

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

**Application Number:** P/22/064/FUL & P/22/065/LBC

**UPRN:** 000192000199

**Received on:** 9 September 2022

**Valid on:** 12 September 2022

**Application Expiry date:** 7 November 2022

**Neighbour expiry date:** 5 October 2022

**Consultation expiry date:** 6 October 2022

**Site notice posted:** 14 September 2022

**Site notice expiry:** 5 October 2022

**Applicant:** Paul Osborne

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

**Proposal:** Replace existing scantle tiles with natural slate tiles to southern section of main building. (Listed Building)

**Application Type:** Planning Permission & Listed Building Consent

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**Recommendation: Permit**

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Camborne Slates
4. Bat avoidance measures
5. Construction Hours of operation

## 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 D Marcus

Date: 04/11/2022

## 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 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 1992 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.

The application is for planning permission and listed building consent to 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. The proposal is to replace the wet-lay scantle roof with a dry lay natural slate finish. The existing scantle suffered rippling and slippage requiring a temporary repair on the south roof slope. The heritage statement submitted with the application puts this down to failure of the iron nails fixing the slates to the battens. The statement estimates that due to the machined softwood construction, the roof dates to the mid-nineteenth century possibly replacing a thatched roof and is not of the best construction.

Certificate: A

Other Land Owners: None

### Consultations and Publicity

The application has had a site notice on display for 21 days (14/09/2022–05/10/2022). The application appeared on the weekly list on 20<sup>th</sup> September 2022. Due to the nature of the proposal the following consultation was required.

Consultee	Date Responded	Summary
Cornwall Archaeological Unit	21/09/2022	<p>Seeking clarification as to the extent of the works. Confusion as to whether it is limited to the one south roof slope or other roof slopes on the building.</p> <p>Based on the evidence presented within the HS (and our understanding of the extent of the roof replacement), in this instance, we consider it unlikely that significant historic fabric will be disturbed by the proposed works. No recording mitigation is required, and therefore no condition is sought.</p> <p>If works, however, are required to the front (main) roof of the building please reconsult us.</p> <p><i>*The Heritage Statement has been updated to clarify that it is just the one roof slope being recovered</i></p>

### Representations from Residents:

Neighbouring properties written to directly:

- Flats 1-3, Prospect House, Well Lane
- Ye Olde Customs House, Well Lane
- Post Office & Flat, Hugh Street
- Lloyds Bank Flat, Hugh Street
- Glendale, Jerusalem Terrace

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

### Relevant Planning History:

Planning history relevant under the adopted Local Plan.

- P/21/093/FUL & P/21/094/LBC: Removal of store (retaining south and

west walls) and removal of two internal partition walls (Listed Building) (Amended Plans/Title) – GRANTED 11/02/2022

An application to replace the scandle slate with natural slate covered by the current application was removed from the 2021 application to allow for a more detail heritage impact assessment.

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

## 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 building, 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/a
<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	y

demonstrated to be unavoidable?	
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	n
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	n
Is a condition required to provide biodiversity enhancement measures	n

<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>
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

<b>Listed Building Assessment</b>	<b>Yes or No</b>
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y

Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed works will cause no substantial harm to the significance of the listed building?	Y
Having regard to your answers above, is the application considered to be acceptable?	y

**EIA:** Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

**Proactive working:** In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This application has been considered in accordance with Sections 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Planning Policy:** Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

#### **Isles of Scilly Local Plan, 2015-2030**

<b>Policy</b>	<b>Tick if Used ✓</b>
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	✓
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	

Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan			n
Sustainable Design Measures			N
Biodiversity Enhancement Measures:			n

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

**Considerations under Human Rights Act 1998 and Equalities Act 2010:** The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.



Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

**Recommended Conditions for P/22/064/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 Plan**
- **Plan 2 Site Plan**
- **Plan 3 Proposed Roof Plan**
- **Heritage Statement AMENDED (Ridgway Heritage, Ref: 2022-26)**
- **Preliminary Roost Assessment (IOS Ecology, Ref:2021-06)**
- **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 Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

**C3 The roof shall be covered with natural 'Camborne' slates, as specified in the Heritage Statement (Ridgway Heritage, 2022, Ref: RHC 2022-36) ) using corrosion resistant fixings. Before roofing starts, samples of slates and fixings shall be made available for inspection on site, and subsequent written approval, by the Local Planning Authority. The approved slates and fixings shall then be used to roof the approved building/structure. The roof shall be retained as such thereafter.**

Reason: To preserve the character and appearance of the Listed Building and to ensure compatibility with building traditions of the area in accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

- C4 The scheme for bat avoidance measures as set out in Appendix 2 of the Preliminary Roost Assessment for Kavorna, Hugh Town (Ref: Report No: 22021/06) dated November 2021 carried out by IOS Ecology shall be fully adhered to during the course of the development hereby approved.**

Reason: In order to secure the strict protection of European protected species.

- C5 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.


**Recommended Conditions for P/22/065/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).

- C2 The roof shall be covered with natural 'Camborne' slates, as specified in the Heritage Statement (Ridgway Heritage, 2022, Ref: RHC 2022-36) ) using corrosion resistant fixings. Before roofing starts, samples of slates and fixings shall be made available for inspection on site, and subsequent written approval, by the Local Planning Authority. The approved slates and fixings shall then be used to roof the approved building/structure. The roof shall be retained as such thereafter.**

Reason: To preserve the character and appearance of the Listed Building and to ensure compatibility with building traditions of the area in accordance with Policy OE7 of the Isles of Scilly Local Plan (2015-2030).

<b>Print Name:</b>	Lisa Walton	09/11/2022
<b>Job Title:</b>	Chief Planning Officer;	
<b>Signed:</b>		
	Authorised Officer with Delegated Authority to determine Planning Applications	