



COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department
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OFFICER REPORT – DELEGATED

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| Application number: P/16/131 | Expiry date: 15/02/17 |
| Received on: 21/12/16 | Neighbour expiry date: N/A |
| UPRN: 000192000600 | Consultation expiry date: N/A |
| Legal agreement: | Site notice posted: 21/12/16 |
| Departure: | Site notice expiry: 11/01/17 |
| Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan? | |
| Is this decision contrary to local council recommendation? | |

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| Applicant: | Mr N Wolstenholme |
| Site Address: | Port Light, The Bank, Hugh Town, St Mary's, TR21 0HY |
| Proposal: | Variation of condition 2 (approved plans) and removal of condition 3 (site waste management plan) on planning permission P/16/093/LBC (Internal alterations and improvement works) by amending the internal layout and submitting a revised site waste management plan. |
| Application Type: | Listed Building Consent |

Description of site and development:

This application seeks to vary condition 2 (compliance of approved plans) of approved application P/16/093/LBC (Internal alterations and improvement works) together with the removal of condition 3 (site waste management plan) of the same approved application P/16/093/LBC.

Site Description

Port Light is one half of a pair of semi-detached properties, the other property is called Starboard Light. The pair of dwellings are Grade II Listed Buildings first added to the Statutory Listed in 1959. The buildings are described by Historic England as:

Two dwellings. C18, remodelled early C20. White-washed granite rubble, rendered to Starboard Light; scantled and machined slate roofs; brick and stone stacks, including massive stone stack to east (left). Double-depth plan. 2 storeys; 5-window range. Starboard Light, of 3-window range, to east (left) has C19 central 6-panelled door (2 upper panels glazed), 2-storey bow window with tripartite 4/16/4-pane sashes to left and 2-storey bay window with 4/12/4-pane sashes and moulded cornice to right; left end and front lateral stacks. Port Light, of 2-window range, has timber lintel over late C19 two-panelled door and C20 window to right and 1980s plastic casements to first floor; massive stack to left. Interior has no features of interest. Shown as ruinous in 1890s photograph: the bay windows etc. are early C20.

Port Light dates back to the 18th Century. It is owned by Tregarthens Hotel and has previously been used as staff accommodation.

Background and Relevant History

Planning History for these properties starts in 1970 (**P0940**) when an application was refused for the conversion of existing building known as “The Starboard Light” from Hotel annexe to that of ground floor licenced bar and ancillary services and self-contained flat on the upper floor. In 1976 (**P1513**) an application for Listed Building Consent was approved for repairs to a chimney. In 1983 (**P2168**) an application for Listed Building Consent was approved for the demolition of a chimney and roof repairs. In 1986 (**P2532**) an application was approved for the provision of a window on the front elevation of Port Light. In 1996 (**P4064**) an application for Listed Building Consent was submitted and approved for retrospective works for internal refurbishment. In 2016 (**P/16/001/LBC**) an application was submitted and approved for Listed Building Consent for internal alteration and improvement works to Starboard Light. In October 2016 (**P/16/093/LBC**) an application was submitted and approved for Listed Building Consent for internal alteration and improvement works to Port Light. In December 2016 (**P/16/122/DOC**) an application was submitted and agreed for the proposed discharge of condition 3 (site waste management plan) of approved application P/16/093/LBC.

Public representations:

The property has no immediate neighbours. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Consultee representations:

Due to the nature of the proposal there are no statutory consultees to notify. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

Constraints and designations:

Listed Building (ID:1141184 – Grade II), Conservation Area, AONB and Heritage Coast

Relevant policies, SPGs and Government guidance:

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. As the proposal relates to a Grade II listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty

on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

Planning Policy

National Planning Policy Framework (NPPF) 2012

At the heart of the NPPF is 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 consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Paragraph 132 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 assets conservation. As heritage assets are irreplaceable, any harm or loss should require clear or convincing justification. Substantial harm to or loss of grade II listed building should be exceptional. Paragraph 133 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial public benefit that outweighs the harm or loss. Paragraph 134 states that where less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

Isles of Scilly Local Plan 2005

Policy 1 relates to Environmental Protection and aims to ensure that the quality of the islands environment, including its natural and historic character, is maintained and enhanced. The overall intent of the Local Plan, as reflected in Policy 1, is to protect its environment and keep development to the minimum required for sustaining viable communities.

Appraisal/key issues and conclusion:

In light of the above mentioned policies and identified designations it is considered that the principal issue for consideration is whether the proposal will preserve the Listed Building and its setting, in accordance with primary legislation. In accordance with planning policy it is essential that this application does not result in either harm to or loss of significance, in accordance with the NPPF. Policy 1 of the Isles of Scilly Local Plan requires applications to preserve the architectural or historic interest of all Listed Buildings, including their features and settings.

Condition 2

The applicant seeks to vary condition 2 to allow revised plans for the internal alterations following advice from the structural engineer (Richard Gowan Consulting Ltd). The structural engineer advises that the solution provided in approved drawing S797-41a posed a significant risk to the external face of the cob wall. The creation of the approved access way as shown on approved drawing S797-41a to improve functionality of the cottage could result in the failure of the front cob wall. The preference of the structural engineer is to create a 300mm return adjacent to the original wall rather than excavating into the historic fabric to about a depth of 300mm on the front face of the building.

The result of the revised scheme is to further expose the central void where a fireplace opening would have served a chimney above. This is no longer evident and in order to make a better structural solution

with less modern intervention the engineer is recommending a mirrored solution on the rear wall of the cottage with a 400mm return.

The proposed changes to the ground floor include the provision of a downstairs W.C. and a larger lounge/diner/kitchen by utilising the void space. The proposed changes to the first floor include removing the en-suite from Bedroom 2, adding a new internal screen into the west wall of Bedroom 2, reducing the size of Bedroom 1 to accommodate a hallway running the length of the rear wall allowing access from Bedroom 2 to a bathroom. Bedroom 1 has separate access to this bathroom.

Impact upon the Listed Building

“Port Light” together with the attached dwelling “Starboard Light” have been within the ownership of Tregarthens Hotel for more than 20 years. An application submitted in 1995 had plans that clearly showed that the two dwellings had been converted to a single unit of residential accommodation, with some hotel storage. It appears from the design of the two properties and from old Ordnance Survey Plans, dating back to the 1890s, that the buildings were originally two distinct properties. Earlier this year an application was submitted P/16/001/LBC for internal alteration and improvement works to Starboard Light. This included the reinstatement of an internal wall restoring these buildings back to two properties, in accordance with what appeared to be the original split between them.

The proposed works are a continuation of the scheme to Starboard Light (P/16/001/LBC) and a revised to scheme to that approved under P/16/093/LBC. The revised proposed plans include the creation of two upstairs bedrooms and bathroom and facilitate a link downstairs between the areas previously used as a store and the former kitchen of Starboard Light which has now been partitioned off. Specifically this will include the demolition of specified modern single skin brick work internal walls, construction of new internal timber stud work internal walls, opening up of a void between the store and former kitchen of Starboard Light and the installation of a staircase case and well.

A committee report from 1995 suggests that the two buildings are thought to be the oldest outside the Garrison Walls. Indeed their early listing date is testament to them being some of the earlier buildings of Hugh Town. The buildings have been successively modernised and repaired over the years but have retained their original footprint and historic form, character and structural integrity. The listing description is specifically noting the interior of these buildings as having “*no features of interest*”.

Reinstatement of the ground floor space, and creation of an internal stair would result in the opening up of the ceiling/floor and the loss of some existing fabric but overall the proposals would help to better reveal the original fabric of this building. The installation of stud walls on the first floor to create a bedroom wall, would not result in the loss of any significance and will preserve the listed building. It is judged that the proposed works will overall, restore the original footprint internally of both properties. It is considered that the significance of this building will not be harmed or lost as a result of this proposal.

The revised works to create a 300mm return adjacent to the original cob wall and a mirrored approach on the rear wall with the creation of a 400mm return on the ground floor under this application appear to better preserve the historic fabric of this listed building. It is judged that under this variation of condition application that, overall the proposed works will restore the original footprint internally of both properties and that the significance of this building will not be harmed or lost as a result of this proposal.

Impact upon residential amenity

The revised proposed works are internal only. It is considered that there will be no impact on existing neighbouring properties.

Condition 3

The applicant seeks to remove condition 3 by submitting a site waste management plan with this application. The site waste management plan was the subject of an application to discharge a condition P/16/122. This condition was successfully discharged on 20/12/16. A revised site waste management plan has been submitted with this application. It is judged that the site waste management plan as submitted is acceptable. The applicant has stated that all waste (apart from stone from the walls which will be re-used) will be containerised and shipped to Penzance, where it will be taken to SJ Quick & Sons yard for sorting into a waste material skip and disposed of to a licenced tip.

It is considered that the management of waste through the containerisation of the materials, its subsequent shipping, sorting at SJ Quick and Sons yard and disposal to a licenced tip is acceptable and is an acceptable route to the disposal of waste and avoids potential fly tipping.

Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the 10th November 2016.

Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).


2. The development hereby permitted, shall be carried out in accordance with the approved details only including:
 - Port Light Site Location Plan 1
 - Port Light Proposed Structure Ground Floor Plan, Drawing Number: SK132
 - Port Light Proposed Ground Floor Plan, Drawing Number: 1156/1410 Rev B
 - Port Light Proposed First Floor Plan, Drawing Number: 1156/1411 Rev B
 - The Supporting Planning Statement Dated December 2016

These are signed and stamped as APPROVED

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. The development hereby approved shall proceed in strict accordance with the approved site waste management scheme, submitted with this application, Number: P02 Dated 15.12.16.

Reason: To ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005

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| Signed:  | Dated: 07/07/2017 EW 07/02/2017 | Signed:  | Dated: 07/02/2017 |
| Planning Officer | | Senior Manager | |