**Delegated Report**

**Application Number:** P/15/054/FUL

**Recommendation**: PER/DEL

**Date**: 17th September 2015

**8 Week Target:** 03.09.2015

**Neighbours Notified on:** 28.07.2015 **Expiry Date:** 18.08.2015

**Site Address:** Co-operative Retail Services Ltd, Hugh Street,

**Island:** STMARY

**Development Proposed:** Reconfiguration of existing warehouse to install new refrigeration plant unit and installation of new warehouse doors and roller shutter.

**No of Representations**: 0

**2005 Isles of Scilly Local Plan**

**Policy 1** – Environmental Protection

Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings

**Policy 4** – Economic Development

This policy essentially seeks to promote employment and economic activity, supporting opportunities that lead to modernisation and diversification of the islands economy.

**NPPF 2012**

Paragraph 9: “*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to): ...replacing poor design with better design;...replacing poor design with better design and improving the condition in which people live, work, travel and take leisure”.*

**Primary Legislation**

The Town and Country Planning Act 1990

The Planning (Listed Buildings and Conservation Area) Act 1990

The Countryside and Rights of Way Act 2000

**Planning Assessment:**

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

At the heart of the NPPF is a 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 considerations 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. Paragraph 123 specifically relates to noise and states that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It should also mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development. It recognises that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

**Planning History**

Planning history for this property starts in 1953:

P0093 - extension to existing guest house, including 3 more bedrooms – CA 1953

P0242 - alterations to shop front and accommodation – CA 1959

P0619 - alterations and extensions to retail grocery shop and erection of new maisonettes – CA 1966

P0644 - erection of new shop front to shop CA 1966

P3099 - Installation of dormer to form doorway – REF 1990

P4193 - Enlargement of ground floor retail area, transfer warehouse to first floor and alterations to shop frontage. CA 1997

P4206 - Erect letters on front elevation as per drawing 11232-01 revision c (350mm) CA 1997

P5055 - Display logo, name sign, fascia sign, memo board and canopy. – REF 2001

P5124 – Display Sign – REF 2002

P/07/043 - New shop sign with external trough lighting – REF 2007

P/15/043 - Replacement signage and erection of new hanging sign. CA 2015

**Representations:** None

**Consultations:** The Council of the Isles of Scilly Environmental Health Officer has commented on the submitted Acoustic Assessment of the Proposal. It is stated that the proposed reconfiguration of the rear warehouse building and the installation of a new refrigeration plant unit raises no immediate concerns. The accompanying Acoustic Assessment report, however, has omitted a receptor on a second floor residential property, located to the rear of Barclay’s Bank. This is approximately 10m from the proposed plan location.

In relation to Statutory Noise Nuisance the EHO has stated that the granting of any planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints be received within the remit of Environmental Protection Act 1990.

**Description of Development**

The Co-operative Food Shop on Hugh Street retain warehousing to the rear of the premises this includes refrigeration plan on the roof of the rear of the store, between the store buildings and the warehouse, which back on to Town Beach. The proposal includes the replacement of this refrigeration equipment from the first floor roof to a space at ground floor adjacent to the warehouse. The proposal also includes the installation of new roller shutter doors on the warehouse and a new warehouse door.

**Location of the Development**

The Co-operative Food store is location on Hugh Street, within Hugh Town on the west side of St Mary’s. Hugh Town comprises a mix of commercial and residential developments. The shop is located on the north side of the road and the warehouse is to the north, rear, of the shop before the foreshore of Town Beach.

**Planning Assessment**

The principal issues for consideration are whether the replacement of first floor refrigeration equipment and repositioning of it to a ground floor location between the warehouse and the rear of the shop, will be in accordance with Policy 4 of the Local Plan. Additionally the proposal should seek to preserve or enhance the character of the conservation area and not result in any harm to neighbouring residential amenity or highway safety.

The Co-operative Retail Shop is a vital community and retail facility, it is open all year round and provides a supply of fresh, cupboard and frozen products for both tourists and the wider community. The continued investment in this retail outlet is therefore considered both necessary and appropriate in terms of policy 4 of the Isles of Scilly Local Plan.

It is critical that the replacement of the refrigeration equipment does not have a greater visual or audible impact upon the surrounding residential properties. There are a number of residential properties that are within close proximity to this warehouse location. In order to address this concern the applicants have commissioned Acoustic Engineers to assess the impact of the proposed replacement equipment. This comprehensively seeks to assess the ambient background noise level both during the daytime and during night and compare this with the proposed equipment which will operate 24 hours a day. The equipment is purely for the purposes of maintaining cold temperatures for the storage of food, as opposed to other extraction purposes. The conclusion of this assessment notes a cumulative level of 45 dbA (this an abbreviation of decibel which is an expression of the relative loudness of sounds in air as perceived by the human ear) outside the nearest dwellings during the day and 40dbA at night. This will ensure that neighbouring residents are not disturbed by noise from plant at the cooperative store. Notwithstanding this it is noted that the new equipment will be located further away from neighbouring properties and its new position befits from additional screening from existing buildings. The proposed equipment will produce rating levels of 31dbA during the day and 28dbA during the night to ensure that the neighbouring residents are protected from any additional disturbance as a result of the new equipment.

In light of this assessment and comments from the Council’s EHO it is considered that the proposal will not result in any significant adverse impacts upon the existing neighbouring amentity.

In terms of impact visually upon the wider character of the conservation area and AONB I am satisfied that the ground level position, between existing buildings will not result in any greater impact upon the area. It is therefore concluded that the the proposal will preserve the character of the conservation area.

**Other Considerations:**

The ministerial Statement ‘Planning for Growth’ and the National Planning Policy Framework have been taken into account in assessing this scheme.

**Conclusion**

The application is considered to be acceptable and it is recommended for approval. The Chair of Planning Committee has been notified of this application as a delegated decision and is happy with this method of determination.

**Signed Date:**