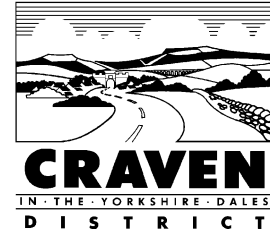


Planning Committee – 16th March 2015



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 using a plastic imitation blue slate.**
 - 2.2 **Alternatively, if Members disagree with the recommended course of action set out at 2.1 above, that Members:**
 - a) **resolve to request that the applicant paints or sprays the roof sheets in grey primer (Manor Coating Systems Hi-build Vinyl colour RAL 7015 (Slate Grey)) to achieve a satisfactory and uniform paint finish.**
 - b) **authorise officers to take formal enforcement action to achieve this paint finish, should the work not be undertaken voluntarily within 3 months of the date of this decision, and**
 - c) **authorise officers to agree an alternative paint finish should it transpire that the product specified at 2.2 a) is not available or practical.**
3. **Background / 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'

- 3.4 The decision on whether to take formal enforcement action was taken to Planning Committee at the request of the local ward Councillor (David Staveley). The report taken to Planning Committee on 28th July 2014 is attached as Appendix A, and the officers report that assesses the acceptability of the existing roofing sheets (Planning Ref. 62/2014/14520) as Appendix B. The resolution made by Members at Planning Committee on 28th July 2014 was:-

- 3.5 That the owner of the property known as Car and Kitchen is invited to provide

- a). evidence as to the building's ability or otherwise to take a slate roof
- b). details of possible treatments for the existing unauthorised roofing material, and
- c). details of alternative roofing materials to that currently in place.

That the owner is given six months from the date of this meeting to provide the information at (1) above.

4. **Relevant Planning Policy**

- 4.1 The National Planning Policy Framework (NPPF).

- 4.2 Planning Practice Guidance.

5. **Analysis**

ADDITIONAL INFORMATION PROVIDED

- 5.1 The applicant has now provided information in response to the Planning Committee resolution on 28th July 2014.

- a). evidence as to the building's ability or otherwise to take a slate roof

- 5.2 F R Varley Associates (Consulting Engineers) has now submitted a report on behalf of the applicants (see Appendix C) following a visual inspection of the front and rear roof of Car and Kitchen.

5.3 The report concludes that: -

- All timbers appear to be of the same age and there are no signs that either the central truss or end walls of any alterations to either roof slope.
- The front roof slope overlooking Settle Market Place is supported on 225 x 100mm timber purlins.
- The rear roof slope (to which this enforcement investigation relates) is supported on 175 x 65mm timber purlins and that if it is necessary to change the roof covering then major strengthening works would need to be carried out to replace all the purlins and strengthen the central truss.

b). details of possible treatments for the existing unauthorised roofing material

5.4 The applicant has taken a sheet of the roofing material to a specialist company called Manor Coatings. Part of the roofing sheet is the existing colour but it has been partly painted in 'Hi-Build Vinyl' grey primer. The product data sheet advises that the paint is 'a rapid drying high performance 'one coat' anti-corrosive self priming low sheen topcoat, giving a tough flexible film with remarkable adhesion to many difficult substrates'. The applicant has advised the Council that Manor Coatings are totally confident in the application and durability of such coatings to last many years. The partially painted roofing sheet along with the product data sheet has been submitted to the Council for consideration (a photograph of the roof sheet and the product data sheet is attached as Appendix D and the roofing sheet will be brought to Committee).

c). details of alternative roofing materials to that currently in place.

5.5 No alternative materials have been proposed by the building owner. In Planning Officers opinion alternative preferable materials are available that could be accommodated on this weak roof structure.

5.6 The applicant has advised that his recollection of discussions at Planning Committee is that this requirement was dependent upon the Structural Engineer's report. It is the applicant's opinion that it is now apparent that to use alternative materials would involve the removal and replacement of the existing roof which would be prohibitively expensive.

