

Council of the Isles of Scilly

Delegated Planning Report

Householder/other application

Application Number: P/20/085/HH

Received on: 16 October 2020

UPRN: 000192002791

Application Expiry date: 14 December 2020

Neighbour expiry date: 13 November 2020

Consultation expiry date:

Site notice posted: 23 October 2020

Site notice expiry: 13 November 2020

Applicant: Mr Edmund Akehurst
Site Address: Upper Bank Chambers Flat
The Bank
Hugh Town
St Mary's
Isles Of Scilly
TR21 0HY

Proposal: Replace existing timber windows to PVCU on rear of property.

Application Type: Householder

Recommendation: PER

Summary Conditions

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. No external illumination

Have any pre-commencement conditions been agreed with the applicant:
No

Site Description and Proposed Development

Upper Bank Chambers Flat, is two floors of accommodation with the Bank Chambers Building (Lowena). It has accommodation on the first floor with rooms within the roofspace.

The proposal is to replace rear (harbour facing) windows only. These windows are modern casement windows all with a hop-hung small casement with a larger side-hung casement. The materials are stated to be timber which will be replaced with a upvc alternative with double glazing and will be of a design to match the existing windows.

The applicant notes that the windows will improve the thermal efficiency of the accommodation and be in keeping with windows in the rest of the building. It is also stated that materials will be dismantled and recycled via local haulier (Richard Hand Haulage).

Certificate: B. Notice Number 1 Served on two other named persons

Consultations and Publicity

The application has had a site notice on display for 21 days (23/10/2020 – 13/11/2020). The application appeared on the weekly list on 26th October 2020.

Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly (23/10/2020 – 13/11/2020):

Harbourside Flat, The Bank

Sandpiper Flat, The Bank

Michael Gray Flat, The Bank

Sandpiper, The Bank

Lower Anchorage, The Bank

Tideway, The Bank

The Anchorage, The Bank

Bank Chambers, The Bank

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

No planning history relevant.

Constraints:

Listed Buildings Multiple (Spatial)

Historic Landscape Character Landscape Type: Settlements.

Planning Assessment

Design	YES OR NO
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Would the proposal maintain the character and qualities of the area in which it is proposed?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
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
Is the scale proposed in accordance with NDSS	n/a

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Yes
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Yes
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Yes
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?	Yes Yes Yes
Within an Archaeological Constraint Area	n/a
Other Impacts 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	Yes
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?	no
Are there external lights	No

Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	No
Does the proposal include any demolition	No
Does the proposal include tree or hedge removal	No
Is an assessment of impact on protected species required	No
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	No
Are biodiversity enhancement measures required	No
Is a condition required to provide biodiversity enhancement measures	No

Waste Management	YES OR NO
Does the proposal generate construction waste	No
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	No
Does the proposal include a Site Waste Management Plan	No
Is a condition required to secure a Site Waste Management Plan	Yes

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	No
Does the proposal include any site specific sustainable design measures	Yes
Is a condition required to secure a Sustainable Design Measures	No

Analysis: Whilst the flat is located in a building, adjacent to a Listed Building (Bank House to the north side boundary and The Anchorage to the south side boundary, both Grade II), it is not itself identified as a listed building. It is therefore only listed by default of being attached to other listed buildings, as part of the built up 'terrace' that forms the boundary of Hugh Town and Town Beach and harbour. The windows are viewed at a

distance only and based on the intention to match the existing windows, and others within the building, it is not considered that the visual impact would result in any harm to the setting of the adjoining listed buildings or the wider character of the conservation area. All windows that face west, on to the Street, will not be changed. Overall the proposal is considered to be acceptable and would comply with the adopted and emerging Local Plans.

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/imposed conditions to enable the grant of planning permission.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 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 December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft 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, adopted December 2005

Policy 1 Environmental Protection ✓

Policy 2 Sustainable Development ✓

Policy 3 Housing ☐

Policy 4 Economic Development ☐

Policy 5 Transport ☐

Policy 6 Infrastructure for Sustainable Communities ☐

Policy 7 Fish and Livestock Processing ☐

Policy 8 Safeguard Power Station, St Mary's ☐

Policy 9 Waste Disposal ☐

Policy 10 Air Travel Infrastructure, St Mary's and Tresco ☐

- Policy 11 Uninhabited Islands ☐
- Proposal A Housing Sites St Mary's ☐
- Proposal B Employment Land, St Mary's ☐
- Proposal C Sport and Recreation Facilities, St Mary's ☐
- Proposal D Quays ☐
- Proposal E Mixed Use Development Tresco ☐

Submission Draft Isles of Scilly Local Plan 2015-2030

Sustainable Scilly

- 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 ☐

Outstanding Environment

- Policy OE1 Protecting and Enhancing the landscape and seascape ☐
- Policy OE2 Biodiversity and Geodiversity ☐
- Policy OE3 Managing Pollution ☐
- Policy OE4 Protecting Scilly's Dark Night Skies ✓*
- Policy OE5 Managing Waste ☐
- Policy OE6 Minerals ☐
- Policy OE7 Development affecting heritage ☐

Living Communities

- 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 ☐ Choose an item.
- Policy LC7 Windfall Housing: ☐ Choose an item.
- Policy LC8 Replacement Dwellings and Residential Extensions ✓*
- Policy LC9 Homes in Multiple Occupation ☐

Working Communities

- Policy WC1 General Employment Policy ☐

Policy WC2 Home based businesses ☐

Policy WC3 New Employment Development ☐

Policy WC4 Alternative Uses for Business or Industrial land and buildings ☐

Policy WC5 Safeguarding Serviced Accommodation ☐

- *Site Waste Management Plan: Provided*
- *Sustainable Design Measures: Provided*
- *Biodiversity Enhancement Measures: Provided in the PEA n/a*

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.

Recommended Conditions:

- C1 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 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**
- **Plan 1 Location Plan, 1:1250 scale**
 - **Plan 2 Block Plan, 1:200 scale**
 - **Plan 3 Existing Windows**
 - **Plan 4 Proposed Windows**
 - **Plan 5 Statement**
- These are stamped as APPROVED.**
Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy OE1 and OE7(5) of the Submission Draft Isles of Scilly Local Plan 2015-2030.
- C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**
Reason: In the interests of protecting the residential amenities of neighbouring properties.
- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**
Reason: To protect the amenities of the locality, including the amenities of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark

night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

	Print Name:	Lisa Walton	14/12/2020
	Job Title:	Senior Officer, Planning and Development Management	
	Signed:		
	Authorised Officer with Delegated Authority to determine Planning Applications		

*Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:
Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring*