



Historic England

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Our ref: P00472897

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Dear Ms Walton

Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015

**TREGARTHEN'S, GARRISON HILL, ST MARY'S
Application No P/15/060**

Thank you for consulting Historic England on the above application. Following the extension of time for our response in order to meet with the agent and consult the English Heritage Trust, we offer the following comments. Due to the extent of the proposals and the complexity and significance of their impacts, our response is a detailed one.

Summary

The proposed development consists of internal and external alterations to the main hotel buildings, together with redevelopment and new development on adjacent areas which are presently open ground. The proposal affects the Garrison Wall and associated military defensive structures designated as scheduled monuments and listed buildings. Garrison Wall and other key monuments here are in state care (under the English Heritage Trust) and open to the public. The application site also lies within the Isles of Scilly Conservation Area, AONB and Heritage Coast.

The application presents serious problems and we very much regret that we had no pre-application consultation on the proposals and only learned of the scheme when designs had been finalised. The hotel site stands in a highly sensitive position in relation to the Garrison Walls complex. However, the application has not sufficiently taken heritage into account and we consider that it fails to meet the basic requirements of NPPF 128 due its lack of supporting information and assessment of potential impacts on heritage assets. As a result, the application does not provide an adequate basis for an informed planning decision. However, despite the lack of information in the application, it is clear that major elements of the proposals would have an intrusive and harmful impact on the setting and significance of the Garrison Wall and associated military defensive structures. We consider that the level of harm to the significance and public value of these heritage assets would be substantial.

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Historic England objects to the application and recommends refusal on the grounds that it is contrary to national planning policy. We do not advise that further information is sought on the detailed effects of this current scheme, which we regard as unacceptable due to its inherently harmful impacts on highly designated heritage assets. However, we make recommendations towards achieving a less harmful and more contextual scheme, and we are keen to assist the developer and the council in the development of a hotel refurbishment scheme which enhances both the hotel and the settings of heritage assets in the area.

Historic England advice

The significance of affected heritage assets and the impact of the proposals
Tregarthen's Hotel developed in the 19th and 20th centuries as a complex of different periods and styles, with the much-altered central 3-storey block of 1849 (the Scilly Isles' first hotel, established by Captain Tregarthen) flanked by lower additions, including 20th century Modern-style flat-roofed ranges. The complex also incorporates separate earlier buildings: ('Hendra' and 'Gibson') on the quayside, and the Grade II listed Georgian houses of Port Light and Starboard Light on the High Street (the original dwellings of Captain Tregarthen). The Hotel site lies in the angle between Garrison Wall to the west, Garrison Hill to the south, and the Quay to the north. The hotel building and its northern extensions and gardens lie immediately adjacent to the NE section of the Garrison Wall, part of the Scheduled Monument designated as "Post-medieval breastwork, curtain wall and associated defensive structures on the periphery of the Garrison, St Mary's" (National Heritage List no. 1018370). The section adjacent to Tregarthen's is also a Grade I Listed Building. Further scheduled and listed buildings of the historic Garrison military complex stand nearby inside the Wall. The whole of the Isles of Scilly is designated as a Conservation Area, AONB and Heritage Coast.

Garrison Wall is a major defensive work protecting the south western promontory of St Mary's, which was formerly known as the 'Hugh' and since the 18th century as the Garrison. From the mid-16th century onwards the defences on Scilly focused on defending the Western Approaches, with the Garrison and St Mary's Pool (the chief harbour on Scilly) chosen as the key focus for defensive fortifications. The first major structure here was the fort known as Harry's walls, started in the 1550s and not completed, but nevertheless operative as a gun battery overlooking St Mary's Pool and Quay from the east. In the Elizabethan period this was followed by Star Castle, an artillery castle built in the 1590s on the Garrison itself, dominating the northern part of the peninsula and overlooking St Mary's Pool and the Quay from the west.

The controlling position of the Garrison promontory in the islands' defences was enhanced from c.1601 by the Garrison Wall, a substantial curtain wall with strategically-placed bastions or batteries built coast to coast from Well Battery in the north to Lower Benham Battery in the south. It was designed to provide closer control of St Mary's Pool and Quay, and to protect the landward approach on the narrow isthmus or 'neck' between St Marys and the Garrison peninsular, where Hugh Town grew from the later 16th century. This, the oldest section of the Garrison Wall, runs close behind Tregarthen Hotel.

