

# Council of the Isles of Scilly

## Delegated Planning Report

### Full & Listed Building Consent

**Application Number:** P/25/002/FUL & P/25/003/LBC

**UPRN:** 000192000033

**Received on:** 8 January 2025

**Valid on:** 20 January 2025

**Application Expiry date:** 17 March 2025

**Neighbour expiry date:** 11 February 2025

**Consultation expiry date:** 11 February 2025

**Site notice posted:** 21 January 2025

**Site notice expiry:** 11 February 2025

**Case Officer:** Stella New

**Applicant:** Mr Will Bax  
**Site Address:** On The Quay  
The Quay  
Hugh Town,  
St Mary's  
Isles Of Scilly  
TR21 0HU

**Proposal:** *Re-roofing areas of the building where Cambrian slate has been used and addressing leaks in single ply membrane by overlaying with high performance felt (Listed Building).*

**Application Type:** FULL / Listed Building Consent

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**Recommendation: P/25/002/FUL APPROVE**

**P/25/003/LBC APPROVE**

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**Summary Conditions: P/25/002/FUL**

1. Standard Time limit
2. Matching materials
3. Approved Plans
4. Hours of construction

**Summary Conditions: P/25/003/LBC**

1. Standard Time limit
2. Matching materials

### **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: 04/02/2025

### **Site Description and Proposed Development**

The application site is a building known as 'On the Quay,' which is located on a Grade II listed structure known as The Pier. It is located within Flood Zone 3.

The Historic England listing describes The Pier as follows:

*Quay and breakwater. Begun by Francis Godolphin soon after 1601, rebuilt 1740 and 1748; new pier extending north to Rat Island built 1835-8 for Augustus Smith, Lord Proprietor of the Islands; lengthened 1889 for the flower trade. Granite rubble to earlier arm into harbour partly in vertically-coursed dry stonewall technique, and shaped granite blockwork to later arms. Breakwater has canted wall on sea side. Two granite piers at south entrance and cast-iron upturned cannon reused as bollards. The construction of a pier for the new harbour, St. Mary's Port, was associated with the fortification of the Hugh begun by Godolphin which included Star Castle and the Garrison walls (q.v.). (B.H. St.J.O'Neil: Isles of Scilly: London (HMSO): 1950-: 26; Borlase, William: Observations on the .... Islands of Scilly: Oxford: 1754-: 14).*

The building itself is of limited architectural merit, having been extensively altered over time. The building currently accommodates a restaurant on the first floor, and staff accommodation within the roof space.

The proposal seeks to partly re-roof the building, which currently has a mix of roofing materials including asbestos cement and Redland Cambrian slates with a traditional, non-breathable sarking felt, which are unsuitable. It is understood that water is penetrating the slate roof covering which is removed by high winds on a frequent basis.

The materials will be replaced with dry-laid natural Spanish Slate Quarries Riverstone 400mm x 250mm slates with a modern breather protective membrane. The slates will be three times lapped and laid with stainless steel tail clips to a 100 mm gauge with increased lap between the membrane joints. All timber battens will be replaced, and roof timber repairs carried out where required. The clay ridge tiles and hips will be removed and replaced with new clay hips and ridges to match existing on other section of undisturbed roof slopes. Valleys will be relined with lead. No other physical works are proposed to the building.

**Certificate: A**

**Other Land Owners: N/A**

### **Consultations and Publicity**

The application has had a site notice on display for 21 days (21 January 2025-11 February 2025). The application appeared on the weekly list on 27 January 2025. Due to the nature and location of the application a number of internal and external consultations have been carried out. These are set out in the summary below.

Consultee	Date Responded	Summary
Conservation Officer	-	-

### **Representations from Residents:**

None received.

### **Relevant Planning History:**

The available records apply to the whole of the structure known as the 'The Pier and all the buildings sited upon it, including the subject building. As the history is extensive, it is not repeated here in full.

### **Constraints:**

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast

## Planning Assessment

Design	YES OR NO
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?	N
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?	N/A
Is the parking and turning provision on site acceptable?	N/A
Would the proposal generally appear to be secondary or subservient to the main building?	N/A

Amenity	YES OR NO
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?	N/A

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	N
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?	N
Within an Archaeological Constraint Area	Y
<b>Other Impacts</b> Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
Impact on protected trees	N/A

Will this be acceptable Can impact be properly mitigated?	
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?	N/A
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	N/A
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	N
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N/A
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	Y

<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/A

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal include any site specific sustainable design measures	N/A
Is a condition required to secure a Sustainable Design Measures	N

## **Planning Assessment - P/24/084/HH**

### **Principle of Development**

Isle of Scilly Local Plan Policy SS1 supports proposals where they make a positive contribution to the social, economic and environmental needs of the Isles of Scilly.

Re-roofing the building would accord in-principle with policy SS1.

### **Design, Visual and Landscape, Seascape, Historic Environment Impacts**

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 relates to the grant of planning permission and states ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall 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’. Section 72 relates to the exercising of any planning function and states “with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

When assessing proposed changes to heritage assets, part 16 of the NPPF requires that ‘great weight’ should be given to the objective of conserving designated heritage assets and they should be conserved in a manner appropriate to their significance.

OE1 seeks to protect the AONB and Heritage Coast, and any development in this location must conserve and enhance the landscape, seascape and scenic beauty of the area and be consistent with its special character and the importance of its conservation. Policy OE7 seeks to conserve and enhance the significance of heritage assets, including the Conservation Area.

The application is supported by a Design and Heritage Statement setting out the proposed amendments and how these will affect the appearance of the building.

