

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/22/055/FUL

UPRN: 000192000559

Received on: 10 August 2022

Valid on: 25 August 2022

Application Expiry date: 20 October 2022

Neighbour expiry date: 16 September 2022

Consultation expiry date: N/A

Site notice posted: 26 August 2022

Site notice expiry: 19 September 2022

Applicant: Mrs Elizabeth Crowe

Site Address: Fairview
5 Moonrakers Flats
Garrison Lane
Hugh Town
St Marys
Isles Of Scilly
TR21 0JF

Proposal: Replacement of 6 white aluminium framed, double glazed windows with 6 UPVC double glazed windows.

Application Type: Planning Permission

Recommendation: PERMIT

Summary Conditions

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works

Have any pre-commencement conditions been agreed with the applicant:

N/A

Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 26/09/2022

Site Description and Proposed Development

Moonrakers Flats are situated at the top of Garrison Lane made up of 6 flats created from a guesthouse conversion in the 1980's. The flats are a mix of holiday lets and permanent residential units with holiday letting restrictions removed from them between 2008 & 2010. Fairview, flat 5 is used for holiday letting purposes.

The whole Moonrakers property backs on to the Garrison Wall (LB/SM) at the top of Garrison Lane. It is a mid-century dormer bungalow that has accommodation in the roofspace. It is a white render property with a shingle roof and a mix upvc and aluminium window and doors.

The proposed development is for the replacement of double-glazed aluminium windows with white UPVC windows with minor changes to the layout and style of the opening lights. The windows are located in the dormer which forms the flat to the rear of the main building. These are on the north elevation looking out onto the battery forming part of the Garrison wall and the south elevation Garrison wall looking back towards Sally Port along the Garrison Wall.

Certificate: B

Other Land Owners:

- Mr & Mrs Clark (Flat 1 Moonrakers)
- Mr & Mrs Taylor (Flat 2)
- Mr Malcom Gregory (Flat 3)
- Ms Ellery (Flat 4)

- Mr & Mrs Clifford (Flat 6)

Consultations and Publicity

The application has had a site notice on display for 21 days (26/08/2022–19/09/2022). The application appeared on the weekly list on 30th August 2022. Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Gregs, Flats 1-4 & 6 Moonrakers, Garrison Lane

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[0] letters of representation have been received.

Relevant Planning History:

Planning history relevant under the 2005 Local Plan or the adopted 2015-2030 Local Plan:

- P/16/049/FUL: Addition of two dormer windows on flats 3 & 4 Moonrakers. GRANTED 18.07.2016
- P/17/010/FUL: Replacement of faulty white aluminium double glazed window with white double glazed UPVC (Flat 2). GRANTED 07.04.2017
- P/17/107/FUL: Replacement of 2 aluminium double glazed windows with 2 white UPVC double glazed windows (Flat 2). GRANTED 06.02.2018
- P/19/066/FUL: Replacement of three aluminium double glazed windows with white UPVC double glazed windows, removal of toilet window and relocation to adjacent wall with a smaller white UPVC double glazed window (Flat 6). GRANTED 14.11.2019
- P/21/061/FUL: Replacement of 7 windows with UPVC including lowering of front lounge window cill and reducing width of rear bedroom window (Flat 1). GRANTED 20.09.2021

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Listed Building: Grade I – Outer Walls & Gateway (Adjacent)
- Scheduled Monument – Garrison Wall (Adjacent)
- Archaeological Constraint Area – The Garrison (Adjacent)

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

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?	N/A
Is the proposal acceptable with regard to any significant change or intensification of use?	N/A

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
Within an Archaeological Constraint Area	NO
Other Impacts	N/A
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
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	YES

beauty of the AONB	
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?	N/A
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	N/A
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	YES
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	YES
Is a condition required to secure a Site Waste Management Plan	NO

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 a any site specific sustainable design measures	NO
Is a condition required to secure a Sustainable Design Measures	NO

Analysis: No objections received

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 with the 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 March 2021, the development plan for the Isles of Scilly comprises the 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, 2015-2030

Policy	Tick if Used ✓
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	
Policy OE1 Protecting and Enhancing the landscape and seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
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	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	✓

Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	✓		NO
Sustainable Design Measures		✓	NO
Biodiversity Enhancement Measures:		✓	NO

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. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

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**
- **Plan 2 Block Plan**
- **Plan 3 Current Windows**
- **Plan 4 Window Details Specification**
- **Plan 5 Site Waste Management Plan**

These are stamped as APPROVED.

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and Policy OE7(5) of the 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.

Informatives


1. **Statement of Positive Engagement:** In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework 2019.
2. **Non-Material Amendments:** In accordance with the provisions of Section 96A of the Town and Country Planning Act which came into force on 1st October 2009, any amendments to the approved plans will require either a formal application for a non-material amendment (currently the fee is for this is £34 but any fee increase would need to be applied should the national fees increase) or the submission of a full planning application for a revised scheme. If the proposal relates to a Listed Building you will not be able to apply for a non-material amendment and a new application for a revised scheme will be required. Please discuss any proposed amendments with the Planning Officer.
3. **Building Control:** Please ensure that all building works accord with the Building Regulations and that all appropriate approvals are in place for each stage of the build project: buildingcontrol@cornwall.gov.uk

Report Author

Print Name:	Andrew King	17/10/2022
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Job Title:	Officer: Planning and Development Management	
Signed:		

Report Sign Off

Print Name:	Lisa Walton	24/10/2022
Job Title:	Chief Planning Officer	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		