

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/21/093/FUL

**UPRN:** 000192000199

**Received on:** 2 November 2021

**Valid on:** 16 November 2021

**Application Expiry date:** 11 January 2022

**Neighbour expiry date:** 08/12/2021

**Consultation expiry date:** 08/12/2021

**Site notice posted:** 17 November 2021

**Site notice expiry:** 8 December 2021

**Applicant:** Mr P Osborne

**Site Address:** The Kavorna  
Hugh Street  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0LL

**Proposal:** Removal of store (retaining south wall). (Listed Building)  
(Amended Plans/Amended Title)

**Application Type:** Planning Permission

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**Recommendation:** PER

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Submission of Biodiversity Enhancement Measures

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## 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 Dan Marcus

Date: 10/12/2021

## Site Description and Proposed Development

Kavorna is a large historic building which appears to have originally been two dwellings. The structure is attached to the adjacent Lloyds bank building on its north side. Both the original building of Kavorna and the main Bank building are both Grade II Listed Buildings. Directly opposite this pair is the Atlantic Hotel and Public House, also Grade II listed and to the south east side is a further row of Grade II listed buildings. These start with the St Mary's Post Office building and include all of the buildings in the terrace up to Mumfords Papershop. Kavorna was added to the National Heritage List for England in XXX and is described as:

House, possibly originally 2 dwellings, now shop and flat. C18, with C19 and C20 alterations. Coursed granite rubble, with colourwashed render to front; gabled scantled slate roof; granite end stacks. L-plan with C18 rear left wing. 2 storeys; 4-window first-floor range. Ground floor has 2 inserted mid C20 segmental shop windows, 3/3-pane sash to right and 2 recessed doorways with half-glazed early C20 doors. Interior: plain C19 joists.

Initially the proposal included a re-roof a section to the rear of the property, which runs to the south east elevation, as a return on the main structure. This would have seen the loss of the wet-lay scantle roof and its replacement with a dry lay natural slate finish. Whilst this existing scantle appears to have failed on the south roof slope, this is now not included in the application, as the applicant intends to carry out a temporary repair to this roof only, with a view to fully assessing the structure and applying separately for this work, where a permanent solution would be sought. Additionally the proposal includes the removal of a large single storey modern outbuilding, which is situated close to the main

building but within the private rear garden.

Internally the works include alterations which will see the removal of two later stud wall partitions that will see a current small kitchen and bedroom being opened up into one larger kitchen/dining space. This is a later sub-division of the existing space.

Certificate: A

Other Land Owners: None

### Consultations and Publicity

The application has had a site notice on display for 21 days (17/11/2021 – 08/12/2021). The application appeared on the weekly list on 22<sup>nd</sup> November 2021. Due to the nature of the proposal a consultation has been carried out with Cornwall Archaeological Unit and Historic England.

Consultee	Date Responded	Summary
Cornwall Archaeological Unit	01/12/2021	<p>Analysis of the c1880 of c1907 Ordnance Survey maps suggest that the building could have been subdivided in the late 19th/early 20th century. Both maps show the rear (south) wing which is considered in the listing description to be potentially of 18th century. The scantle slate roof may date to this period and is considered as a distinctive part of the buildings architectural significance and part of the reason for its designation. It is not properly described in the submitted HS with no details of the existing roof structure, the likely origin of the slate, potential date and construction details including the lathes, roof trusses, hip details and whether the roof covering was originally wet laid and torched. This roof has the potential to be of 18th century date but evidence relating to the significance of this historic fabric is not adequately assessed in the submitted HS. We are also concerned that there is lack of detail in the application documents about the proposed re-roofing scheme including where will the 'natural slate' be sourced, the fixings, the sizing (random?) of the slates and if they will be laid in diminishing courses (as a scantle roof) and if not, the justification for the proposal (and why the existing roof material cannot be re-laid on new lathes and re-pegged?). We also note that the proposed elevation drawing (KV-PA-1a) shows that a door will be inserted into the current location of a window opening in the south elevation. The HS does not consider the significance of this window opening or provide any photographic evidence of this elevation. Following a removal of the re-roofing from the scheme, and confirmation that this will be dealt with as a permanent solution under a new application and confirmation that the proposal does not include reinstatement of a door (from a</p>

		<p>window), there are no further comments on this proposal, with respect to the demolition of the outbuilding or removal of internal partition wall.</p>
Historic England		<p>On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p> <p>It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.</p>

### Representations from Residents:

No neighbouring properties written to directly:

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

### Relevant Planning History:

No planning history relevant under the adopted Local Plan. In 2008 an application was considered under the previous Local Plan (2005). P/08/023/LB was a Listed Building Consent application for a new timber door for the shop front and repainting of front doors and windows, new door in opening at rear. Reworking of internal stud walls to create toilet, to block one existing doorway and open one new doorway. Replacement plasterboard on ground floor walls and ceilings. Reopening of fireplace. This was permitted in March 2008.

