

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/24/046/FUL & P/24/047/LBC

UPRN: 000192001051

Received on: 17 June 2024

Valid on: 2 July 2024

Application Expiry date: 27 August 2024

Consultation expiry date: 26 July 2024

Site notice posted: 5 July 2024

Site notice expiry: 26 July 2024

Applicant: Mr Mark Hampton

Site Address: Riviera House
The Parade
Hugh Town
St Mary's
Isles Of Scilly
TR21 0LP

Proposal: Removal of entire wet laid scantle slate roof and
replacement with dry laid natural slate (Listed Building)

Application Type: Planning Permission & Listed Building Consent

Recommendation: PER

Summary Conditions

1. Standard time limit
2. Adherence to plans
3. Natural slates and corrosion resistant fittings
4. In accordance with specified bat mitigation measures only and under a
EPSML
5. Hours of Operation for Construction Works

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 D Marcus

Date: 11/07/2024

Site Description and Proposed Development

Riviera House is grade II listed building consisting of two flats located on the eastern side of the Parade on St Mary's. The Parade is

Historic England Listing Entry: <https://historicengland.org.uk/listing/the-list/list-entry/1219007?section=official-list-entry>

“House. C18. Coursed and squared granite; gabled slate roof, with scantled slate roof to rear wing; rendered end stacks. L-plan with rear left wing. 3-unit plan including central staircase. 2 storeys; symmetrical 3-window range. C20 gabled porch. Flat arches with voussoirs over late C19/C20 8/8-pane sashes. Hipped dormers with similar horned 6/6-pane sashes. Early C19 3-storey rear wing with 6/6-pane sashes. Interior not inspected.”



View from the North East on Holgates Green



View from the West on The Parade

This application proposes to replace the scantle slate roof covering on the whole of the building with 400mm x 200mm dry laid natural slate to match the existing as closely as possible in colour, character and texture. The slate would be fixed with nails with an overlap of 250mm. The application states that new felt and batons will be fitted where required with new valley boards and fascia boards to the dormers and lead work to the valleys. The dormers will then be nailed with matching vertical hanging slate.

The reason given for the proposal is that the south side of the roof has slipped and had to be repaired to prevent water ingress. Examples of damage and temporary repair below.



Certificate: B

Other Land Owners: D Etheridge & C Drage

Consultations and Publicity

The application has had a site notice on display for 21 days (05/07/2024–26/07/2024). The application appeared on the weekly list on 8th July 2024. Due to the nature of the proposal no external consultations are required.

Representations from public:

[1] letters of objection have been received
[0] letters of support have been received
[0] letters of representation have been received.

A letter of representation has been received from the owner of the adjoining property 'Serica'. They are seeking assurances as to how the roof would join to theirs and what happens if it causes leaks. Object until they know how and where the two roofs would join.

Relevant Planning History:

No planning history relevant under the adopted 2015-2030 Local Plan but:

- **P/16/085/FUL & 086/LBC:** Application to retain renovations to 1970s Kitchen extension including re-roofing, reduced angle on the pitch through an increase in eaves height, re-roofing with slates, installation of x2 rooflights and internal modernisation including rendering of blockwork around the kitchen. **APPROVED 27.09.2016**
- **P/15/027/FUL & 028/LBC:** Replacement of front and side elevation windows like for like in timber. **APPROVED 07.07.2015**

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Listed Building - Grade II
 - Riviera House – 0m
 - Madura & Parkview – 5m
 - Customs House & Strand House – 5m
 - Multiple – Parade/Church Street – 25m
- Archaeological Constraint Area – The Parade & Town Hall – 10m
- Flood Prone Land – St Mary’s – 0m

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?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	n/a

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

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, <ul style="list-style-type: none"> 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	n
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 a) Will this be acceptable b) 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	

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	y
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	y
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	y
Is a condition required to secure a Site Waste Management Plan	n

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 a any site specific sustainable design measures	n
Is a condition required to secure a Sustainable Design Measures	n

Analysis: The HIA notes that the quality of the roof appears to be a good exemplar of its type and appears to have been a rather higher status dwelling than its later neighbours and is an important part of the overall appearance of The Parade and the surrounding street scape. It does go on to note that the scantle roof is not the original roof to this building and is likely to be at the end of its lifespan. It suggests that it is either secondary or tertiary roof covering, which diminishes its contribution to the significance of the listed building, although still an important element of the buildings form. The overall conclusion is that there will be only a very slight change to the subtle change in roofing material, which would not give rise to harm or loss of significance. In terms of the setting of adjacent listed buildings and the wider character of the conservation area, the conclusion is similarly that it would not result in harm or loss of significance.

Overall it is considered that, as the works are evidently necessary and would ultimately see the restoration of the main roofs of the listed building –and would result in the removal of a failing element of the building and helping to ensure the long-term future of a designated heritage asset within a conservation area, the minor harm identified is balanced with the wider public benefit, through the restoration of a designated heritage asset which improves the wider character of the conservation area. The HIA notes that in the recent past, planning guidance has recognized that change to historic buildings and their settings is part of their history and that buildings are not and should not be fossilised. The prospect of change, even to listed buildings, is anticipated in the government's National Planning Policy Framework, but was more clearly expressed in earlier guidance from 1996, Planning Policy Guideline No.15 (PPG 15).

Because of the potential for bats to be present within the building, a Bat Presence/Absence survey was carried out. This confirmed the roof space was likely being used as a non-breeding summer roost used by two common pipistrelle bats. The re-roofing works would likely result in a destruction of this roost. With this comes the harm in the form of disturbance, injury or death to bats and/or their habitat. As a result, all works need to take place in accordance with the bat mitigation measures identified and under the supervision of a European Protected Species Mitigation License, which must be in place before works commence. A condition to require this is recommended. Subject to this, the works are considered acceptable.

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	

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 P/24/046/FUL:

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, drawing number TQRQM24135121400860, dated 14 May 2024**
- **Plan 3 Proposed Roof Detail, dated 6 May 2024**
- **Plan 4 Proposed Roof Detail Annotated, date stamped 1 July 2024**
- **Plan 5 Design & Access Statement, date stamped 1 July 2024**
- **Plan 6 Heritage Impact Assessment, date stamped 17 June 2024**
- **Plan 7 Site Waste Management Plan, date stamped 1 July 2024**
- **Plan 8 Bat Presence/Absence Survey, Ref: 23-11-2, dated 9th June 2024**

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 roof shall be covered with natural slates only, as identified in the submitted documents listed in condition C2 above using corrosion resistant fixings. The roof shall be retained as approved thereafter.

Reason: In the interests of the special architectural character of the Listed Building and to preserve the character and appearance of the Conservation Area. In accordance with policies OE7 of the Isles of Scilly Local Plan 2015-2030.

C4 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.

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


- C5** There development, hereby permitted, shall be carried out in accordance with the Bat Mitigation Measures as detailed in the Specification for mitigation and compensation (Plan 8 in condition 2 above, specifically section 4.3.2 of the Bat Presence and Absence Survey), dated 09/06/2024 and under the specific requirements of a European Protected Species Mitigation License (EPSML). The EPSML will need to be in place before works commence. Once fully implemented the bats' roost area and agreed openings shall be permanently maintained.

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

Recommended Conditions P/24/047/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).

Print Name:	Lisa Walton	05/09/2024
Job Title:	Chief Planning Officer	
Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications	