

# Council of the Isles of Scilly

## Delegated Planning Report

### Listed Building Consent Application

**Application Number:** P/22/061/LBC

**UPRN:** 000192000796

**Received on:** 5 September 2022

**Valid on:** 29 November 2022

**Application expiry date:** 24 January 2023

**Neighbour expiry date:** 20 December 2022

**Site notice posted:** 29 November 2022

**Site notice expiry:** 20 December 2022

**Applicant:** Mr William Yelland

**Site Address:** 1 Madura  
10 The Parade  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0LP

**Proposal:** Replacement sash wooden windows to the front and rear of the property like for like with the addition of double-glazed units. (Listed Building)

**Application Type:** Listed Building Consent

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**Recommendation:** PER

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#### **Summary Conditions:**

1. Standard time limit
2. Window Setback

## 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: Dan Marcus

Date: 09/12/2022

## Site Description and Proposed Development

Madura is a grade II listed building made up of two flats, flat 1 on the ground floor with access from the rear and flat 2 on the first floor accessed via the main front door. It is located in the north east corner of The Parade in Hugh Town, St Mary's. The Parade is predominantly made up of grade II listed buildings surrounding the Parade Park, Madura is on the junction with Thorofare and adjoining Park View.

The National Heritage List for England (NHLE) listing describes the building as:

Pair of houses. Early C19, with earlier origins. Coursed and roughly dressed granite, rendered to Madura; half-hipped slate roof; rendered ridge and rear stacks. Single-depth plan extended to double-depth plan in early C19. 2 storeys. Each house of symmetrical 3-window range. Madura has 6-panelled door set in doorcase with half-columns to flat hood; late C19 horned plate-glass sashes. Parkview has mid C20 door set in similar doorcase and granite lintels over C20 ground-floor windows and late C19 first-floor plate-glass sashes. Left return wall of Madura has quoins to centre marking rear wall of earlier house which was deepened and heightened in early C19. Interiors not inspected.

The proposed works are to replace the existing single glazed timber sash windows (2 at the front and 2 at the rear) in a like for like style and finish except for the introduction of double glazed units. The applicant states that the windows are rotten in places and the replacements will be thermally more efficient resulting in energy savings and also reduce the noise levels from the road which the property fronts.

Certificate: B

Other Land Owners: Mrs Winifred Davis – Owner of Flat 2 (first floor)

### Consultations and Publicity

The application has had a site notice on display for 21 days (29/11/2022–10/12/2022). The application appeared on the weekly list on 5<sup>th</sup> December 2022. Due to the nature of the proposal no external consultations are required.

### Representations from Residents:

Neighbouring properties written to directly:

- Flat 2 Madura, Park View 11 & Parkside 9 – The Parade

[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:

No planning history relevant under the 2005 Local Plan or the adopted 2015-2030 Local Plan

- P3761 - Re-Painting of front and rear elevations. PER 06.04.1995

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Areas Name: The Parade & Town Hall. Island: St Mary's
- Historic Landscape Character Landscape Type: Settlements.
- Listed Buildings ID: DCO14374. Grade: II. Name: MADURA AND PARKVIEW

Planning Assessment	Yes or No
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y
Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed	Y

works will cause no substantial harm to the significance of the listed building?	
Having regard to your answers above, is the application considered to be acceptable?	y

**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 granting listed building consent. This application has been considered in accordance with Sections 16, 17, and 18 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	
Policy OE4 Protecting Scilly's Dark Night Skies	
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	

### **Impact on Listed Building:**

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to 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.'

It is also one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 192-197 set out the framework for decision making relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

### *Significance of the Heritage Asset*

**Architectural interest:** *Listed for its group value as an eighteen or early 19<sup>th</sup> century in date within an area with a high number of properties from this period. Windows and doors are from circa 1950 in date.*

**Historic interest:** *Connected to the period of development of Hugh Town during the eighteenth or nineteenth century.*

**Archaeological interest:** *none known*

**Artistic interest:** *none known.*

These interests collectively make up the significance of the designated heritage asset Madura Parkview, The Parade, which are jointly listed under the same entry on the statutory list.

### *Impact of the proposals*

The current windows are considered to be a modern replacement which now lack the original glazing bar detail that would have likely be an original feature of this

property. It is not considered that the insertion of modern slim doubled glazed replacement timber windows to match will result in harm to the significance of this building.

## **Conclusions**

### *No harm – Approval*

Having regard to the above, no material harm to the designated heritage asset has been identified and therefore, having due regard to Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and OE7(6) Development Affecting Heritage of the Isles of Scilly Local Plan 2015-2030 adopted 25<sup>th</sup> March 2021 and consent should be approved.

## **Equalities Act**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Recommendation:**

APPROVE WITH CONDITIONS


## **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 replacement windows, hereby approved, shall be set back from the outer face of the stonework to a minimum of 8cm to match the position of the windows in a traditional building and shall be constructed in white painted timber to match existing and be retained as such thereafter.**  
Reason: To preserve and enhance the character and appearance of the Listed Building. In accordance with Policy OE7 of the Isles of Scilly Local Plan 2015-2030

## **Informatives:**

1. 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 the National Planning Policy Framework 2021.
2. 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](mailto:buildingcontrol@cornwall.gov.uk).

3. The assessment considered the following plans, which should be followed when carrying out the works. Any deviation from these approved plans may trigger the need to obtain further listed building consent. The applicant is advised to speak to the Planning Department if this is the case.
- Plan 1 Location Plan
  - Plan 2 Existing Photos
  - Plan 3 Proposed Window Design

<b>Print Name:</b>	Lisa Walton	03/02/2023
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	Authorised Officer with Delegated Authority to determine Planning Applications	