

# Council of the Isles of Scilly

## Delegated Planning Report

### Other application

**Application Number:** P/25/035/NMA & P/25/036/LBC

**UPRN:** 000192000321

**Received on:** 21 March 2025

**NMA Valid on:** 25 March 2025

**NMA Application Expiry date:** 22 April 2025

**LBC Valid on:** 21 March 2025

**LBC Application Expiry date:** 16 May 2025

**Site notice posted:** 31 March 2025

**Site notice expiry:** 21 April 2025

**Applicant:** Nicola Stinson

**Site Address:** Old Wesleyan Chapel, Garrison Lane, Hugh Town, St Mary's, TR21 0JD.

**Proposal:** Application for non-material amendment to planning permission P/24/059/FUL (Installation of a new 6m wall-mounted vertical flagpole onto the East facing elevation of the Old Wesleyan Chapel (Listed Building)) to revise the location and depth of the flagpole fixings to ensure sufficient clearance from the existing rainwater goods & Application for Listed Building Consent for Installation of a new 6m wall-mounted vertical flagpole onto the East facing elevation of the Old Wesleyan Chapel (Listed Building).

**Application Type:** Non-Material Amendments & Listed Building Consent

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<b>Recommendation:</b> P/25/035/NMA	<b>PER</b>
P/25/036/LBC	<b>PER</b>

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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 D Marcus

Date: 01/04/2025

## Site Description and Proposed Development

The application site is the Grade II listed Old Wesleyan Chapel located centrally in Hugh Town on the island of St Mary's. The chapel, which can be seen below, is constructed of coarse granite with a hipped slate roof and prominent arched casement windows. The official listing dates the chapel as early nineteenth century.



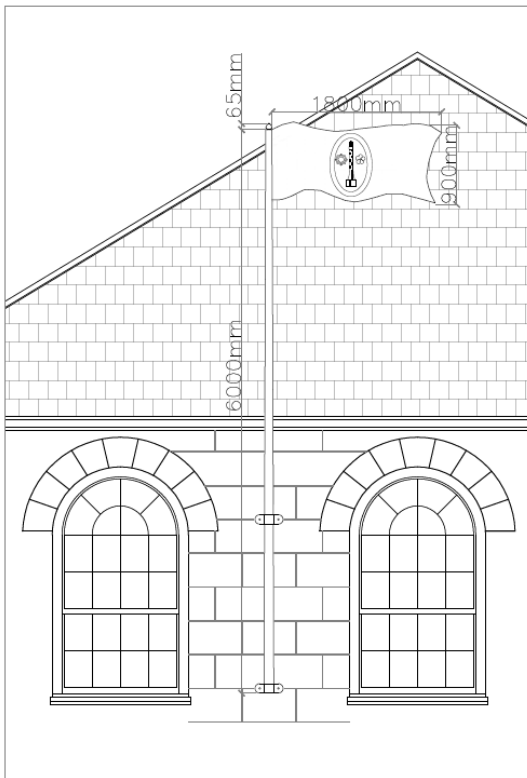
The former chapel now functions as the Council Chambers for the Council of the Isles of Scilly and will function as the Civic Building in place of the existing Town Hall which is being redeveloped.

The approved permissions (P/24/059/FUL & P/24/060/LBC) are to mount a 6m flagpole on the west facing principal elevation in line with the first-floor windows.

