**OFFICER REPORT – DELEGATED**

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| **Application number: P/16/093/LBC** | **Expiry date: 02/11/16** |
| **Received on: 07/09/16** | **Neighbour expiry date: N/A** |
| **UPRN: 000192000600** | **Consultation expiry date: N/A** |
| **Legal agreement:** | **Site notice posted: 07/09/16** |
| **Departure:** | **Site notice expiry: 21/09/16** |
| **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:** | **Internal alterations and improvement works (Amended Plans)** |
| **Application Type:** | **Listed Building Consent** |

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| **Description of site and development:** |

The proposed works include the opening up of a passageway in the void between the store and kitchen of Starboard Light, the installation of a staircase and well to connect the two floors together with the erection of a divisionary stud wall to partition off a bedroom and en-suite at the top of the new stairwell. There are no exterior changes or works proposed as part of this application.

The proposed use will remain as residential and it is currently used as staff accommodation. The intention, as a result of the proposed works will be to use this as a holiday let under Use Class C3.

**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 ll 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.

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| **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.

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| **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.

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| **Constraints and designations:** |

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

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| **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 ll 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 ll 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.

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| **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.

**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). They include the creation of an upstairs bedroom and en-suite 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. It is considered that the installation of stud walls on the first floor to create an en-suite bathroom section of wall, would not result in the loss of any significance and will preserve the listed building. It is considered overall that the proposed works will 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.

**Impact upon residential amenity**

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

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| **Recommendation:** |

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

1. 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 18 of the Planning (Listed Buildings and  Conservation Areas) Act 1990 (as amended).

1. The development hereby permitted, shall be carried out in accordance with the approved details only including:

* Port Light Plans, Drawing Number: S797 – 41a Dated May 2016
* The Heritage Design and Access Statement, Ref JCD/7556 Dated June 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 2015.

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| Signed: | Dated: | Signed: | Dated: |
| Planning Officer | Senior Manager |