The Garrison Wall was extended and strengthened in stages between the 16th and the 18th centuries, until the defensive circuit encircled the Garrison promontory. 18th century work included partial rebuilding to strengthen the important section on the Garrison neck behind Tregarthen's, including the addition of Jefferson's (or Guardhouse) Battery and enhancements at Well Battery and King George's Battery. King George's and Well Batteries are angled bastions projecting from the Wall, whilst Jefferson's Battery is built in line with the Wall. There was also formerly a short-lived outwork below St George's Battery, known as Mount Holles or Sadlers Battery. Between them, these Batteries and their linking curtain Wall commanded St Mary's Pool and Quay and the approach up Garrison Hill. The Wall and Batteries here still have a commanding presence, although in places this is threatened by unsympathetic development (as outlined below).

The Garrison Wall is shown on early plans with an outer ditch, now largely infilled. Surviving sections, partly silted up, are around 4m wide and 0.5m deep, but the original ditch is likely to have been deeper. The walled defences also included a *glacis*, an artificial slope intended to give a clear line of fire from the wall and gun batteries, recorded as extending up to 50 feet (15m) from the outer face of the wall. Inside the walls, a level trackway was completed by 1750 and was subsequently enjoyed as a pleasure walk, 'The Mall of Scilly'.

The Garrison Wall and its associated buildings and structures forms one of England's most impressive post-medieval defensive works. It is in the care of the English Heritage Trust and much of it is open to the public and is a popular visitor attraction. Harry's Walls is also in EH care and is also a popular viewpoint.

The section of the Garrison Wall near Tregarthen's is particularly significant for several reasons. Historically and archaeologically it is important as a key part of the earliest section of the Wall and for illustrating the various phases of construction. It also has the densest concentration of batteries and other military structures on the Garrison: on the Wall itself are a series of three batteries (King George's, Jefferson's, and Well or Gunners Well) and the Garrison Gateway at the top of Garrison Hill, and inside the Wall are the Guardhouse, the Rocket House magazine and prison, barracks, storehouse, the Master Gunner's House etc. The Wall here is also significant for its clear visual setting and relationship with these other military remains and with the surrounding landscape. Its strategic position in relation to the Garrison 'neck' and St Mary's Pool and Quay is especially clear, and conveys much about the origins and development of the military defences that gave the Garrison its name.

Heritage setting

The high significance of the visibility and 'legibility' of the military defensive works at the north eastern end of the Garrison (Star Castle, Garrison Wall and its Batteries), and of views to and from these defences, is a critical factor in any assessment of the impact of the proposed development.

Garrison Wall is part of a defence system designed to overlook its surroundings. The military structures under consideration here, largely dating from the late 16th to 18th

centuries, were specifically devised have clear views of the surrounding land and sea, and were also meant to be seen from these surroundings as a commanding military presence and a discouragement to attack or invasion. Clear sightlines from the Batteries and wall-tops, and open views to and from the Wall and its gateway and batteries, are an essential feature of their design. Views to and from these military defences are primary 'designed views' and are fundamental to the historic function, layout and design of the defences and to an appreciation and understanding of them. These designed views and sightlines are thus a key component of the heritage significance of the Garrison Wall heritage assets, and are highly sensitive to the impacts of modern development.

Associative relationships between the components of a military defensive complex are also especially important. Here for instance, important associative relationships exist between the various assets – the Garrison Wall and its bastions/batteries, Garrison Gate and the fort buildings inside the gateway, the Star Castle, the Garrison Hill approach to the fort, and the Harry's Walls battery across St Mary's Pool. Views between these assets (which are often designed views), and views of these assets from other points, are important aspects of the assets' setting and significance.

The visual relationship of the application site to Garrison Wall heritage assets

The relationship of the Tregarthen Hotel site to the Garrison Wall complex is a key factor in assessing the impact of development proposals here on the settings of heritage assets.

The application site lies in the angle between the N side of Garrison Hill and the early section of Garrison Wall which runs northwards from King George's Battery and the Garrison Gate to Jefferson's Battery (immediately adjacent to the main hotel block), and then slopes downhill to Well Battery, close to the shore of St Mary's Pool. From there a later section of the Wall continues north west along the periphery of the peninsular.

Until the 19th century, residential development at Hugh Town appears to have been located well outside the defensive line, but since then it has gradually encroached. The main 1849 block of Tregarthen's was built close to the Garrison Wall, with its main front facing St Mary's Pool and Quay, and open ground, including the hotel gardens, to the north east. Later additions to the hotel comprise two- and three-storey ranges clustered around the original building, and lower ranges beyond, where the combination of flat roofs and sloping ground means that these buildings, whilst visually intrusive, have largely kept below the line of the Garrison Wall and Garrison Hill. This low profile is particularly important in relation to the heritage setting of the Garrison Walls complex. (It may have been a deliberate design decision in order to lessen the visual impact on the historic features behind the buildings.) Below the flat-roofed hotel staff range west of the main block is the hotel garden extending down towards the quayside.