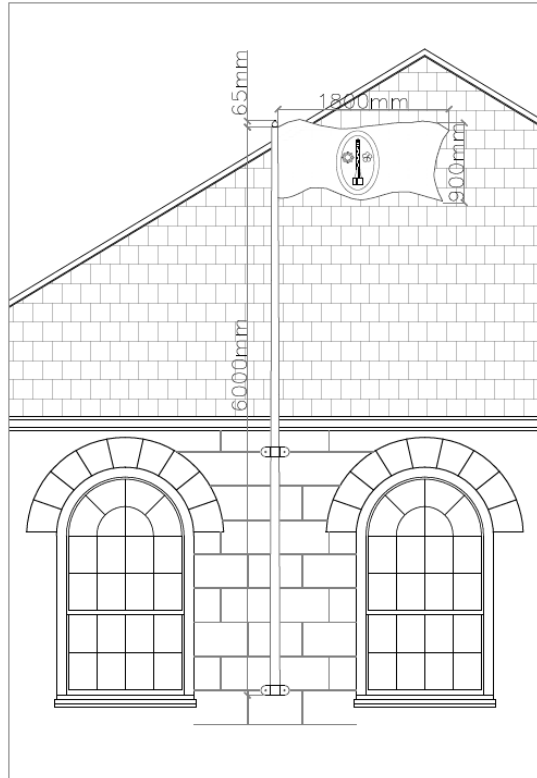
The flagpole is proposed to be used in line with the building's civic function including during council meetings.

The non-material amendment application, and corresponding Listed Building Consent, is seeking to:

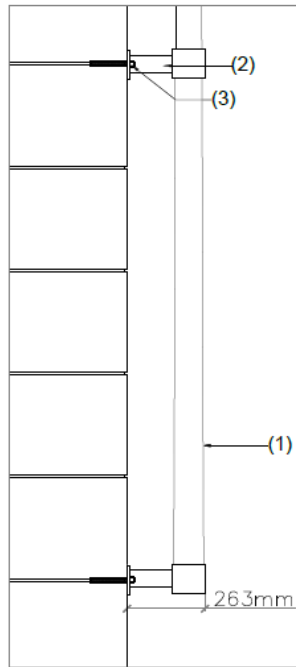
- Increase the flag 'throw' distance (*the distance between the wall bracket and the flagpole holding bracket*) from 150mm to 235mm. The reason for this amendment is to ensure sufficient clearance from the existing rainwater goods.
- Relocate the upper bracket location to the highest mortar joint beneath the rainwater goods. The reason for this amendment is to minimise any movement from wind sway that otherwise could result in collision with the existing rainwater goods.



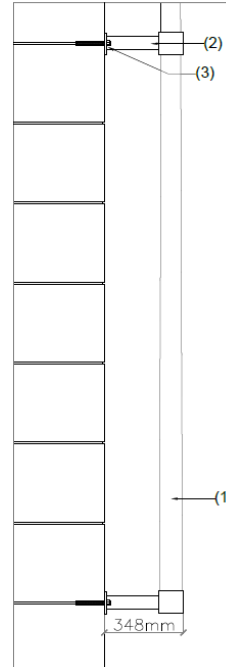
*Approved Permission –  
P/24/059/FUL & P/24/060/LBC*



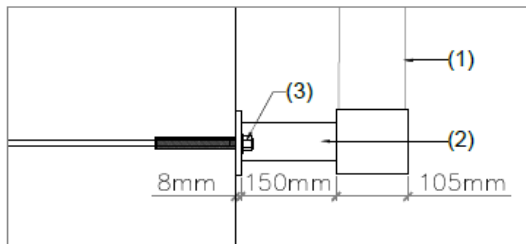
*Proposed non-material amendment to  
upper bracket location.*



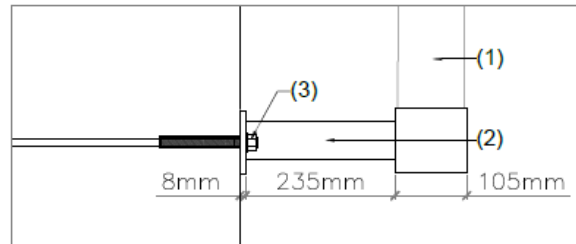
*Approved Permission –  
P/24/059/FUL & P/24/060/LBC*



*Proposed non-material amendment to  
depth of the fixing.*



*Approved Permission –  
P/24/059/FUL & P/24/060/LBC*



*Proposed non-material amendment to  
depth of the fixing.*

### Consultations and Publicity

The applications had a site notice on display for 21 days (31/03/2025 – 21/04/2025). The applications appeared on the weekly list on 2<sup>nd</sup> April 2025. Due to the nature of the proposal no external consultations were undertaken.