There are various approvals and refusals prior to the adoption of the 2005 Local Plan:

- 1950 P0056: erection of lean to in back yard of existing house
- 1952 P0103: re-building of a shed that was pulled down to allow access to build a neighbouring bungalow
- 1957 P0107: erection of bungalow at rear of kavorna milk bar
- 1971 P1023: The alteration of fenestration to the front elevation of the Kavorna Café
- 1974 P1381: The conversion of chalet type living accommodation to pastry kitchen and the erection of an extension to provide one bedroom with store below.
- 1975 P1455: The provision of a bedroom in roof space and re-arrangement of room space uses.
- 1981 P1960: The provision of an external entrance to Office (In Well Lane)
- 1989 P2984: Demolition of existing chalets at rear and erection of single storey staff accommodation and store. REFUSED
- 1990 P3041: The fixing of an advertisement to the premises. REFUSED
- 1992 P3339: Conversion of bakery, shop and two flats into two shop / flat units
- 1999 P4673: Change of signs from wood to composite material. REFUSED

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- GII Listed Building ID: DCO14330. Grade: II. Name: KAVORNA BAKERY AND GIFT SHOP
- Historic Landscape Character: Landscape Type: Settlements.

### Planning Assessment

<b>Design</b>	<b>YES OR NO</b>
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?	y
Would the proposal generally appear to be secondary or subservient to the main building?	y

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

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, 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
<b>Other Impacts</b>	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?	y
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	n

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	y
Does the proposal include any demolition	y
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

<b>Waste Management</b>	<b>YES OR NO</b>
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

<b>Sustainable Design</b>	<b>YES OR NO</b>
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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

## Assessment of relevant issues:

### Impact on Listed Building:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is also one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 192-197 set out the framework for decision making relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

#### *Significance of the Heritage Asset*

*Architectural interest – listed for its group value as an 18<sup>th</sup> century structure with later 19<sup>th</sup> and 20<sup>th</sup> century alterations. Which together with a high number of properties from this period make up the heart of historic Hugh Town. Windows and doors are mostly 20<sup>th</sup> century in date with the left rear wing thought to be the oldest 18<sup>th</sup> century part of the building.*

*Historic interest – connected to the period of development of Hugh Town during the eighteenth and nineteen century.*

*Archaeological interest – none known*

*Artistic interest – none known.*

These interests collectively make up the significance of the designated heritage asset of Kavorna, Hugh Street.

#### *Impact of the proposals*

Whilst the owner needs to urgently repair the rear south scantle roof, there is insufficient heritage assessment to conclude on whether permanent loss of scantle is justified or would result in harm to significance. The applicant is therefore seeking to temporarily secure the south roof slope and will apply separately for a permanent solution.

Internally the removal of the stud wall is not significant, as this is a much later insertion within the building, as evidenced by its modern construction. The removal of the 1970s outbuilding will be a positive change to the curtilage, as this is a large modern construction that in its current position, results in harm to the setting of this building.

## **Conclusions**

### *No harm – Approval*

Having regard to the above, no material harm to the designated heritage asset has been identified and therefore, having due regard to Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and OE7(6) Development Affecting Heritage of the Isles of Scilly Local Plan 2015-2030 adopted 25<sup>th</sup> March 2021 and consent should be approved.

## **Equalities Act**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Recommendation:**

APPROVE WITH CONDITIONS

### **Recommended Conditions for Planning permission (P/21/093/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 Amended**
- **Plan 2 Site Plan Amended**
- **Plan 3 Proposed Elevations Amended**
- **Plan 4 Proposed Roof Detail, Amended**
- **Plan 5, Proposed Store Room Details**
- **Heritage Impact Assessment**
- **Design and Access Statement**
- **Site Waste Management Plan**

**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 Policies OE1 and OE7 of the Isles of Scilly Local Plan (2015 – 2030).

- C3 Prior to the demolition of the building, hereby approved, details of measures to promote biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority, this shall include details of the installation of a standalone bat box appropriate to species found on the Isles of Scilly. Appropriate local guidance from the Isles of Scilly Wildlife Trust, for example, should be sought to inform the type, number and positioning of suitable bat boxes. The measures approved shall be installed, prior to the first breeding/nesting season following completion of the development and shall be retained as such thereafter.**

**Reason:** To promote measures to improve and awareness of the value of biodiversity on the Isles of Scilly and in accordance with the requirements of Policies SS1(d) and SS2(g) of the Isles of Scilly Local Plan (2015-2030).

**Recommended Conditions for Listed Building Consent (P/21/094/LBC):**

- 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).

**Informatives:**

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2021.
2. Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project:  
[buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk).
3. The assessment considered the following plans, which should be followed when carrying out the works. Any deviation from these approved plans may trigger the need to obtain further listed building consent. The applicant is advised to speak to the Planning Department if this is the case:

**Plan 1 Location Amended**  
**Plan 2 Site Plan Amended**

**Plan 3 Proposed Elevations Amended  
Plan 4 Proposed Roof Detail, Amended  
Plan 5 Proposed Store Room Details  
Plan 6 Internal Partitions**

<b>Print Name:</b>	Lisa Walton	11/02/2022
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	Authorised Officer with Delegated Authority to determine Planning Applications	