The proposal will result in a minor change to the appearance of the building by utilising new, larger slates to the roof, which is not considered to be detrimental to local amenities, the landscape, seascape and scenic beauty of the area, or the historic significance of the Conservation Area.

The proposal therefore accords with policies OE1 and OE7.

## **Ecology**

Policy OE2 seeks to conserve and enhance biodiversity and priority habitat and ensure proportionate and appropriate biodiversity net-gain is secured. The proposed development seeks to insert a new window and would not result in a loss of biodiversity.

The application is exempted from the statutory 10% net gain in biodiversity as it would not result in impacts to any existing habitats. Furthermore, given the minor nature of the works proposed, it is not considered proportionate to secure a further biodiversity net-gain under OE2 in this instance.

The application is supported by a Preliminary Roost Assessment and a Presence/ Absence Survey to assess the use of the building by roosting bats in advance of proposed re-roofing works. The survey did not identify any bats emerging from the property. As no roosts were identified, there is no requirement for the development to incorporate mitigation measures for bats, other than the adoption of a precautionary method of working.

The proposal is therefore considered to accord with OE2.

## **Dark Skies**

Policy OE4 seeks to protect Scilly's Dark Skies. The proposal will not introduce new openings or glazing and is therefore considered to accord with OE4.

## **Flood Risk**

Policy SS7 requires development proposals in areas shown to be at risk of flooding will not be permitted unless an appropriate and proportionate Flood Risk Assessment (FRA) demonstrates how the flood risk will be managed.

All development within Flood Zone 3 is required to carry out a site specific FRA to assess the flood risks/hazards, demonstrate whether the development will be safe from flooding over its lifetime, and show how occupants will be able to

access/egress the building safely during a flood event. It will also need to demonstrate that the development would not increase flood risks elsewhere and whether it can help to reduce flood risk overall.

The accompanying Flood Risk Assessment sets out that whilst the wave wall structures are frequently overtopped by waves in high wind/storm conditions, there is no risk of flooding from high spring tides, or surface or ground water flooding. As the works only involve roof finish renewals there are no flood control measures required. Given the elevation of the roof the proposed re-roofing works will not be affected by flooding, nor will the proposed works add to flood risks elsewhere, and no mitigation is therefore required.

Given the above, a sequential test is not considered to be necessary, and the works are considered acceptable in terms of flood risk, and policy SS7.

### **Residential Amenity**

Policy SS2 requires proposals to safeguard residential amenities. The proposal presents no concerns in terms of overlooking or overshadowing. The proposal is therefore considered to accord with SS2.

### **Site Waste Management**

Policy SS2 requires that proposals for the construction of new buildings submit a Site Waste Management Plan (SWMP).

The application is supported by a Site Waste Management Plan (SWMP.) This sets out that where possible removed slates will be salvaged for use where possible. Unusable removed slates will be deposited in skips to be transported to a local recycling centre where they will be crushed locally and recycled into building aggregate for resale. All removed battens will be de-nailed and either reused by contractor elsewhere or taken to the local waste site and recycled.

The proposal is therefore capable of according with policy SS2.

### **Conclusion**

Given the above it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to indicate that permission should not be granted.

It is therefore recommended that the application be approved.



## **Planning Assessment - P/24/085/LBC**

In considering whether to grant Listed Building Consent, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is required 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.

When assessing proposed changes to heritage assets the NPPF part 16 requires that 'great weight' should be given to the objective of conserving designated heritage assets and they should be conserved in a manner appropriate to their significance. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the Conservation Area and listed buildings.

The application is supported by a Design and Heritage Statement setting out the proposed amendments and how these will affect the appearance of the building.

The proposal will result in a minor change to the appearance of the building by utilising new, larger slates to the roof, which is not considered to be detrimental to local amenities, the landscape, seascape and scenic beauty of the area, or the historic significance of the Conservation Area. The proposal therefore accords with policy OE7 and the NPPF.

It is also noted that the building itself is not listed, only the structure upon which it sits. The proposed works do not directly affect the listed structure.

## **Conclusion**

Given the above it is considered that the proposal meets the requirements of sections 16 and 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act (1990) and the relevant development plan policies. It is therefore recommended that listed building consent be granted.

## Other Matters

**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 permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 16, 66 and 72 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

Policy	Tick if Used ✓
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	Tick if Used ✓
Policy OE1 Protecting and Enhancing the landscape and seascape	✓
Policy OE2 Biodiversity and Geodiversity	✓
Policy OE3 Managing Pollution	
Policy OE4 Protecting Scilly's Dark Night Skies	✓
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	

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.

**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 materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

**C3 The development hereby permitted shall be carried out in accordance with the approved details only including:**

- P-25-002 Location Plan
- P-25-002 Block Plan
- P-25-002 Existing and Proposed Elevations
- P-25-002 Existing and Proposed Roof Plan and Section
- P-25-002 Flood Risk Assessment
- P-25-002 Site Waste Management Plan
- P-25-002 Design and Heritage Statement

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).

- C4 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.

Listed Building Consent:

- 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 materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.**

Reason: To safeguard the appearance of the building and the character of the area.

### Recommended Informatives:

- 1 Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.**

**The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:**  
**(a) a Biodiversity Gain Plan has been submitted to the planning authority,**  
**and**  
**(b) the planning authority has approved the plan.**

**The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be the Council of the Isles of Scilly Authority.**

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**Print Name:** Lisa Walton

17/03/2025

**Job Title:** Chief Planning Officer

**Signed:** 

Authorised Officer with Delegated Authority to determine Planning Applications

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