As the application Design & Access Statement acknowledges, 'Tregarthen's Hotel...is a key landmark from the seawards approach to the Island from the

mainland and other islands in the group'. The Garrison Walls and Garrison Hill flanking the hotel are similarly highly visible. The original 1849 hotel building was sited in such a way that it stood in a prominent position in front of the Garrison, with the line of the Garrison Wall sloping up on one side and the line of Garrison Hill sloping up on the other; the hotel standing at the 'apex' near the Garrison Gate. Despite the later hotel additions, this pattern is still clearly visible. Looking towards the front of the hotel from the Quay and St Mary's Pool and its surroundings, one can see to the right of the main hotel block, Jefferson Battery and the Garrison Wall sloping down to Well Battery, and to the left of the Hotel, the stone-walled Garrison Hill sloping down from Garrison Gate. From viewpoints to the east the Hotel can be seen in relation to Garrison Hill and the Garrison Gate and sections of Garrison Wall running south towards Benham Batteries.

The setting of the section of Garrison Wall and Batteries adjacent to Tregarthens has very high heritage significance. As indicated above, this section of the Garrison defences is especially significant due to its early date and evidence of subsequent remodellings, and for the visibility and 'legibility' of its defensive function, and also its close and visible relationships with the Garrison fort and its various buildings, and with the town, the Quay and St Mary's Pool. It has the densest concentration of military structures in the Garrison, and the closest series of Batteries on the Garrison Wall (King George's, Jefferson's, and Well). Between them, these batteries and their linking curtain wall command the Pool and Quay, and the approach up Garrison Hill. Well and Jefferson's Batteries and the linking Garrison Wall adjacent to Tregarthens are also significant as the closest military defences to the Pool and Quay, with Well Battery and its adjoining curtain wall prominently sited overlooking the harbour.

This is a key section for visitors' first impressions of the Garrison defences, and for appreciation and understanding of their layout and function, whether viewed from St Mary's Pool and its surroundings (including the Quay and its ferry and cruise ship terminal), or viewed from closer quarters, including within the defensive circuit.

In this context the Hotel garden is an important open area, both for enabling clear views to and from the important section of the Garrison Wall running down to Well Battery, and for providing an effective transitional 'buffer zone' between the urban character of Hugh Town and the more open rural character of the Garrison. The space of the garden also gives an effective indication of the extent of the original Wall's outer defensive ditch and glacis. The benefits of retaining open space adjacent to Garrison Wall - and the harmful impacts of building close to the Wall - are readily seen at Tregarthen's and south of King George's Battery. As highlighted in the Garrison Conservation Plan (see below), modern development in this area, at Tregarthen's and just within the Garrison Wall, has had a harmful impact on the setting and significance of the monument. It is therefore all the more important to avoid further adverse impacts from new building in the area which cumulatively would have very significant impacts.

Garrison Hill

Points made above about the importance of the visibility and legibility of the Garrison Wall also apply to Garrison Hill, the street that runs steeply up to the Garrison from

Hugh Town. This road links the fort with St Mary's Pool and the Quay, and although not statutorily designated, is an essential component of the military layout and has high heritage significance. With its straight route up the hillside, flanked by a stone wall on its N side (the Tregarthen Hotel side), it was designed to provide clear views eastwards along the approach from Hugh Town and St Marys, and open views northwards across falling ground towards the quay and shore. It was protected by King George's and Jefferson's Batteries, along with the short-lived Sadlers Battery which fell out of use in the 18th century.

Particularly significant here are views along, and from, Garrison Hill itself, and views of the road and its flanking wall from the surrounding area, especially from the Quay and Pool to the north. In these views, the visibility of the road and wall sloping up behind Tregarthen's is important for understanding and appreciating the layout of the main northern section of the Garrison defensive complex. In views on and from the road itself, the hotel can be partly seen, but due to the site's slope, the terracing and the low building profile, the buildings mostly below the line of the roadside wall.

