



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/010	Expiry date: 10/04/2017
Received on: 09/02/2017	Neighbour expiry date: 07/03/2017
UPRN:	Consultation expiry date: None
Legal agreement:	Site notice posted: 14/02/2017
Departure:	Site notice expiry: 07/03/2017
Complies with Development Plan? Y/N If not, ensure you cover in the report how material considerations outweigh the plan?	
Is this decision contrary to local council recommendation?	

Applicant:	Mrs P Taylor
Site Address:	Jolly Rock View, 2 Moonrakers Flats, Garrison Lane, Hugh Town, St Mary's
Proposal:	Replacement of faulty white aluminium double glazed window with white double glazed uPVC.
Application Type:	Full

### Description of site and development:

This application proposes the replacement of a window within a flat on Garrison Lane in Hugh Town. The fenestration is proposed as a UPVC, double glazed unit.

### Site Description

The flat is part of the original Moonrakers property. Located in Hugh Town on Garrison lane the property is a 1950s bungalow that is situated just on the outside to the east side of the Garrison Wall just to the south side of the main archway to the garrison. The property is split into multiple dwellings.

### Background and Relevant History

The most recent planning history for the building relates to the approval of planning application P/16/049/FUL which granted permission for the addition of two dormer windows on flats 3 and 4 of Moonrakers. The approved fenestration material was UPVC

### Public representations:

One public representation letter has been received from a local resident on behalf of Moonrakers Management noting their dislike of the proposed replacement window material.

#### **Consultee representations:**

Due to the nature of the proposal there are no statutory consultees to notify. A site notice has been on display outside the site for a period of 21 days. No letters of representation have been received.

#### **Constraints and designations:**

Conservation Area, AONB and Heritage Coast. The building is close to a Scheduled Monument and Grade I listed building of the Garrison Walls.

#### **Relevant policies, SPGs and Government guidance:**

##### **Primary Legislation**

##### **The Planning (Listed Buildings and Conservation Area) Act 1990**

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of The Planning (Listed Buildings and Conservation Area) Act 1990.

##### **The Countryside and Rights of Way Act 2000**

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by The Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

##### **The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994 )**

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

##### **Planning Policy**

##### **National Planning Policy Framework (NPPF) 2012**

At the heart of the NPPF is presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material consideration indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date

plan in place. With respect to general development and the Strategic Policies it is considered that the Local Plan remains up to date and conforms to the requirements of the NPPF.

Section 11 relates to conserving and enhancing the natural environment and paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

### **Isles of Scilly Local Plan 2005**

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (c) Preserve or enhance the character or appearance of the Conservation Area (d) safeguard the integrity and nature conservation objectives of Special Protection Areas (SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest; and locally important biodiversity habitats, species and landscape features.

Policy 2 relates to Sustainable Development and seeks to permit development in situations where the development contributes to the sustainability of the islands' environment, economy or local community through (b) ensuring or facilitating the re-use of previously developed land or existing buildings for the economic, social and environmental benefit of the islands and local communities and (c) Utilising natural resources efficiently in the design, construction and future use of land and buildings, including where appropriate, energy conservation and the use of renewable sources of energy generation, minimising the consumption and discharge of water and waste and by securing the recovery and re-use of suitable building materials.

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands, where planning permission is required, and includes guidance on replacement windows.

#### **Appraisal/key issues and conclusion:**

The principal issue for consideration is the impact replacement windows will have on the wider character of the conservation area and AONB designations including the historic environment in

particular, given the proximity of the Garrison Wall (Scheduled Monument and Grade I listed Building). It is also a material planning consideration to consider the impact of the proposed development upon the privacy and amenity of neighbouring properties.

#### **Impact upon the wider landscape.**

The building is an area of St Mary's that is situated between the two older areas of the Garrison and Hugh Town. This area was largely developed to meet housing needs of St Mary's, during the 1950s and 1960s. The character of this area therefore strongly contrasts with the Granite buildings and structures that characterise both the Garrison and Hugh Town. Properties on within this area are largely rendered white or a pale shade with a mixture of materials particularly on fenestration details and roofing materials. The block containing the application site is of no significant architectural style, and fenestration on the building is of modern sizing with contrasting proportions in comparison to traditional openings. The Design Guide SPD advises that the LPA will seek to resist upvc windows on properties of granite or on older more traditional buildings. Moonrakers is not a listed building and is a relatively modern 1950s bungalow that has been extended since its original construction.

One public representation has been received noting their dislike for the proposed use of UPVC within the building. Whilst we would argue that timber windows are the preference it is considered that for modern properties, particularly those within this area, upvc windows can be acceptable without giving rise to conflict or harm with the wider character of the area or historic environment. There are many examples of upvc windows installed under permitted development rights, particularly on elevations that don't front the highway (where the Article 4 Direction is not relevant) and other examples of the use of upvc historically. The proposal to install a upvc window to the front of this property, which would be in keeping with the approved dormer window material for flats 3 and 4 of the same building, would not give rise to any particular harm, in this case.

Whilst the backdrop of this property is a highly designated area, it is not considered that the use of upvc windows to the front will give rise to any particular harm to the wider historic environment. The Garrison Wall is compromised and obscured by properties but it is considered that the proposal does not add any greater amount of harm to the setting of this scheduled monument/listed building to warrant refusing upvc windows in this case.

#### **Impact upon privacy and amenity**

The replacement of doors and windows can have a very short-term noise impact during installation but it is not considered that the post construction phase will give rise to any additional privacy or amenity issues over and above the existing situation. It is considered that the application is acceptable.

In an email from the applicant dated 4<sup>th</sup> April 2017, it was confirmed that the new window would be sourced from Jewson's building merchant in Penzance. The aluminium frame and glass arising from the window to be disposed will be transported by Richard Hand Haulage to the Porthmellon Waste Management Site on St Mary's to then be recycled. This method of disposal is considered to be appropriate.

## Conclusion

Drawing on all of the above considerations, it is considered that the proposal is acceptable and it is recommended for approval.

### Recommendation:

Recommendation: The application be Conditionally Approved subject to the following Conditions:

- 1. 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2. The development hereby permitted, shall be carried out in accordance with the approved details only including:**

- **The Location Plan**
- **Site Layout Plan**
- **Proposed Window Details Plan**
- **Site Waste Management Plan (email from applicant dated 04.04.2017)**

**These are signed and 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 1 of the Isles of Scilly Local Plan 2005.

Signed: 	Dated: 07.04.2017	Signed: 	Dated: 07.04.2017
Planning Officer		Senior Manager	