The Council consulted Historic England and the Conservation Officer on P/24/059/FUL and P/24/060/LBC, the approved applications to install the flagpole. The Conservation Officer's response to that consultation stated their preference for the flagpole to be fixed through the mortar joints rather than the

masonry. As detailed and shown above, the fixings in the non-material amendment application and revised Listed Building Consent application are proposed to be through the mortar. It was therefore concluded unnecessary to consult the Conservation Officer.

#### Relevant Planning History:

P/24/059/FUL: Installation of a new 6m wall-mounted vertical flagpole onto the East facing elevation of the Old Wesleyan Chapel (Listed Building) –

**APPROVED 19.11.2025.**

P/24/060/LBC: Installation of a new 6m wall-mounted vertical flagpole onto the East facing elevation of the Old Wesleyan Chapel (Listed Building) –

**APPROVED 19.11.2025.**

#### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Listed Building – Grade II

#### 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?	Y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	N/A
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?	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>	
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	N/A
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?	N/A
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	N/A
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
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	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	N
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	N
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 any site-specific sustainable design measures	N/A
Is a condition required to secure a Sustainable Design Measures	N

#### **Assessment:**

#### **P/25/035/NMA**

As shown by the comparison of the approved permission and the proposed amendments above, the changes being sought are minimal and it is concluded that these are non-material amendments.

The approved permission (P/24/059/FUL) accorded with Policy OE7(6) to protect the character, architectural merit or historic interest and fabric of listed buildings. The proposed amendments are still deemed to accord with this policy.

The documents for the approved permission (P/24/059/FUL) were reviewed by the Authority's Conservation Officer who noted that the fixings of the flagpole should go through the mortar joints, as opposed to the masonry. The plans submitted with the amendments show the bracket fixing points will go through the mortar.

The non-material amendment application is therefore considered to be acceptable.

#### **P/25/036/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.

Paragraph 196 of the NPPF outlines that in the determination of planning applications the Local Planning Authority (LPA) should take account of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and the

desirability of new development making a positive contribution to the local character and distinctiveness. Paragraph 205 of the NPPF states 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 and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm. Therefore, consideration is given to the impact of the proposal upon the heritage asset.

Policy OE7 requires that great weight is given to the conservation of the islands' irreplaceable heritage assets including the Conservation Areas, listed buildings, Scheduled Monuments and Archaeological Sites. OE7 (6) specifically seeks to protect the character, architectural merit or historic interest and fabric of listed buildings.

The application was submitted with a Statement of Historical Significance. The details contained within are deemed to have appropriately weighed impact to the heritage asset and its surrounding. It is noted that, should the flagpole no longer be required, the building could be returned to its original state with only minor works.

The documents for the previously approved permission (P/24/060/LBC) were reviewed by the Authority's Conservation Officer who noted that the fixings of the flagpole should go through the mortar joints, as opposed to the masonry. The plans submitted with the application show the bracket fixing points will go through the mortar. The proposed fixing details are therefore considered to be acceptable.

In summary, the proposed flagpole is judged to be in keeping with the civic function and would not give rise to any harm to the significance or setting of the Grade II Listed Building of The Old Wesleyan Chapel.

**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 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 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	

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 P/25/036/LBC:**

**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.

<b>Case Officer</b>		
<b>Print Name:</b>	Tom Anderton	22/04/2025
<b>Job Title:</b>	Trainee Planning Officer	

<b>Print Name:</b>	Lisa Walton	22/04/2025
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
<b>Authorised Officer with Delegated Authority to determine Planning Applications</b>		