In summary, the form and layout of the historic Garrison Walls defences around Tregarthen Hotel, and their relationship to the rest of the Garrison fort complex and to the surrounding topography, are of high heritage significance and can still be clearly traced and understood. (This is well illustrated on the front cover of the English Heritage book *'Defending Scilly'* (2011), which shows the view from Harry's Walls looking across St Mary's Pool towards the Garrison, with the Wall and Garrison Hill in clear view.) Views of and from the section of Garrison Wall adjacent to Tregarthen's, from the Garrison Gate down to Well Battery, are of primary importance to the heritage significance of these heritage assets, and are highly sensitive to impacts of new development. Views of and from Garrison Hill are similarly of high heritage significance to the Garrison Wall and its associated heritage assets and again highly sensitive to impacts of new development.

Heritage setting and Public access

Assessment of impact on setting for planning purposes should take account of the whole of an asset's setting, irrespective of current public accessibility. Public access in its various forms - physical, visual and intellectual - may have a bearing on the significance that heritage assets and their settings have for people and communities. However, current lack of physical public access to a site does not mean that its setting is not significant to its interest and value as a heritage asset. Nor does it mean that the capacity for public appreciation and understanding of the asset, or the value of an asset's setting, is reduced.

NPPF and Historic England setting guidance are clear on this point:

'The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstances.'

(NPPF *Planning Practice Guidance: Conserving and enhancing the historic environment*, 'What is the setting of a heritage asset and how should it be taken into account?' p5. Historic England, *The setting of heritage assets (Historic Environment Good Practice Advice in Planning: 3)*

The section of Garrison Wall and its batteries adjacent to Tregarthen's is visible to the public from outside the Wall and from inside the Garrison enclosure, including along the main visitor route up to the Star Castle. This section of the Wall, maintained by EH, is not part of the general visitor route due to the presence of residential and holiday properties, although it is visible from accessible areas nearby. However, as described above, clear sightlines from the Batteries and wall-tops, and open views to and from the Wall and its gateway and batteries, are fundamental to the significance of these heritage assets. Loss of sightlines and harm to setting here is an important planning consideration. Indeed, the present limited access here actually increases the importance of maintaining the general visibility and clear legibility of this section of the defences, and makes it especially sensitive and vulnerable to intrusive new development.

The Garrison Conservation Plan

The importance of the visibility and setting of the Garrison Wall, and the adverse impact of new development on its significance and public value, is highlighted in the site's Conservation Plan (*The Garrison, St Mary, Isles of Scilly: Conservation Plan*, English Heritage and Cornwall Council, October 2010). This is a live plan produced by a stakeholder group, with the Council of the Isles of Scilly and the Isles AONB as principle consultees. The *Plan* specifically singles out the problem of intrusive development, including around Tregarthen's.

The *Plan* (pp 34-5) notes that:

'The Garrison walls are a dominant feature of the landscape and seascape and can be seen from the modern town, architecturally, the walls contribute greatly to the richness of the historic environment of St Mary's and Hugh Town.'

'...the character and integrity of the historic elements and aesthetic qualities of the Garrison have undoubtedly been eroded by the masking effect of the development which has taken place immediately in front of the curtain wall, and the half dozen modern bungalows immediately behind the curtain wall.'

In section 4 '**Threats to the monument**', under paragraph 4.1.3 '**Inappropriate development**', the *Plan* notes:

'Comprehensive planning controls now exist to regulate development on the Isles of Scilly. These controls will ensure that inappropriate planning decisions such as the extension to the Tregarthen's Hotel that almost abuts the Garrison wall and also the line of the three-storey flats that obstruct the north-eastern side of the Garrison will no longer occur.'

The *Conservation Plan* contains primary management policy recommendations which are also relevant to the current application:

5.2 Historical

'It is important to retain the significance of The Garrison's historical character and protect it from inappropriate development, so that it can be appreciated as a 'place apart' from Hugh Town.'

'House building on the western edge of Hugh Town and within The Garrison Walls has compromised the historic character of this area of the Garrison. English Heritage will work with the Council for the Isles of Scilly, and the Duchy of Cornwall to ensure that future development activity on the Garrison is only allowed if it takes a genuine contribution to this character.'

5.4 Communal

'Policies that seek to retain historic communal significance and preserve and enhance the relationship between the Garrison and Hugh Town should be encouraged; this includes preserving and improving the setting and avoiding inappropriate development.'

Potential impacts of the proposals on heritage assets

The proposed development consists of internal and external alterations to the main central hotel buildings (including alterations to fenestration and a new two-storey entrance), together with redevelopment and new development on areas which are presently open ground, notably on the hotel yard and garden on the north west side, and on a section of land alongside Garrison Hill, on the south east side.

