

# Council of the Isles of Scilly Delegated Planning Report Householder application

**Application Number:** P/24/058/HH

**UPRN:** 000192002136

**Received on:** 6 August 2024

**Valid on:** 20 August 2024

**Application Expiry date:** 15 October 2024

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:** 11 September 2024

**Site notice posted:** 21 August 2024

**Site notice expiry:** 11 September 2024

**Case Officer:** LISAW

**Applicant:** Miss Susan Capel

**Site Address:** Gregs  
Garrison Lane  
Hugh Town  
St Mary's  
Isles Of Scilly  
TR21 0JF

**Proposal:** Replacement of windows with UPVC.

**Application Type:** Householder

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**Recommendation:** PER

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## Summary Conditions

1. Standard time limit (3 years)
2. In accordance with the approved plans
3. Hours of Construction

## 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: 25/09/2024

## Site Description and Proposed Development

Gregs & 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. Gregs was the owners unit of accommodation and is now a separate dwelling in itself.

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. Gregs extends off the south end with its own pitched roof and flat roof extensions. It is a rendered property with a shingle roof and a mix of upvc and aluminium window and doors.

The proposed development is for the replacement of double-glazed aluminium windows and blue timber commercial style door with white UPVC windows and timber effect UPVC doors with minor changes to the layout and style of the opening lights. The replacements are located on all elevations, being a single dwelling house, only those fronting the public highway (east elevation) require planning permission to be replaced.

**Certificate:** A

**Other Land Owners:** None

### Consultations and Publicity

The application has had a site notice on display for 21 days (21/08/2024 – 11/09/2024). The application appeared on the weekly list on 27<sup>th</sup> August 2024. Due to the nature of the proposal no external consultations are required.

### Representations:

[0] letters of objection have been received.

[0] letters of support have been received.

[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/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
- P/22/055/FUL: Replacement of 6 white aluminium framed, double glazed windows with 6 UPVC double glazed windows (Flat 5). GRANTED 24.10.2022

### 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

| <b>Design</b>  | <b>YES OR NO</b> |
|--|------------------|
| Would the proposal maintain the character and qualities of the area in which it is proposed?   | y                |
| Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?                                    | y                |
| Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area? | y                |
| Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and  | n/a              |

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|--|-----|
| to ensure an adequate level of amenity?  |     |
| 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? | y   |
| Is the scale proposed in accordance with NDSS  | n/a |

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

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| <b>Heritage</b>  | <b>YES OR NO</b> |
|--|------------------|
| Would the proposal sustain or enhance the character and appearance of the Conservation Area?   | y                |
| If within the setting of, or a listed building,  | y                |
| 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?  |                  |
| Within an Archaeological Constraint Area   | n                |
| <b>Other Impacts</b>   | n/a              |
| Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?  |                  |
| Impact on protected trees  | n/a              |
| Will this be acceptable  |                  |
| Can impact be properly mitigated?  |                  |
| 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   | y                |
| 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  | n                |

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

| <b>Waste Management</b>   | <b>YES OR NO</b> |
|---|------------------|
| Does the proposal generate construction waste   | Y                |
| Does the proposal materially increase the use of the site to require additional long-term waste management facilities | N                |
| Does the proposal include a Site Waste Management Plan  | Y                |
| Is a condition required to secure a Site Waste Management Plan  | n                |

| <b>Sustainable Design</b>   | <b>YES OR NO</b> |
|---|------------------|
| Does the proposal materially increase the use of the site to require additional sustainable design measures | n                |
| Does the proposal include any site specific sustainable design measures                                     | n                |
| Is a condition required to secure a Sustainable Design Measures   | n                |

**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 permission to be granted. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004. This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 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 and Alterations | ✓              |
| 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                         |                |

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 Site Plan, drawing number TQRQM23289185903797, dated 13 Aug 2024**
- **Plan 3 Existing Windows & Doors date stamped 06 Aug 2024**
- **Plan 4 Proposed Windows & Door, date stamped 06 Aug 2024**
- **Plan 5 Site Waste Management Plan, date stamped 16 Aug 2024**

**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 OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

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**Print Name:** Lisa Walton 21/10/2024

**Job Title:** Chief Planning Officer

**Signed:**



Authorised Officer with Delegated Authority to determine Planning Applications

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