

Walton Lisa

To: Campbell Sandy
Subject: RE: P/19/055/FUL 28-29 Porthmellon Industrial Estate

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Dear Lisa,

Env Health looked at a similar application in 2017 but is currently unaware of any potential changes in commercial operations within neighbouring business since that time. Whilst we do not outright object to the potential for the change of use, there are issues to consider surrounding noise and potential nuisance that could impact both residents of the proposed accommodation and localised commercial businesses.

The current proposal creates a non-licensable House in Multiple Occupation (HMO) under Section 254(2) of the Housing Act 2004 (4 occupiers, comprising of 2 households sharing facilities). The person owning and managing the premises will need to be mindful of the HMO Management Regulations 2006. EH would be happy to offer and advice and guidance upon request.

EH would expect the developer to consider the following points.

- The units should be expected to meet the residential standards for thermal comfort as Part L Building Regs and EPC requirements.
- The fire resistance between the commercial and residential areas should be confirmed in writing with manufacturer's evidence of what materials have been used. This will allow appropriate fire detection to be determined. If there is only a 30 minute fire separation then interlinked automatic detection system should be considered into the commercial element of the premises. The local Fire Rescue Service will share enforcement responsibilities with the Council as the Local Housing Authority due to the common parts of the HMO.
- A suggested clause in permission only allowing "workers accommodation" for those associated with the owners business could be considered appropriate due to the unusual nature of the location.
- The developer should consider the National Planning Policy Framework 'agents of change' principle. Essentially, the person responsible for the change to an area is responsible for the effects it may cause. Courts are also reducing the burden on industry for those "moving to nuisance" making developers more responsible for protecting residents from nuisance. It would be very sensible for thorough sound insulation and suitable glazing to be considered to reduce any potential for noise nuisance to the occupiers from current or future commercial operations nearby. On that basis a BS 4142 assessment may be considered pertinent. These factors aside, the EH team would still have a statutory duty to serve to serve a noise abatement notice on any neighbouring premises deemed to be causing statutory nuisance to residential residents.

Kind regards

Sandy Campbell
Officer: Environmental Health

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GDPR Statement: <https://bit.ly/2y3tGGS> (www.scilly.gov.uk)



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