

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/005/LBC
Received on: 24 January 2020
UPRN: 000192000801
Application Expiry date: 6 April 2020
Neighbour expiry date: 2 March 2020
Consultation expiry date:
Site notice posted: 10 February 2020
Site notice expiry: 2 March 2020

Applicant: Mr Peter Thompson The Galley Takeaway
Site Address: The Galley
The Parade
Hugh Town
St Mary's
Isles Of Scilly
TR21 0LP

Proposal: Replace the existing takeaway windows and front door, 'like for like' with a new wooden frame and toughened glass, also to change the colour to a darker blue. (Listed Building)

Application Type: Listed Building Consent

Recommendation

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1. That the Application for Listed Building Consent is Granted for the following reason/subject to the conditions set out below.
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Site Description and Proposed Development

The Galley is a two storey mid-terrace property, between the Listed Building known as Spanish Ledge, on the east side and Tamarisk Gallery (unlisted) on the west side, with a frontage on to The Parade, close to the Junction with Hugh Street. At the ground floor is a central doorway which is flanked by traditional tripartite shop windows. The door has a glazed fanlight above. Whilst some of the fenestration dates back to the 20th century, the listing description refers to the tripartite windows as late 19th century in date. They are not a traditional window construction.

The proposal is to replace the windows with a timber casement with toughened glass (6mm single glazing). The overall appearance and dimensions match those of the existing windows. The door is proposed to match the existing door and be of timber construction also. The proposal includes a repainting of the windows from their current white finish to a blue finish.

Background and Relevant History

- P1385 The change of use from retail shop to restaurant of Ashfords Grocery Shop
Permitted, 1974
- P1663 The conversion of the premises including the first floor into a restaurant at The Galley
Permitted, 1977
- P1696 The provision of a hanging sign at The Galley
Permitted, 1978

Consultations and Representations

- Public Representations: NONE
Consultation Representations: NONE

Constraints:

- Listed Buildings Grade II Listed Building, Conservation Area
Historic Landscape Character Landscape Type: Settlements.

Primary Legislation and Planning Policy

Primary Legislation

The Town and Country Planning Act 1990

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determination planning applications.

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.

Planning Policy

National Planning Policy Framework (NPPF) 2019

At the heart of the NPPF is a 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 considerations 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.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

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, (b) Preserve nationally important archaeological remains and their settings; (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings; (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 (SSSI); and locally important biodiversity habitats, species and landscape features.

Isles of Scilly Design Guide 2007

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

Submission Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7).

Planning Assessment

The Galley and Galley Restaurant was first added to the Statutory List in 1992. It is described by Historic England:

House with shop attached. Early C19. Roughly coursed granite rubble with colour-washed render to front; gabled slate and scantled slate roof; rendered end stacks. 2 storeys. The Galley to left, of one-window range, has C20 window above late C19 tripartite shop window with pilaster strips and frieze with cornice to architrave framing central C20 door flanked by two 6-light fixed casements. The Galley Restaurant to right is lower and of symmetrical 3-window range with unhorned 2/2-pane sashes and recessed C20 door. Interior: no features of interest noted. Included for group value.

The main issue for consideration is whether the proposal would result in any harm to or loss of significance, as a building identified as having special architectural or historic interest. If harm to or loss of significance is identified this is only acceptable where wider public benefits have been identified.

The property is listed for its group value as an early 19th century building that adds to the historic character of Hugh Town. It retains a traditional appearance. Whilst its original use is unknown, the 'shop' windows are noted to be late 19th century in date, and as such it is likely to have been a shop of some description for over 100 years. Planning history notes that in 1977 it changed from a grocery shop to a restaurant. There is good evidence to suggest that its current appearance has remained largely unchanged for most of the last 100 to 150 years. That is a significant period of time.

The applicant has set out the rationale for now needing to replace the windows. Firstly they are a large expanse of glazing that are of a non-traditional window construction. The windows front up to the edge of the highway which at this point is a significantly narrow section of highway. Traffic is single file and there is a narrow pedestrian walk way to either side of the road. Secondly the windows, having been repaired significantly are now no longer capable of further repair. It is therefore desirable to replace the windows before they fall or are inadvertently knocked out by a pedestrian falling back into the shop.

The applicant intends to replicate the appearance and dimensions of the current window arrangement. The windows will be timber and will be fitted with 6 panes of 6mm toughed single glazing on each side of the door, with a new timber door and fanlight also constructed of timber, to match the existing. From an inspection of the property it is clear that there is a high degree of

movement of the existing windows. Based on this observation, the proximity of the windows on a particularly narrow section of road and the information provided by the applicant that the windows are now considered to be beyond repair, a new custom-made set of windows, constructed in timber to match closely the existing style of window, is considered to be a reasonable solution.

Clearly the date of the windows would suggest that complete removal will result in some loss of significance. The fact that the windows are stated to be of an unusual construction, adds further to this loss of significance. It is unlikely that such windows survive anywhere else on the islands, let alone more widely. The proposal will see the original windows removed and replaced. Whilst there is some wider public benefit, in relation to pedestrian safety, complete loss of such features without record will result in loss of significance, resulting in some harm. Whilst this may be less than substantial, it is recommended that a condition to require historic building recording should be imposed to require the details of the original windows to be recorded before they are removed.

On balance, and overall it is considered that subject to the above condition the replacement windows will result an acceptable change to this property, whilst retaining the character and appearance of this statutorily protected building within the Isles of Scilly Conservation Area.

Conditions:

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).

C2 The development hereby permitted shall be carried out in accordance with the approved details only including:

- **Site Plan, 1:500, Date Stamped 03/02/2020**
- **Location Plan, 1:1250, Date Stamped 03/02/2020**
- **Elevation Plan, replacement windows and door, Drawing Number: TG-EE-1a, Date Stamped 10/02/2020**
- **Proposed window section detail, Scale 1:1, Drawing Number: W.S.-BS-1a, Date Stamped 03/02/2020**
- **Proposed window section, Scale 1:5, Drawing Number: W.S.-F.B-1a, Date Stamped 03/02/2020**
- **Historic Building Recording Report: Record of Existing Windows**

These are stamped as APPROVED

(tick)									
In accordance with (tick)									✓
A Strong Living Community									
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9
Clause/Part (State)									
Contrary to (tick)									
In accordance with (tick)									
A Strong Working Community									
	WC1	WC2	WC3	WC4	WC5	WC6			
Clause/Part (State)									
Contrary to (tick)									
In accordance with									

Monitoring	Yes	No
Sustainable Design Measures required		✓
Provided		
Conditioned		
Site Waste Management Plan Required		✓
Provided		
Conditioned		
Biodiversity enhancements required		✓
Provided		
conditioned		

Application Number:	P/20/05/LBC	
Valid Date	07/01/2020	
Date Decision Issued	01/03/2020	
Approved	Refused	Withdrawn
DEL/LMP: 12/03/2020		COMM