The development would impact on heritage assets in two ways: physical impact on above-ground structures and below-ground archaeological remains, and impact on the settings of heritage assets.

Physical impact on heritage assets

The proposals include groundworks for buildings and services that would potentially impact on below-ground archaeological remains.

With regard to heritage significance, the archaeological potential of the application site is high, both in relation to the curtain wall, ditch and *glacis* (remains of which are likely to have survived despite later development), and also in relation to remains of earlier periods. These archaeological assets, whilst undesignated, may be significant. In particular, any significant remains of the Garrison Walls defensive line will be of national importance and potentially of equivalent significance to a scheduled monument (and thus coming within the scope of NPPF para 139), which states that such assets should for planning purposes be treated as if scheduled.

With regard to impacts, development works on buildings and on groundworks in the vicinity of Garrison Wall (including demolition, new building, service trenches, arrangements for drainage etc.) could have direct and indirect physical impacts on the fabric of the Walls monument. The proposals include work on two modern outbuildings attached or very close to the Garrison Wall and Well Battery. (We are currently looking into the status of these two buildings, as they may have been erected without the necessary Scheduled Monument Consent.)

Due to the potential for impact on archaeological remains in this area, any development here involving ground disturbance, or above-ground works near the scheduled walls, would need to be accompanied by a programme for archaeological supervision, monitoring, investigation and recording prior to and/or during

development works, and agreed methodologies for the protection of historic structures and control of machinery in sensitive areas.

We would expect an application of this kind to be accompanied by an archaeological assessment, if necessary informed by pre-determination site evaluations, in line with NPPF policy. In our view the planning application does not adequately address or make provision for these potential archaeological implications.

Scheduled Monument Consent issues

Some of the proposed site works are also subject to Scheduled Monument Consent (SMC) from the Secretary of State for Culture, Media and Sport. An application for SMC for the few specific elements of the scheme which could physically affect the Garrison Walls (groundworks in the vicinity of the Wall and work on buildings adjacent to it) has been received from the agents for the applicants but has yet to be determined. Any decision on the SMC is independent of, and without prejudice to, decisions on the proposals for full development.

Impact on the settings of heritage assets

We would expect an application of this kind to include sufficient information to be able to assess the potential impact of the development on the setting and significance of the Garrison Wall and other affected assets, in line with NPPF policy. (Had we been consulted before the designs were completed, we would have advised this as an essential initial step towards achieving a contextual design.)

As outlined above, Garrison Wall is part of a defence system designed to overlook its surroundings, and also to be seen from its surrounding area, both land and sea. In order to understand the potential impact of the development proposals, the site and the proposed development should be assessed in relation to views to and from heritage assets and the surrounding area. This should be supported by illustrative evidence in the form of reliable visualisations of the proposed buildings in their site context which would enable comparisons to be made between the existing situation and the proposed development.

The present application does not do this. For instance, with regard to impacts on Garrison Walls, the application's only visualisation showing the proposed scheme in relation to its wider site is the North Elevation Composite. However, this elevation, whilst architecturally correct, does not relate to a real viewpoint on the ground. The application lacks reliable indications as to how the proposed buildings would look from viewpoints in the surroundings area. Examples of potential viewpoints for this include the Garrison Wall and Batteries and interior of the fort, the Quay and ferry terminal, the shore, Hugh Town, Harry's Walls and other viewpoints overlooking St Mary's Pool, and views from offshore. The application agent has provided us with a selection of photographs showing views of the application site from several points in the locality, but these do not meet the need for fuller information and assessment to support the application in line with NPPF policy.

However, despite the lack of information in the application, it is clear that major elements of the proposals would have an intrusive and harmful impact on the setting and significance of the Garrison Wall and associated historic military structures. In our view the level of harm to the significance and public value of designated heritage assets would (in NPPF terms) be substantial.

The three elements that would have this harmful impact are the proposed new Central block and Seawall block of holiday apartments, and the proposed two cottages on Garrison Hill. These dealt with in turn.

Central block and Seawall block

The proposed development NW of the main hotel block consists of replacing an existing flat-roofed two-story mid-20th century range with a larger two-storey pitched-roofed building containing four 1-3 bed units. This 'Central block' is taller and has a larger footprint than the existing building, extending north towards the Quay into the area south of the hotel garden.

To the north of this, replacing the garden and adjoining open areas, it is proposed to erect a two-storey 'Seawall' block of four 3-bed units fronting onto the quay and extending from alongside Well Battery to the existing building 'Hendra'. The proposed building, designed as a terrace of sea-front houses, is an entirely new construction on open ground.

