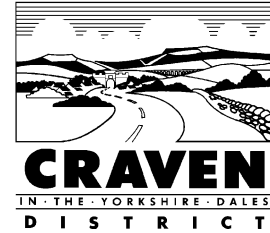


Planning Committee – 28th July 2014



Alleged unauthorised roofing material on the rear elevation of Car and Kitchen, Market Place, Settle

Report of the Strategic Manager of Planning and Regeneration

Ward affected: Settle and Ribble Banks

1. **Purpose of Report** – To seek a resolution on whether to take formal enforcement action in respect of a new profiled steel sheeting roof with verge flashings.
2. **Recommendations** – Members are recommended: -
 - 2.1 **To resolve to take formal enforcement action to require the removal of the roof erected in April 2013 and that a replacement roof is erected in natural blue slate to match the front elevation of the property.**
3. **Planning History**
 - 3.1 Planning Enforcement Investigation Reference 1509/13: On 16th April 2013, the Council's Planning Enforcement Team received a complaint that an existing roof had been removed and replaced with a new roof.
 - 3.2 Planning Ref. 62/2013/13820: Replacement of corrugated cement based roofing sheets with composite insulated roofing sheets to rear elevation roof slope of main building (retrospective). Refused 23/10/13 for the following reason: -

'The roof materials and colour are considered to be harmful to the setting of the adjacent listed building and do not make a positive contribution to Settle Conservation Area. The development is therefore contrary to the advice in the National Planning Policy Framework, PPS5: Planning for the Historic Environment Practice Guide June 2012 and the Management Strategy in the Settle Conservation Area Appraisal 2008.'
 - 3.3 Planning Ref. 62/2014/14520: Replacement of corrugated cement based roofing sheets with composite insulated roofing sheets, creation of coping stone roof verge to rear elevation roof slope – resubmission of 62/2013/13820. Refused 22/05/14 for the following reason: -

'The roof materials and colour are considered to be harmful to the setting of the adjacent listed building and do not make a positive contribution to Settle Conservation Area. The development is therefore contrary to the advice in the National Planning Policy Framework, the Planning Practice Guidance and the Management Strategy in the Settle Conservation Area Appraisal 2008'

4. **Sequence of Events**

- 4.1 The first planning enforcement visit was carried out on 23rd April 2013.
- 4.2 The developer was not present during this visit, but made contact the next day by email and included photographs showing the old roofing that had been removed. The developer explained that they believed they had carried out a 'like for like' repair, but accepted that because the roof was new and had not weathered it did look very 'new'.
- 4.3 On 29th April 2013 Officers wrote to the developer to advise that the new roof materially changed the appearance of the building and that the materials used were not acceptable. The developer was given the opportunity to provide a solution as to how the appearance of the roof could be satisfactorily improved or weathered; or to apply retrospectively to retain the roof although it was pointed out that this option was made without prejudice to any future decision the Council may make.
- 4.4 On 23rd August 2013 planning application 62/2013/13820 was submitted and subsequently refused on 30th October 2013. Officers gave the applicant the opportunity to appeal the refusal. The deadline for the appeal was 30th April 2014 and no appeal was submitted. On 27th March 2014 the applicant submitted planning application 62/2014/14520 that was subsequently refused on 22nd May 2014.
- 4.5 The decision on whether or not to take formal enforcement action against unauthorised development is a matter that is ordinary delegated to the Strategic Manager for Planning and Regeneration. However on this occasion the local ward Councillor (David Staveley) has asked that the decision be made by the Planning Committee.

5. **Relevant Planning Policy**

- 5.1 The National Planning Policy Framework (NPPF).
- 5.2 Planning Practice Guidance.
- 5.3 Management Strategy in the Settle Conservation Area Appraisal 2008.

6. **Analysis**

- 6.1 The property is within the Settle Conservation Area. The property is also within the Settle Article 4 Direction Area which means that various alterations including 'The alteration to the roof of a dwellinghouse by removal, alteration or application of any material' requires planning permission. However, this property is commercial shop premises within the town's conservation area and does not have permitted development rights for the replacement roof.
- 6.2 Immediately to the east and physically attached to the application building is a bank which is a Grade II listed building, described as follows:- *'House, now bank. C18 with mid C19 fenestration. Watershot masonry, stone dressings, stone slate roof. 3 storey, 3 bays. Central entrance has plain surround and C20 door. All windows*

have plain surrounds and projecting sills. Ground floor windows have C20 sashes. Outer windows on first and second floors have sashes; central windows are blind. Projecting quoins. Modillions at eaves and kneelers at gables. Gable end ridge stacks. C18 stair window at rear has 2 lights with flat-faced transoms and mullions. C18 queen post roof.'

- 6.3 The acceptability of the development that has been undertaken is a subjective matter. A full assessment of these merits has been undertaken previously by Planning Officer's in the consideration of the planning applications. The case officer's delegated report is therefore attached for Planning Ref. 62/2014/14520 as an Appendix and this report explains why planning permission has previously been refused.
- 6.4 Retrospective planning permission for the development has therefore previously been refused and a decision now therefore also has to be taken on whether it is expedient to also take formal enforcement action. The works are publically visible and comments have been made both in support and objecting to the development. In Officers view the works are detrimental to the setting of an adjacent listed building and fail to preserve or enhance the conservation area. It is recognised that the available viewpoints of the works are not from locations that are well used by the wider general public. However, the central core of Settle is considered to be of very high quality and a heritage asset of some significance. In addition to being a Conservation Area, there are a significant number of listed buildings within the vicinity of the site, and furthermore an Article 4(1) Direction was designated by the Council to further protect the area and prevent certain changes to dwellings without first gaining planning permission.
- 6.5 It is course recognised that taking action would have a financial impact on the developer, but this is not considered to be a reason not to take action. It is therefore recommended that it would be in the public interest to take formal action. The developer would of course have a right of appeal against any enforcement action that is taken.

Conclusions

- 6.6 Officers have reached the conclusion that it is expedient to take formal enforcement action in this case to require the removal of the composite insulated roofing sheets and to require their replacement with a natural blue slate roof to match the roof on the front elevation of the property.

6. Implications

- 8.1 **Financial and Value for Money (vfm) Implications** – As is always the case with such matters should the application be refused an appeal against the decision may be made. Financial costs would be incurred defending the Council's case.
- 8.2 **Legal Implications** – None other than those indicated elsewhere in the report.
- 8.3 **Contribution to Council Priorities** –
- 8.4 **Risk Management** – N/A

8.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment Procedure **has not been** followed. Therefore neither an Initial Screening or an Equality Impact Assessment has been undertaken on the proposed policy, strategy, procedure or function to identify whether it has/does not have the potential to cause negative impact or discriminate against different groups in the community based on •age • disability •gender • race/ethnicity • religion or religious belief (faith) •sexual orientation, or • rural isolation.

7. **Consultations with Others** – None

8. **Access to Information : Background Documents** – Planning application file refs. 62/2013/13820 & 62/2014/14520.

11. **Author of the Report** – Cathy Dakin, Planning Enforcement Team Leader, telephone 01756 706447, e-mail: cdakin@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

9. **Appendices**

The Officers report and recommendation on the acceptability of Planning Ref. 62/2014/14520.