The proposed works would not materially alter the appearance of the dwelling or affect the wider character of the area. This proposed development is therefore considered in accord with OE7.

Waste management

Policy OE5 requires that all development proposals demonstrate best practice in addressing waste management solutions, must align with the waste hierarchy and be supported by a waste management plan (SWMP).

A basic SWMP has been submitted which outlines that, where possible, the removed tiles will be saved for use elsewhere or crushed locally and recycled into building aggregate. Removed battens will also be reused elsewhere or recycled locally. The SWMP is considered to be proportionate to the development proposed. The submitted detail is considered to accord with Policy OE5.

Dark Night Skies

Policy OE4 sets out that development proposals that include external lighting will only be permitted where it can be demonstrated that the lights are essential for safety, security or community reasons, and where details are provided of attempts to minimise light pollution.

The proposal includes the insertion of 3 rooflights which could have the potential to introduce light spill into the sky. The agent has confirmed that the roofspace is currently used for domestic storage and the introduction of the rooflights would enable natural light to aid the retrieval of stored items. There are no plans to utilise the space as formal habitable space.

Ecology and biodiversity

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured.

The proposed works impact the existing roof, as such has the potential to impact bats and nesting birds.

The applicant has submitted a number of surveys including a Bat and Barn Owl Survey dated January 2019 and an associated surveys dated July to September 2019. These reports are out of date but are useful in that they confirmed that a Bat Mitigation Class License from Natural England would be required. An updated Bat Presence/Absence Surveys (PAS) was submitted (dated 11th September 2024 – REV A). The PAS surveys completed confirmed bat behavior consistent with the following roosts:

- A non-breeding summer roost used by a maximum of four common pipistrelle bats; primarily behind the fascias on the eastern and northern aspects of the property with occasional use of roof tiles on the eastern aspect.

The report confirms that as a precaution, given the slight increase in numbers in the final survey which was carried out late in the maternity season, the following additional roost use is also assumed:

- A transitional period roost used by individual common pipistrelle bats. The results are consistent with those recorded in 2019 when two PAS surveys confirmed 4x and 3x bats respectively were recorded emerging from the same features indicating broad continuity of use of the building over time.

The Ecologist considers that the re-roofing proposals, in the absence of mitigation, would result in the modification/destruction of the roosts and the potential to disturb, kill or injure the roosting bats. The installation of the roof lights, in the absence of mitigation, would modify the internal conditions of the loft space which could result in the modification or destruction of the roosts depending on the precise situation of the bats at the soffits/eaves. These impacts can be controlled through an appropriate method of working which would be secured by a European Protected Species Mitigation Licence (EPSML). A condition is recommended ensuring that the works are undertaken in accordance with the mitigate set out in the submitted report.

Owing to the nature of the application, it is exempt from the statutory 10% net gain in biodiversity. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure further biodiversity net gain under OE2 in this instance. The proposal is therefore considered to accord with OE2.

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 Section 72 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	
Policy OE4 Protecting Scilly's Dark Night Skies	
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	

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:

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:

- **P-24-013 Plan 1 Location Plan**
- **P-24-013 Plan 2 Block Plan**
- **P-24-013 Plan 3 Proposed Elevations**
- **P-24-013 Plan 4 Proposed Roof Plan**

- **P-24-013 Plan 5 Proposed Velux Heritage Conservation Roof Window**
- **P-24-013 Plan 6 Description of Materials**
- **P-24-013 Plan 7 Design and Heritage Statement**
- **P-24-013 Plan 8 Site Waste Management Plan**
- **P-24-013 Plan 9 Bat and Barn Owl Survey**
- **P-24-013 Plan 10 Bat and Bird Survey**
- **P-24-013 Plan 11 Bat Presence and Absence Survey**
- **P-24-013 Plan 12 Bat Presence and Absence Survey 2**

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 The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

- C4 The development hereby approved shall be undertaken in accordance with the Mitigation Strategy outlined in Chapter 4 of the Bat Presence/Absence Surveys (PAS) (24-3-1) dated 11th September 2024.**

Reason: In the interests of protecting the residential amenities of the islands.

- 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 the islands.

Recommended Informatives:

- 1 Due to the potential for new rooflights to give rise to light pollution the occupants are encouraged to install blackout blinds, ideally of sensor-controlled to minimise upwards light spillage.
- 2 Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Council **of the Isles of Scilly Authority**.

Print Name: Lisa Walton

01/11/2024

Job Title: Chief Planning Officer

Signed: 

Authorised Officer with Delegated Authority to determine Planning Applications