Compared with the present layout, these two proposed blocks would be significantly more visually intrusive in views from the Garrison enclosure, the Garrison Walls and its Batteries, and in views of the defences from nearby and from the Quay and Pool and adjoining area. They would significantly block views of the section of Garrison Wall which at present can be seen sloping down behind the tall central hotel block and its flat-roofed hotel staff range, from Jefferson's Battery towards Well Battery on the shore. The Seawall block would remove the hotel garden which is important for enabling clear views to and from the important section of the Garrison Wall running down to Well Battery, and for providing an effective transitional 'buffer zone' between the urban character of Hugh Town and the more open character of the Garrison.

This is a very significant adverse heritage impact on the NE side of the application site, with new building intruding in primary designed views, disrupting the visibility and legibility of this important section of the Garrison defences and its associated military buildings, and impairing understanding and appreciation of these heritage assets.

Garrison Hill cottages

On the SE side of the hotel, it is proposed to erect two 2-bed accessible 'cottage' units flanking the Garrison Hill entrance to the hotel. The buildings, sited partly on existing open ground and partly replacing of a section of flat-roofed building proposed for demolition, are designed with mezzanine floors and pitched roofs to the main ranges and two-storey pyramidal roofed turrets to the west, flanking a new hotel gateway. Due to the limited space adjacent to the road, the buildings have angled eastern ends.

Compared with the existing situation, these proposed buildings would be significantly closer to Garrison Hill and significantly higher. Their unusual design, with angled ends and turrets, would add to their visual impact.

The proposed buildings would be visually intrusive in close and distant views of Garrison Hill and the Garrison defensive complex. In close views from Garrison Hill itself, they would intrude above the roadside wall, where open views are historically important, and in some key views they would be seen in combination with the Garrison Gate and the Garrison Wall, Batteries and other buildings. Their intrusiveness is increased by the proposed stone-built mock historic 'turrets', which would be seen in near and distant views. The towers would also introduce a historically confusing element which would adversely affect public understanding and appreciation of the Garrison's genuine heritage assets. Omission of the turrets alone would not resolve the adverse impacts of these buildings, because their location here, so close to Garrison Hill, would result in visual intrusion in views along or across the road, and in more distant views looking towards the Garrison.

In summary, we consider that, individually and collectively, the major elements of the proposed development, due to their location and design, would have a very harmful impact on the setting and significance of the scheduled monuments and listed buildings of Garrison Wall and associated historic military structures. We consider that the level of harm to the Garrison Wall assets would, in NPPF terms, be substantial.

In our view the significant and sensitive open areas adjacent to Garrison Wall and Garrison Hill have very limited potential for redevelopment. Previous modern development at Tregarthens and nearby inside the Garrison Wall, has had a harmful impact on the setting and significance of the heritage assets here, and it is therefore all the more important to avoid further adverse impacts from intrusive new development.

National planning policy considerations

Under the NPPF it is a **core planning principle** to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (NPPF para.17). When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, **any harm (whether substantial or less than substantial) is to be given great weight, and any harm or loss should require clear and convincing justification** (NPPF para.132). The onus is therefore on the local planning authority to rigorously test the necessity of any harmful works.

If a proposal cannot be amended to avoid all harm, then if the proposal would lead to less than substantial harm to the significance of a designated heritage asset, this

harm should be weighed against the public benefits of the proposal (NPPF para.132). Where a proposed development would lead to substantial harm to or total loss of significance, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the tests in paragraph 133 of the NPPF apply.

Substantial harm to or loss of Grade II Listed Buildings, Registered Park or Gardens should be exceptional. Substantial harm to, or loss of, Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, World Heritage Sites, Registered Battlefields and protected wreck sites, should be wholly exceptional (NPPF para.132).

Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (NPPF para.137).

As the application affects Listed Buildings, the statutory requirement to have **special regard** to the desirability of preserving the building, its setting and any features of special interest (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when making its decision.

As the application affects a Conservation Area, the statutory requirement to pay **special attention** to the desirability of preserving or enhancing the character or appearance of the Conservation Area (section 72(1) of the 1990 Act) must be taken into account by your authority when making its decision.

Loss of a building (or other element) which makes a positive contribution to the significance of a Conservation Area should be treated either as substantial harm or less than substantial harm under paragraphs 133 and 134 of the NPPF as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole (NPPF para.138).

