



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

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OFFICER REPORT – DELEGATED

Application number: P/17/087	Expiry date: 18/12/2017
Received on: 23/10/2017	Neighbour expiry date: 14/11/2017
UPRN: 000192000168	Consultation expiry date: None
Legal agreement:	Site notice posted: 24/10/2017
Departure:	Site notice expiry: 14/11/2017
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mrs C Emerson
Site Address:	Pier house, The Bank, Hugh Town, St Mary's.
Proposal:	Proposed demolition of part of disused chimneybreast in second floor bedroom and tanking of internal walls with rendered finish painted with a white stone paint.
Application Type:	Listed Building Consent

<http://www.scilly.gov.uk/planning-application/planning-application-p17087>

Description of site and development:

Site Description

Pier House is a Grade II listed building located within Hugh Town, opposite the entrance to the quay. It was added to the Statutory List in 1975, which describes the building as:

House. C17, remodelled in early C19. Randomly coursed granite rubble; gabled slate roof; granite end stacks. Originally of 2-room plan with central entry. 2 storeys with attics; symmetrical 3-window range. Granite lintels over C20 plank door and late C19 horned 2/2-pane sashes. Interior: C19 joists and open fireplace with granite lintel. C17 house was of one storey with attic, its steeply pitched gable being clearly visible on the gable-end wall.

Description of Proposal

The application for listed building consent proposes the tanking of internal walls of the dwelling on the ground, first and second floor together with their painting; and the removal of the disused chimney stump, which is located within Room 1 on the second floor of the property. The chimney stump protrudes approximately 0.44 metres from the internal wall, with a height of approximately 0.5 metres and length of approximately 3.6 metres.

Background and Relevant History

The property has a long planning history, which is summarised in the table below:

App. No.	Description	Decision and date
P/16/052	<i>Replacement of single glazed hardwood sash windows with double glazed in same style and material</i>	Conditional Approval on 23/09/2016
P/16/051	<i>Listed building consent to replace single glazed hardwood sash windows with double-glazed in same style and material.</i>	Conditional Approval on 23/09/2016
P.5614	<i>Listed building consent to change one ground floor room to a restaurant and install two showers in two bedrooms</i>	Conditional Approval on 20/01/2005
P.5613	<i>Planning permission to change the use of part of ground floor to restaurant</i>	Conditional Approval on 20/01/2005
P.4900	<i>Listed building consent to place an advertisement sign for B&B.</i>	Conditional Approval on 14/12/2000
P.4844	<i>Planning permission to change ground floor shop area (Class A) to residential (Class C3)</i>	Conditional Approval on 29/08/2000
P.4795	<i>Listed building consent to reduce floor level in shop by 6" and remove studded wall and en-suite in room 2 to accommodate Fish and Chip Restaurant/ Takeaway</i>	Conditional Approval on 11/05/2000
P.4794	<i>Planning Permission to reduce floor level in shop by 6" and remove studded wall and en-suite in room 2 to accommodate Fish and Chip Restaurant/ Takeaway</i>	Conditional Approval on 11/05/2000
P.4057	<i>Planning permission to change the use from Exhibition Display & Gift sales to general retail A1.</i>	Allowed on Appeal on 10/06/1997
P.3888A	<i>Listed building consent to install a sink and a wash hand basin in the Exhibition Centre</i>	Conditional Approval on 19/03/1996
P.3888	<i>Planning permission to change the use from Exhibition Display and Gift Sales to general A1</i>	Refused on 19/03/1996
P.3588	<i>Planning permission for the change of Use of ground floor restaurant and kitchen to an exhibition centre with Class D1 of the Town and Country Planning (Use Classes) Order 1987.</i>	Conditional Approval on 10/09/1993
P.3525	<i>Listed building consent for internal alterations at Nut Rock Café (formerly Pier House)</i>	Conditional Approval on 19/05/1993

