



# COUNCIL OF THE ISLES OF SCILLY

Planning & Development Department

Town Hall, The Parade, St Mary's, Isles of Scilly, TR21 0LW

01720 424350

planning@scilly.gov.uk

## OFFICER REPORT – DELEGATED

Application number: P/16/133FUL	Expiry date: 10 March 2017
Received on: 20 December 2016	Neighbour expiry date: 03 February 2017
UPRN: 000192002694	Consultation expiry date: 09 February 2017
Legal agreement:	Site notice posted: 13 January 2017
Departure:	Site notice expiry: 03 February 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 A Mallon
Site Address:	Adam & Eve Hairdressers The Thorofare Hugh Town St Mary's TR21 0LN
Proposal:	Change of use of premises from hair dressing salon (Use Class A1) to mixed use as hair dressing salon (A1) and café (A3) together with the replacement of 5 windows and a door.
Application Type:	Planning Permission

### Description of site and development:

This is an application to change the use of existing hairdressing salon to a mixed use to incorporate a café whilst retaining the salon, the replacement of 5 uPVC windows and the replacement of a timber door with a uPVC door.

### Site Description

Adam and Eve Hairdressers occupies the ground floor of a three storey building situated at the end of a terrace of buildings along Thorofare, Hugh Town, St Mary's. There are two residential flats above the business premises. The rear (south) of the building directly abuts the beach. The building has painted render walls, clay tiles on the roof, exposed patches of stonework at ground floor to the front (north) and rear (south) elevations and all of the windows in the building are uPVC. The existing door and side panel to the hairdressers is timber.

### Background and Relevant History

Planning history for The Watch House starts in 2008 when application (P/08/045) was submitted and approved for a change of use from shop and gallery to sandwich bar, shop and gallery. In 2009 an application (P/09/051) was submitted and approved for a change of use of part of the premises used as an Art Gallery (Use Class D1) to a Hair Dressing Salon (Use Class A1).

### **Public representations:**

The following neighbours were notified: No's 1 & 2 Watch House and Schooner's Waterfront Hotel. A site notice has been on display outside the site for a period of 21 days.

One letter of representation has been received. This raises concerns over vehicles and bikes parking outside the premises and causing an obstruction, particularly in relation to turning.

### **Consultee representations:**

The following consultees were consulted: Environmental Health and Fire & Rescue Service. A site notice has been on display outside the site for a period of 21 days.

#### **Environmental Health –**

At all stages of production, processing and distribution, food is to be protected against any contamination likely to render the food unfit for human consumption or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state,

It is important that there is adequate ventilation to the hairdresser unit so as not to necessitate the opening of the door between the café unit and the hairdresser unit. In order to maintain complete separation the dividing door should not be used as a source of ventilation to the hairdressers.

#### **Cornwall Fire and Rescue Service –**

The Cornwall fire and rescue service made the following observations: access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of the Building Regulations, 2010. With regards to water supplies: Adequate water supplies for firefighting purposes will be achieved by complying with the requirements as detailed in guidance note W102 (attached with their comments) and compliance with Part B5 of the Building Regulations 2010, 2007 edition, Section 15: Fire Mains and Hydrants. They consider that the proposed water supplies for firefighting purposes within the site do not appear to be satisfactory. With regard to the advice given about residential sprinklers it is considered this is not applicable as the proposed works are not residential.

### **Constraints and designations:**

Conservation Area, AONB and Heritage Coast

### **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. As the proposal relates to a Grade II\* listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

## **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.

### **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.

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

Policy 1 relates to Environmental Protection and aims to ensure that the quality of the islands environment, including its natural and historic character, is maintained and enhanced. The overall intent of the Local Plan, as reflected in Policy 1, is to protect its environment and keep development to the minimum required for sustaining viable communities.

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.

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

In light of the above policies it is considered that the principal consideration is whether the mixed use of the premises and the replacement windows and door in uPVC preserves or enhances the character or appearance of the conservation area of St Mary's.

The mixed use of the premises (Use Class A1 & A3) is judged to be acceptable in this instance. Previous planning permission for the change of use from a gallery to a salon was considered acceptable as the building was within an area of regular commercial use. The commercial use of the premises will continue under this new proposed Use Class. The applicant has confirmed that there will be no provision of hot food for take-away.

The proposed changes to the windows include changing 4 of the 5 replacement windows from non-opening to a small top opening on each. The 5<sup>th</sup> window proposed to be replaced already has a side opening. The current materials of the window are non-traditional and it is judged that the use of replacement uPVC will not cause material harm to the building or the character and appearance of the Conservation Area if carried out in accordance with the details submitted on 06.03.2017 document

reference 'Right Price PVCU Quotation 4489'. The plans submitted show these windows will be replaced in the same position as the current windows and it is considered that the windows will preserve the existing character of the conservation area.

The existing door and side panel are currently timber. Whilst this is traditional material the proposed replacement of the door and side panel in uPVC is not likely to result in material harm to the building or wider conservation area because of the nature and character of this area. The proposal is therefore judged to result in a preservation of the existing character of the conservation area of St Mary's.

The 'Waste Management Plan' stamped as received on 07.03.2017 is considered to be adequate for the purposes of this proposal.

### **Impact upon residential amenity**

The proposal is not considered to result in material harm to the privacy or amenity of adjacent residential properties or neighbouring land uses. The applicant has stated that no provision for hot food takeaway is proposed and Condition 2 of this permission states that the use of the café should be A3 only and for no other purpose. This condition has been added to protect the amenity of neighbouring properties and in the interests of highway safety. It is considered therefore that the proposal is acceptable.

### **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 premises shall be used as a mixed use business premises as Use Class A1 (Hairdressers) and Use Class A3 (café) and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the character and nature of the local area, to protect its environment and keep development to the minimum required for sustaining viable communities and 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 being protected. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005

3. The development hereby permitted shall be carried out in accordance with the approved details only including:
  - 'Proposed Change of Use to mixed use salon/café' scale 1:50 dated 19th December 2016
  - 'Right Price PVCU Quotation 4489' dated 7th March 2017
  - 'Waste Management Plan' dated 7th March 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 Listed Building and Conservation Areas, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

**Further Information:**

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 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 £195 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.
3. The Applicant's attention is drawn to the advice of the Senior Officer from the Environmental Health department of the Council of the Isles of Scilly in their letter dated 30 January 2017 requiring important food safety and ventilation requirements.
4. The Applicant's attention is drawn to the advice of the Station Manager from the Cornwall Fire & Rescue Service in their letter dated 23<sup>rd</sup> January 2017 in particular the guidance note W102.

Signed: 	Dated: 09/03/2017	Signed: 	Dated: 09/03/2017
Planning Officer		Senior Manager	