

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/19/042/LBC

**Received on:** 20 August 2019

**Application Expiry date:** 15 October 2019

**Neighbour expiry date:** 10 September 2019

**Consultation expiry date:** 10 September 2019

**Site notice posted:** 20 August 2019

**Site notice expiry:** 10 September 2019

**Applicant:** Mr T Vian

**Site Address:** The Chaplaincy

Church Road

Hugh Town

St Mary's

Isles of Scilly

**Proposal:** Application for Listed Building Consent for recovering of porch and plant room roofs

**Application Type:** Listed Building Consent

## Recommendation

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1. That the Application is APPROVED.
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**Contributors:****Public Representations:** None received**Consultation Representations:** None received**Constraints:****Scheduled Monuments:** None**Listed Buildings:** The Chaplaincy, Grade II**Archaeological Constraint Areas:** None**Historic Landscape Type:** Settlement

## Site Description and Proposed Development

The Chaplaincy is a Grade II listed rectory that was constructed in circa 1830. The exterior is constructed from rendered granite rubble with a hipped slate roof and rendered end stacks. It was listed in 1992. The two areas of the building that are the plant room, which is a lean-to extension on the north eastern corner of the building, and the porch, which is on the principle elevation of the building.

The proposed works include the recovering of the porch roof and the plant room roof. The porch roof currently has an asphalt covering and it is proposed to recover the roof in Code 5 lead sheet. The plant roof would have principal rafters installed to allow the installation of a natural slate roof over breathable roofing felt and slating battens. This would replace the existing asbestos profile sheeting on sawn purlins.

## Background and Relevant History

**P0111** – Erection of a garage at the existing vicarage. Permitted on 24<sup>th</sup> April 1953.**P3246** – Erection of new rectory and garage. Refused on 13<sup>th</sup> August 1991.**P4210** – Re-slating two inner slopes to the central valley. Refused on 15<sup>th</sup> May 1997.**P4726** – Erection of garden pavilion. Approved on 18<sup>th</sup> January 2000.

## Consultations and Representations

A site notice has been on display for a period of 21 days and neighbours below have been written to directly:

- Tol Tuppens, Church Street
- St Mary's Parish Church
- The Elms, Church Road

No external consultations have been required and no letters of representation have been received.

## Primary Legislation and Planning Policy

### 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.

The property is a Listed Building, when making a decision on listed building consent applications, a local planning authority must 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 (sec. 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies).

## 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. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment.

## **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, (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 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

## **Isles of Scilly Design Guide (2007)**

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required.

## **Pre-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, including those to protect the historic environment (Policy OE7). Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

## Planning Assessment

The application building is Grade II. As such, the main consideration of this listed building application is the impact of the proposed works on the historic significance of this designated heritage asset. The application property has a Grade II listing. When making a decision on listed building consent applications, the local planning authority must 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 (sec. 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies). Preservation in this context means not harming the interest in the building, as opposed to keeping it unchanged. Local planning authorities should, however, give considerable importance and weight to the desirability of preserving setting of listed buildings when carrying out the balancing exercise.

Paragraph 193 of the National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy 1 of the adopted Local Plan requires that proposals preserve the architectural or historic interest of all listed buildings, including their features and setting. Policy OE7 of the draft Local Plan relates to development affecting heritage and states that great weight will be given to the conservation of the islands irreplaceable heritage assets. Clause 6 of draft Policy OE7 relates to listed buildings and states that development affecting listed buildings, including alterations or changes of use, will be supported where:

- a) it protects the significance of the heritage asset and its setting, including impacts on the character, architectural merit or historic interest of the buildings; and
- b) materials, layout, architectural features, scale and design respond to and do not detract from the Listed Building; and
- c) a viable use is proposed that is compatible with the conservation of the fabric of the building and its setting.

The roof of the porch would see the replacement of a roof covering that is considered to not be in keeping with the historic character of the designated heritage asset. This unsympathetic material would be replaced with Code 5 lead, which is more reflective of the construction materials used during the Georgina era, when the building was constructed. This is reinforced by the Georgian Group guidance documentation on the subject of roofs, where it is confirmed that lead, amongst other materials, was a roof covering used during the Georgian period. The replacement of the asphalt roof covering with lead would see an enhancement of the character and appearance of the listed building.

The roof of the plant room would be clad in natural slate. This would replace another unsympathetic roof covering that is currently on the building. The use of natural slate would reference the main roof of the building and is a common material that is used in the wider local vernacular. This part of the proposal would also see the enhancement of the character and appearance of the listed building but is subject to the attachment of a condition requiring the submission of a slate sample prior to installation.

The proposed works is considered to enhance the historic significance of the designated heritage asset and would see the removal of unsympathetic materials that are considered to cause harm to

the character and appearance of the building. The proposed works are therefore considered to be compliant with the legislation on listed building, and national and local planning policy. Overall, there would be no harm to the significance of the heritage asset and it is recommended that the application be approved, subject to the attachment of appropriate planning considerations.

### Links



<http://www.scilly.gov.uk/planning-application/planning-application-p19042>

### Conditions

1. **The works hereby consented to shall be begun before the expiration of three years from the date of this consent.** Reason: To comply with Section 18 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. **The works hereby approved shall be carried out strictly in accordance with drawings numbered as E438311.01A and E438311.03.** 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.
3. **Prior to installation of the slate roof hereby approved, a sample of the natural slate shall be submitted to, and approved in writing by, the Local Planning Authority. The plant room roof shall only be clad with the approved natural slate sample, and shall be retained as such thereafter.** Reason: To ensure the protection and conservation of the historic significance of this designated heritage asset.

### Informatives

1. Statement of Positive Engagement
2. Standard Bat Discovery

Checked by CIOS Planning Officer: 	Date 12/09/2019		
Signed:  <i>Kieran Reeves</i> Planning Officer	Dated: 12/09/19	Signed: 	Dated: 12/9/2019
		Senior Manager	