

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/032/LBC
Received on: 18 June 2019
Application Expiry date: 14 August 2019
Neighbour expiry date: 10 July 2019
Consultation expiry date: 10 July 2019
Site notice posted: 19 June 2019
Site notice expiry: 10 July 2019

Applicant: Mr A Martin
Site Address: Duchy of Cornwall
Hugh House
Garrison
St Mary's
Isles of Scilly

Proposal: Application for Listed Building Consent for repairs to glasshouse frame and masonry walls at Ashvale Farmhouse, Lower Town, St Martin's.

ApplicationType: Listed Building Consent

Recommendation

1. That the Application is APPROVED subject to the conditions set out below.
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Contributors:**Public Representations:** NONE**Consultation Representations:** NONE**Constraints:****Scheduled Monuments:** NONE**Listed Buildings:** Ashvale Farmhouse (GII)**Archaeological Constraint Areas:** NONE**Site Description and Proposed Development**

Ashvale Farmhouse is a grade II listed building (1141203) that lies within Lower Town on the island of St Martin's. Ashvale Farmhouse was listed in 1992.

The application in this case seeks consent for repairs to the frame and masonry walls of an existing glasshouse. The glasshouse lies to the south of Ashvale Farmhouse and measures approximately 5m x 30m. The roof is of an A-Frame shape constructed of glass and timber that is set on granite stone walls.

Background and Relevant History

P4752 – Listed Building Consent application approved to remove existing brick part of North West chimney. Replace with clay pot on retained stone part of chimney.
Approved 14.03.2000.

P4874 – Listed Building Consent application approved to demolish and rebuild wall, build kitchen and bathroom facilities incorporating internal and external repairs.
Approved 12.10.2000.

P5096 – Approved amendments to LBC P4874 dated 12/10/2000 internal and external repairs. Approved 29.01.2002.

Consultations and Representations

No comments 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 application, 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).

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.

The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

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 2012/2019 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 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

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.

Consultation 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 designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and 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 main planning issues are considered to relate to the impact on the character, appearance, features and fabric of this Grade II Listed Building and its setting.

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 listing description states:

Farmhouse. Mid C19, incorporating older former dwelling. Uncoursed and roughly coursed granite rubble with C20 slate and pantile roofs; brick end stacks to main mid C19 range and truncated end stack to older range. 3-unit plan to main range and 2-unit plan to older range at right angles to west. 2 storeys. Main 3-window range has granite lintels over panelled door and horned 2/2-pane sashes. Lower former dwelling has granite lintels over C20 plank door and small window; concrete lintel over C20 window to right and C20 window under eaves. Interior: former dwelling has pegged A-frame trusses.

The application in this case seeks consent for repairs to the frame and masonry walls of an existing glasshouse that lies within the curtilage of Ashvale Farmhouse. The glasshouse lies to the south of Ashvale Farmhouse and measures approximately 5m x 30m. The roof is of an A-Frame shape constructed of glass and timber that is set on granite stone walls.

The papers submitted with the application explain that, the glasshouse is in a poor state of repair including many broken panes of glass, rotten timbers, timber decay and metal corrosion around the joints, intersections of the timber structure have failed resulting in the separation of the ridge beam from parts of the structure and the granite walls have bulged in places. The agent explains that the majority, if not all of the glass will be removed and renewed, the timber frame structure will have many new members introduced and the granite wall will be in a like for like form but traditional materials such as a lime based mortar for pointing will be introduced where required.

The agent further explains that whilst it is intended that the works and the design will be a like for like operation and that arguably they could be completed under normal repair permitted works, due to the extent of the work and the impact on much of the fabric of the building being replaced to carry out the works safely it is considered that Listed Building Consent should be sought.

The papers submitted with the application confirm that the timber profiles and dimensions will match existing and placement of structural members will match the existing. The materials used for the glasshouse would match existing with the exception of the introduction of a lime mortar into the pointing of the granite wall.

Whilst, the glasshouse is not itself a listed building it does lie within the curtilage of Ashvale Farmhouse, which is a grade II Listed Building and any works to the glasshouse could impact on the setting of the Listed Building, and in particular, views from the south of island.

The application seeks to repair and in places replace elements of an existing glasshouse, which would have historically been used in connection with the flower growing industry of the Isles of Scilly. The proposed works include the use of matching materials and the glasshouse dimensions, scale and form will remain the same as existing.

The proposed works will allow the building to have a viable use and would preserve the historic interest of Ashvale Farmhouse and its historical industrial connections and therefore complies with Policy 1 of the Local Plan and OE7 of the Draft Local Plan. The proposed works are therefore considered to be acceptable and there would be no harm to the significance of the heritage asset.

Other Considerations

The Ministerial Statement 'Planning for Growth' and the National Planning Policy Framework have been taken into account in assessing this scheme.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article I of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third part interests/ the Development Plan and Central Government Guidance.

Conclusion

The works to repair and in places replace elements of an existing glasshouse and will allow the building to have a viable use preserving the historic interest of Ashvale Farmhouse, its historical industrial connections and its setting and, therefore, complies with Policy 1 of the Local Plan and OE7 of the Draft Local Plan. The proposed works are therefore considered to be acceptable and there would be no harm to the significance of the heritage asset.

The proposal is considered to comply with Policy 1 of the adopted Local Plan and Policy OE7 of the draft Local Plan it is, therefore, recommended that consent be granted.

Links

<http://www.scilly.gov.uk/planning-application/planning-application-p19032>

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 10/0124-02 – Location Plan and Block Plan and 10/0124-01 –Elevations and Repairs Schedule.** Reason: For the avoidance of doubt and to ensure the works accord with the approved plans.

Informatives

1. Statement of Positive Engagement
2. Appeal

Checked by CIOS Senior Officer	Lisa Walton 		Date: 06/08/2019
Signed: Yvonne Dale Planning Officer	Dated: 06/08/19	Signed: 	Dated: 7/8/2019
		Senior Manager	