Other Submitted Information

5.7 The applicant has also recently provided (13/02/15) 3 no. letters of representation that were originally submitted to the Council in July 2014 and treated as being comments about 62/2014/14520. The letters of support received in July 2014 are attached to this report as Appendix E along with other representations received in respect of 62/2013/13820 and 62/2014/14520 (including objections).

CONSIDERATION OF THE WAY FORWARD

- 5.8 A site visit was undertaken on 2nd March 2015 to view the roof slope as almost two years has now passed since the replacement roof sheeting was erected and it is necessary to assess whether the roofing sheet has weathered. It is the opinion of Council Officers that the visual appearance of this large expanse of roof sheeting is still visually detrimental and inappropriate in this location.
- 5.9 It is noted from the Structural report that major strengthening works would be necessary should the Council insist that the rear roof slope is slated to match the surrounding buildings. It is considered that the need to undertaking these strengthening works, and the additional cost the developer would incur, is a material planning consideration. However despite the fact that a slate roof cannot be accommodated without strengthening works, there is no doubt that the visual appearance of this rear, metal sheeted roof is visually poor in comparison to all the other buildings in Howsons Yard.
- 5.10 Whilst natural blue slates would be the preferred option, the applicant has been given the opportunity to explore alternative solutions. The application of a darker coloured (grey), **low sheen** topcoat has been proposed. Officers acknowledge that it would help reduce the current visually poor appearance of the roof as it would be less prominent against the surrounding natural slate roofs.
- 5.11 No other alternative solutions have been suggested by the applicant. However, in Officers opinion there are other preferable alternative solutions. Specifically it is believed that plastic roofing slates could be used. This material is light weight and the existing roof structure should be able to support it. The appearance of the material is significantly superior to that which has been used on the rear roof slope. Furthermore the finished appearance would also be a significant improvement on just painting the existing cladding. If the applicant had sought planning permission prior to undertaking these works, and through discussions it had come to light that the roof structure could not support natural slate, then the use of plastic roofing slates is a solution that the Local Planning Authority may well have proposed. The fact that the applicant has already undertaken the re-roofing works is not a reason to allow a lesser standard of material than would ordinarily be required. Details of this alternative material are included at Appendix F.
- 5.12 The Council has received letters of support and objection to the unauthorised roof and it is noted that the acceptability of the development is subjective. The works are publically visible and in Officers view 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 historic 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 development 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.
- 5.13 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

- 5.14 The building owners Structural Engineer has now concluded that the existing roof timber purlins are not strong enough to hold roof slates without major strengthening works, which will be expensive. Planning Officers accept the contents of that report. However, better alternative solutions are available to that which has been undertaken by the developer. Given the weakness of the roof structure it is no longer recommended to require the building owner to install a new blue slate roof, but instead it is proposed that the Council seeks to require the installation of a plastic blue slate roof. It is considered that such a material would visually be a far better solution to that which has been installed by the developer.
- 5.15 Alternatively, if Members disagree with this preferred course of action, the applicant could be required to paint the roof sheets in a slate grey non reflective paint. This alternative is recommended at paragraph 2.2.
- 5.16 Finally, it is also open to members to resolve that on reflection they do not consider that the impact on the historic environment is so great to justify any further action.

6. Implications

- 6.1 **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.
- 6.2 **Legal Implications** – None other than those indicated elsewhere in the report.
- 6.3 **Contribution to Council Priorities** –
- 6.4 **Risk Management** – N/A
- 6.5 **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.

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

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

10. Appendices

Appendix A: Planning Committee Report 28th July 2014.

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

Appendix C: F R Varley Structural Engineer's Report

Appendix D: Photograph submitted of current (April 2013) roof sheet showing existing colour and painted 'Grey' and Manor Product Data Sheet.

Appendix E: Letters of representation. 3 no. letters of support that were submitted in July 2014 and letters submitted as part of Planning applications 63/2013/13820 and 62/2014/14520 (including objections).

Appendix F: Sample brochure and photo indicated the appearance of plastic roofing slates.