
Delegated report Officer: Helen Branson

Application ref. DMPA/2023/1582

Listed Building Consent for internal structural alterations, localised rebuilding and tying of brickwork at Marston Hall, Marston Lane, Marston On Dove, Derby, DE65 5GD

Valid date: 05/12/2023

Consults expired: 19/01/2024

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/0698/0217/L – Listed Building Consent for internal works and the installation of a replacement external door in the flat at the grade II listed Marston Hall – granted with conditions 27/07/1998

DMPA/2021/1485 - Listed Building Consent for full renovation of the Hall including recovering the roof - granted with conditions 03/12/2021

DMOT/2022/1167 - the approval of detail reserved by condition nos. 3 and 4 of permission ref. DMPA/2021/1485 (relating to structural window works and internal fireplace) - condition discharged 19/01/2023

DMPA/2022/1517 - Listed building consent for removal of the existing Log Store - approved with conditions 16/02/2023

DMPA/2023/1649 and DMPA/2024/0002 (LBC) - construction of two new garden walls and steps following the removal of an existing garden wall - concurrent applications

Responses to consultations and publicity

Conservation officer - Some level of harm but raises no objections.

Relevant policy, guidance and/or legislation

Legal considerations include:

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.'

Policy considerations include:

The legal requirement to make decisions in accordance with the development plan does not apply to the consideration of listed building consent applications. However, the planning objectives for an area, such as that set out below, may well be material to the consideration of consents.

South Derbyshire District Council – Local Development Framework

Local Plan Part 1 (LP1) 2016: BNE2 (Heritage Assets)

Local Plan Part 2 (LP2) 2017: BNE10 (Heritage)

Hilton, Marston on Dove & Hoon Neighbourhood Plan (2020- 2035)

National Planning Policy Framework (NPPF)

Chapter 16 of the NPPF sets out the Government's national policies on the conservation of the historic environment.

Relevant National Planning Policy Guidance (NPPG)

PPG Paragraph Id 18a: Historic Environment

Relevant Historic Environment Practice Guidance

Historic England Good Practice Advice note 2 (GPA2) Managing Significance in Decision-Taking in the Historic Environment (2015)

Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

Planning considerations

Whether the proposed works preserve the listed building or its setting or any features of special architectural or historic interest which it possesses.

Planning assessment

Application site

Marston Hall is a Grade II listed building located within the rural village of Marston on Dove. The property has been extended through several phases in the past. It is also considered likely that the building was rendered at or after the latest phases of extensions at the end of the 19th century to try and harmonise a building which had multiple phases of contrasting brickwork by this time.

The Site falls outside of the defined settlement boundaries as referred to in policy SDT1 and shown on the Settlement Boundary Maps in Appendix A to LP2.

Basis of application and the proposed development

Listed Building Consent for full renovation of the Hall was granted in 2021 (DMPA/2021/1485).

During the site works a Structural Engineer advised of the urgent need to conduct structural strengthening works to key areas within the first floor due to extensive deflection/dropping of primary timber beams causing vertical cracking in walls and movement in the floor level.

The submitted Heritage Statement clarifies the evolution of the building, which goes some way to explain how and why the supporting structure has taken on additional load over time. In addition, the recent replacement of the roof resulted in a temporary lift of weight from the building, followed by the new roof being finished thus putting additional strain on the core structure. The supporting structural report letter is clear on the rationale for the project. The Heritage Statement includes clear illustrations of the proposal. The submitted drawings also clearly demonstrate the proposed intervention to the building.

Assessment on the impact on the historic fabric and external appearance of the listed building

Whilst there is a level of harm, specifically a change in construction method and materials, from the proposed works this harm is outweighed by the conservation of the building to prevent further structural failure. The works are ultimately required in order to protect the fabric of the listed building moving forward as not addressing the structural issues could result in its catastrophic failure in the future. Accordingly the public benefit of ensuring that the building is retained long term outweighs the level of intervention required to ensure that the building is structurally sound and therefore the works are considered to be acceptable.

Concluding comments

In reaching the above view, consideration has been given to the significance of Grade II listed Marston Hall and it is concluded that the proposed works are necessary to protect the fabric of the building in order to prevent further structural collapse in order to retain character of the property; thus, helping to preserve its special interest. Therefore, complying with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently, it is not considered to conflict with the heritage objectives of local policies BNE2 of the LP1 and BNE10 of the LP2 or Chapter 16 of the NPPF. As such, it is considered that Listed Building Consent should be granted.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	30/01/2024
Report agreed:	30/01/2024
Authorised officer:	Sarah Beeby
