

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/21/073/COU

Received on: 13 August 2021

UPRN: 000192002555

Application Expiry date: 15 October 2021

Neighbour expiry date: 14 September 2021

Consultation expiry date: 14th September 2021

Site notice posted: 24 August 2021

Site notice expiry: 14 September 2021

Applicant: Mrs Marcia Sandford

Site Address: Commercial Unit
5 Lower Strand
Hugh Town
St Mary's
Isles Of Scilly
TR21 0PS

Proposal: Change of use of ground floor hairdressing salon (Use Class A3) to residential (Use Class C3) as an extension to existing dwelling. (Re-submission of planning application P/21/027/COU).

Application Type: Change of Use

Recommendation: PER

Summary Conditions:

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works

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 Dan Marcus

Date: 6th October 2021

Site Description and Proposed Development

Number 5 Lower Strand is currently split into a duplex (two storey) flat at first and second floor with a retail outlet on the ground floor, last operating as Cut Loose, hairdressers/salon. This use ceased during 2020 and the ground floor retail unit has been vacant ever since.

The application is to convert the ground floor A1 retail use back to being the ground floor of the original dwelling.

Number 5 is a mid-terraced property that faces north on to Holgates Green on the south side of The Strand. It is a traditional granite construction with c20 windows and doors and a tiled roof. No external alterations or internal works are proposed.

Certificate: A

Consultations and Publicity

The application has had a site notice on display for 21 days (24/08/2021 – 14/09/2021). The application appeared on the weekly list on 23rd August 2021. Due to the nature of the proposal one external consultation has been required.

| Consultee | Date Responded | Summary |
|--------------------------|----------------|---|
| Cornwall Fire and Rescue | 27/08/2021 | Access and Facilities for the Fire Service as detailed in B5 ADB Volume 1 will be required. For dwellinghouses access for a pumping appliance should be provided to within 45m of all points inside the dwelling. It is important to remember that failure to do so may |

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| | | prevent the applicant from obtaining a completion certificate under the Building Regulations but more importantly, the lives of the occupiers will be put at risk. |
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Representations from Residents:

Neighbouring properties written to directly:

- 4, 5, 6 Lower Strand
- Zuma, Church Street

[0] letters of objection have been received.

[0] letters of support have been received.

[0] letters of representation have been received.

Relevant Planning History:

No planning history relevant under the 2005 Local Plan or the adopted 2015-2030 Local Plan.

Constraints:

Historic Landscape Character Landscape Type: Settlements.

Planning Assessment

| Design | YES OR NO |
|---|------------------|
| 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 to ensure an adequate level of amenity? | y |
| Is the parking and turning provision on site acceptable? | y |
| Would the proposal generally appear to be secondary or subservient to the main building? | n/a |

| Amenity | YES OR NO |
|--|------------------|
| 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 |
|---|---|

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

| Protected Species | YES OR NO |
|--|------------------|
| 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 |

| Waste Management | YES OR NO |
|---|------------------|
| Does the proposal generate construction waste | N |
| 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 | N |
| Is a condition required to secure a Site Waste Management Plan | N |

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

Analysis: Complete if any objections to material planning issues or any conflict with policy requirements identified.

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 approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

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 | ✓ |
| 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 Tourism development | |

| Info Requirements | Submitted (LVC) | Not Submitted | Condition Required |
|------------------------------------|-----------------|---------------|--------------------|
| Site Waste Management Plan | n | | n |
| Sustainable Design Measures | n | | n |
| Biodiversity Enhancement Measures: | n | | n |

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.

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 Existing and Proposed First and Second Floor Plans**
- **Plan 3 Existing and Proposed Ground Floor Plans**

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 of the Isles of Scilly Local Plan (2015 – 2030).

C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.

Reason: In the interests of protecting the residential amenities of neighbouring properties.

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 paragraph 38 the National Planning Policy Framework 2019.

| | | |
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| Print Name: | Lisa Walton | 19/10/2021 |
| Job Title: | Chief Planning Officer | |
| Signed: |  | |
| Authorised Officer with Delegated Authority to determine Planning Applications | | |