Garrison Walls and Tregarthen Hotel and its garden are significant components of the Conservation Area, and the proposed development would have a major impact on them. The adverse impacts of the proposed development on the positive features here – the Garrison Walls complex and the hotel garden – would in our view harm the character and appearance of the Conservation Area.

Also relevant are policies in NPPF paragraphs 7, 8, 9, and 17 concerning the overarching objectives for conservation and sustainable development, the need to take opportunities for enhancement and the importance of avoiding conflict. Sustainable development in this context means a solution that achieves economic, social and environmental gains. The planning system should play an active role in guiding development to sustainable solutions (NPPF para.8). Pursuing sustainable

development involves seeking positive improvements in the quality of the built, natural and historic environment (NPPF para.9). Environmental gain includes the conservation of any affected heritage assets so that their heritage value or significance can be enjoyed by this and future generations – an overarching planning objective (NPPF para. 17). If, in the development proposal, conflict has not been avoided, or opportunity not taken for enhancement, or harmful impacts of the development not clearly and convincingly justified and adequately mitigated, then the development will not be sustainable and national planning policy indicates that the local authority should refuse the application.

Historic England position

Historic England supports proposals that enable the delivery of sustainable development in accordance with the policies in the NPPF, where the protection and enhancement of the historic environment and the conservation of heritage assets forms an integral part of the wider environmental and sustainability agenda. We recognise the importance of enhancing hotel and visitor accommodation on the Isles of Scilly, and we support proposals which do not cause undue harm to the significance of heritage assets.

Some elements of the present proposals (e.g. refurbishment of the main hotel buildings and the proposed new entrance from the Quay) would have a positive or benign impact on the Conservation Area and neighbouring heritage assets. However, we consider that major parts of the proposal (the Central block, the Seawall block, and the Garrison Hill cottages) would result in harm to the setting and significance and public value of the Garrison Wall and associated heritage assets (including Star Castle and the buildings in the area inside the Garrison Gate). In the case of the Garrison Wall scheduled monument and Grade I listed building, we consider that the harm would (in NPPF terms) be **substantial**.

National policy states that the harm to heritage assets, whether substantial or less than substantial, requires clear and convincing justification in the public interest, and should be weighed by the local authority against any public benefits of the proposal. The affected assets here in the Garrison include those at the highest level of national designation, and the more significant the asset the greater the weight that should be given to its conservation (NPPF 132). In our view, these proposals fail to give the required weight to the conservation of the affected heritage assets. The application has not substantiated its claims that the proposed development can be achieved without unacceptable harm to nationally important heritage assets, and has not demonstrated that any such harm to designated heritage assets and the wider historic environment would be, or should be, outweighed by other public benefits. In our view the application does not meet the tests for sustainable development.

In summary, we consider that the present proposed development is contrary to NPPF policy:

- The proposal has not been demonstrated to be sustainable within the meaning of the term in NPPF where it encompasses the conservation and sustainability of the historic environment (NPPF paras 7, 8, 9, 17).
- The present application does not adequately 'describe the significance of any heritage assets affected, including any contribution made by their setting', or provide appropriate assessment of potential impact on the archaeological interest of the affected assets. As such, it fails to provide sufficient to understand the potential impact of the proposal on the significance of affected assets, and does not satisfy NPPF para 128.
- The proposal does not sustain or enhance the significance of the affected heritage assets, or make a positive contribution to local character and distinctiveness (contrary to NPPF para 131).
- The proposal would not enhance or better reveal the significance of the heritage assets here (contrary to NPPF para 137).
- The proposal would not preserve those elements of the setting that make a positive contribution to the significance of affected heritage assets (contrary to NPPF para 137).
- The proposal would have an adverse and harmful impact on the setting and significance of heritage assets. We consider that the harm, in NPPF terms, would be substantial. In our view the scale of harm or loss of significance to the designated heritage asset here does not have 'clear and convincing justification', and it has not been demonstrated that the required 'wholly exceptional' circumstances apply here, or that the scale and weight of the harm to nationally important heritage assets that would be brought by the development would be, or should be, justified or outweighed by public benefits (contrary to NPPF paras 132,133,134).

The harmful impacts of development also conflict with the provisions of S66(1) and S72(1) of the 1990 Planning Act regarding the desirability of preserving the settings of listed buildings and preserving and enhancing the character and appearance of the Conservation Area.

The Garrison Wall and associated military remains form important components of the AONB and Heritage Coast and contribute to their special character and interest. Loss of significance of these heritage assets caused by unsympathetic new development would have a correspondingly adverse impact on the AONB and Heritage Coast.

