



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department  
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## OFFICER REPORT – DELEGATED

Application number: P/17/073/FUL	Expiry date: 02/11/17
Received on: 09/02/2017	Neighbour expiry date: 17/10/17
UPRN: 000192001870	Consultation expiry date: None
Legal agreement:	Site notice posted: 26/09/2017
Departure:	Site notice expiry: 17/10/2017
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 S Kyne
Site Address:	The Flat, Gibson Kyne, Garrison Lane, Hugh Town, St Mary's
Proposal:	Replacement of existing white wooden frame windows with white UPVC double glazed windows.
Application Type:	Full

<http://www.scilly.gov.uk/planning-application/planning-application-p17073>

### Description of site and development:

This application proposes the replacement of a six white wooden windows within a flat on Garrison Lane in Hugh Town with six white UPVC, double glazed windows.

### Site Description

The flat forms the owners accommodation in conjunction with the shop (Gibson-Kyne) below. The flat comprises of two bedrooms, bathroom, kitchen/diner and lounge at first floor and a bedroom and en-suite at ground floor. The property is located in Hugh Town on Garrison lane. The property is one of a terrace of other shops with owners accommodation above.

### Description of Proposed Development

The proposed works include the replacement of six white wooden framed windows with six white UPVC double glazed units of the same dimensions. The proposed design of the windows has a slight alteration to that existing.

### Background and Relevant History

In 1993 an application was submitted and approved (**P3467**) for the conversion of the first floor to a flat. In 1996 an application was submitted and approved (**P4028**) for the

construction of a pitched roof. In 1998 an application was submitted and approved (**P4364**) for the insertion of 2 skylight windows on south facing roof pitch to enable loft space to be used for office and storage purposes. In 2015 an application was submitted and approved (**P15/053**) for the conversion of 2 shops into one with ancillary accommodation.

#### **Public representations:**

No public letters of representation have been received. A site notice has been on display outside the site for a period of 21 days.

#### **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. 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 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. The property is not a listed building, is relatively modern and has been altered since its original construction. Nevertheless it is important to have regard to the tests for development within a Conservation Area.

Whilst it could be argued 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 and other examples of the use of upvc historically. The proposal is to install six upvc white windows to this property at first floor. This includes two 3 paned windows to the front (north) elevation, one 2 paned window and two 3 paned windows to the rear (south) elevation and one 2 paned window to the west elevation. The proposed slight alterations to the design of the windows is the inclusion of top opening lights. This would be in keeping with the approved window material for two rear (south) ground floor windows (approved under application P/15/053) of the same building and 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 character of the Conservation Area and will therefore preserve its appearance.

### Impact upon privacy and amenity

It is not considered that post construction the replacement windows will give rise to any additional privacy or amenity issues over and above the existing situation. It is considered that the application is acceptable.

### 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
- Proposed Window Details Plan

**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.



- 3. Prior to the commencement of the approved development, a scheme including details of the sources of all building materials and the means/ location of disposal of all demolition material and all waste arising from building works, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.**

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005.

### 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 paragraphs 186 and 187 of the NPPF.

- 2 In accordance with the Town and Country Planning (fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 a fee is payable to discharge any condition(s) on this planning permission. The fee is £28 for each request to discharge condition(s). The fee is payable for each individual request made to the Local Planning Authority.
  
- 3 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 (for which a fee of £28 would be required) 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.

Signed: 	Dated: 20.11.2017	Signed: 	Dated: 20.11.2017
Planning Officer		Senior Manager	