P.3358/A	<i>Listed building consent for rear extension</i>	Conditional Approval on 22/05/1992
P.3358	<i>Listed building consent for alteration to rear extension</i>	Conditional Approval on 22/05/1992
P.3338	<i>Planning permission for the insertion of windows on side elevation</i>	Refused on 18/03/1992
P.2771	<i>Planning permission for the provision of lean to store at rear of premises</i>	Conditional Approval on 07/07/1988
P.2661	<i>Planning permission for the renewal of planning permission P.2011 Approved under appeal in 1982 for extensions to Pier House</i>	Conditional Approval on 14/01/1988
P.2590	<i>Planning permission for the provision of two additional ground floor windows on the North elevation</i>	Condition Approval on 14/04/1987
P.2562	<i>Planning permission for the renewal of planning permission P.2060 for the provision of two additional windows to the first floor lounge</i>	Conditional Approval on 06/01/1986
P.2134	<i>Listed building consent for amendments to fenestration of extension approved under P.2011 under Appeal</i>	Conditional Approval on 04/01/1983
P.2075	<i>Listed building consent for the provisions of two windows to the west elevation</i>	Conditional Approval on 30/03/1982
P.2064	<i>Listed building consent for the extension to first floor rear to provide lounge and ancillary alterations, including a private kitchen in the existing lounge</i>	Refused on 01/03/1982
P.2060	<i>Planning permission for the provision of two windows to first floor lounge, north west elevation</i>	Conditional Approval on 09/02/1982
P.2011	<i>Planning permission for the extension to first floor rear to provide lounge and ancillary alterations including a private kitchen in the existing lounge</i>	Refused on 08/09/1981
P.1715	<i>Advertisement consent for the provision of a notice board on the south east elevation</i>	Conditional Approval on 20/06/1978
P.1679	<i>Planning permission for the erection of a first floor extension to provide bathroom with attendant structural alterations</i>	Refused on 03/01/1978

Public representations:

A site notice has been on display outside the site for a period of 21 days and neighbours were notified of the proposal. No letters of representation have been received.

Consultee representations:

Due to the nature of the proposal there are no statutory consultees to notify. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Constraints and designations:

Listed Building (ID: DCO14309- Grade II), Conservation Area, AONB and Heritage Coast.

Relevant policies, SPGs and Government guidance:

Primary Legislation

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990. As the proposal relates to a Grade II listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

Planning Policy

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. As heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. Substantial harm to or loss of grade II listed building should be exceptional. Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (c) Preserve or enhance the character or appearance of the Conservation Area (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

Appraisal/key issues and conclusion:

In light of the above mentioned policies and identified designations it is considered that the principal issue for consideration is whether the proposal will preserve the Listed Building and its setting, in accordance with primary legislation. In accordance with planning policy, it is essential that this application does not result in either harm to or loss of significance, in accordance with the NPPF. Policy 1 of the Isles of Scilly Local Plan requires applications to preserve the architectural or historic interest of all Listed Buildings including their features and settings.

The proposed internal works include the removal of a redundant chimney breast stump located on the second floor together with the internal tanking of walls on all floors as identified on the accompanying floorplan. With regards to Policies 1 and 2 of the Local Plan, it is considered that the proposal works would help to preserve the building. The original chimney breast was substantially removed and lowered to the present stump at some point in the past. The removal of the stump is therefore not considered to negatively impact upon the listed building's significance.

The historic character and architectural interest of the listed building is considered to be safeguarded and the proposed works are considered to comply with the statutory duty as set out under Sections 66(10), 72(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Material Planning Considerations

The proposal relates to internal works to the property. The proposed works will therefore have no impact on the amenity of neighbouring properties and no letters of representation have been received.

Conclusion

The proposed internal changes are not considered to result in harm or loss of any significance of the listed building. It is considered that the significance of this building will not be harmed or lost and the application is therefore recommended for approval subject to conditions.

Appraisal/key issues and conclusion:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. The works, 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2. The works, hereby permitted shall be carried out in accordance with the approved details only including:**
 - Location Plan, date stamped by the Local Planning Authority on 13 October 2017**
 - Chimney Wall Plan, date stamped by the Local Planning Authority on 13 October 2017**
 - Floor Plan, date stamped by the Local Planning Authority on 13 October 2017**

- **Second Floor Floorplan, date stamped by the Local Planning Authority on 13 October 2017.**

These are signed and stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

Signed: <i>S Wade</i>	Dated: 12/12/2017	Signed: <i>J Walton</i>	Dated: 14/12/2017	Signed: 	Dated: 14/12/2017
Case Officer		IOS Planning		Senior Manager	