The proposals are also at variance with the management recommendations in the Garrison Conservation Plan, which stresses the importance of avoiding new development which harms the setting and significance of the Garrison Wall complex, especially in the area around Tregarthen's Hotel. Whilst this is a non-statutory document, it is the result of detailed study and site assessment, and wide stakeholder consultation and support (including the Isles Council) and therefore should be accorded significant weight.

In principle, and in line with the recommendations and policies of the Garrison Conservation Plan, we consider that the sensitive open areas adjacent to Garrison Wall and Garrison Hill, which are of primary importance to the heritage setting and significance of the Garrison Wall complex, have very limited potential for redevelopment. Modern development at Tregarthen's, and nearby inside the Garrison Wall, has had a harmful impact on the setting and significance of the nearby heritage assets. It is therefore all the more important to avoid further intrusive new building on the site which cumulatively would have very significant adverse impacts.

With regard to amending the scheme to reduce the harmful impacts to an acceptable level, it is clear that the hotel site has limited capacity for new build due to its sensitive position in relation to the Garrison Walls complex. A key objective for any scheme would be to avoid intruding in important views to and from Garrison Wall and Garrison Hill. This means avoiding intrusive building on the areas of open ground flanking the hotel, or heightening those buildings which stand alongside or in front of Garrison Walls and Garrison Hill. We therefore recommend that rather than building in these highly sensitive locations, the focus should be on remodelling and extending the main central hotel block, where its presence (and its visual blocking of Garrison Wall and Garrison Hill) is already established.

Recommendations

Historic England supports regeneration and redevelopment in historic areas, and the improvement of tourist and visitor facilities where this does not cause undue harm the significance of heritage assets. We recognise the importance of enhancing hotel and visitor accommodation on the Isles of Scilly and appreciate the desire to improve Tregarthen's Hotel. Some elements of the present proposal would have a positive or benign impact on the Conservation Area and neighbouring heritage assets. However, we consider that major parts of the proposal (the Central block, the Seawall block, and the Garrison Hill cottages) would result in harm to the setting and significance and public value of the Garrison Wall and associated heritage assets on the Garrison, several of which are at the highest level of national designation. In the case of the Garrison Wall scheduled monument and Grade I listed building, we consider that the harm to the significance and public value of the heritage assets would (in NPPF terms) be substantial. The proposal is contrary to recommendations in the Garrison Conservation Plan which has wide stakeholder support, including the Isles Council. In our view the scale of harm and loss of significance to the designated heritage assets here does not have 'clear and convincing justification'. The application has not substantiated its claims that the proposed development can be achieved without unacceptable harm to nationally important heritage assets, and it has not been demonstrated that any such harm to designated heritage assets and

the wider historic environment would be, or should be, outweighed by other public benefits. Historic England considers that the application is contrary to national planning policy (as detailed above) and we therefore object to the application and recommend that consent be **refused**.

Next steps

We recommend that detailed assessment of the heritage implications of development on the site is required in order to inform any proposals and planning decisions. We have discussed with the agent the issue of the lack of detailed information in the application regarding the visual impacts and heritage impacts of the proposed scheme. However, due to the inherently harmful aspects of major elements of the present proposals, both in principle and in detail, we do not think it would be productive or reasonable to ask for further information and assessment on the setting impacts of the current scheme. Rather, we recommend that assessment is focused on the nature and constraints of the site, and the potential impacts of development, to provide the basis for a review and redesign of the proposals to achieve a less harmful and more contextual scheme which enhances both the hotel and its surroundings, including the settings of numerous nationally important heritage assets.

For this we recommend, firstly, that an archaeological desk-based assessment of the scheme should be undertaken by suitably qualified specialists. This should review the historic records of the fortifications and other potential archaeological remains, and consider the need for field evaluation in order to assess potential impact and mitigation strategies. Secondly, we recommend that information and assessment should be provided on the sensitivities and constraints of the site in relation to the settings of heritage assets, supported by suitable illustrative evidence in the form of reliably scaled visualisations, photomontages etc. Examples of potential viewpoints include the Garrison Wall and Batteries and interior of the fort, the Quay and ferry terminal, the shore, Hugh Town, Harry's Walls and other viewpoints overlooking St Mary's Pool, such as Juliet's Garden; and views from offshore.

Assessment should not be limited to areas with public access, since (as mentioned in the letter above) the setting of a heritage asset includes the whole of its surroundings.

We would be happy to advise on details of these assessments and on specifications for photographic visualisations.

Yours sincerely,



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