

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/19/037/ROV  
**Received on:** 2<sup>nd</sup> July 2019  
**UPRN:** 000192000598  
**Application Expiry date:** 12 June 2019  
**Neighbour expiry date:** 30<sup>th</sup> August 2019  
**Consultation expiry date:** 30<sup>th</sup> August 2019  
**Site notice posted:** 9<sup>th</sup> August 2019  
**Site notice expiry:** 30<sup>th</sup> August 2019  
**Extension of Time:** 18 October 2019

**Applicant:** Mr Nigel Wolstenholme Tregarthen's Hotel Ltd  
**Site Address:** Tregarthen's Hotel  
Garrison Hill  
Hugh Town  
St Mary's  
Isles of Scilly  
TR21 0PP

**Proposal:** Variation of condition 2 (approved plans) of planning permission P/18/031/RUL to alter the fenestration of hotel rooms 30,31, and 32, relocate and reduce the scale of the new units known as 'Crump and Kittern' cottages including amendments to the landscaping details as approved under condition 16 of P/18/031/FUL to accommodate these changes.

**Application Type:** Removal or Variation of Condition

### Site Description and Proposed Development

The Tregarthen's Hotel complex is situated on the west side of Hugh Town between the Garrison and St Mary's Quay. The site includes two pairs of semi-detached cottages of Starboard Light and Port Light, which are grade II listed buildings and the cottages of Gibson and Hendra. Surrounding the core of original 19th Century buildings is a multitude of later extensions of various designs. There are two entrances to the site with the principal entrance to the hotel being from Garrison Hill.

This is an application for a variation of condition 2, to permit the substitution of drawing as a partial revision to the approved 2018 scheme P/18/031/NMA. This is specifically described as: Retrospective application for minor material amendment to planning permission P/16/113/ROV (as amended by P/18/089/NMA) to retain window on West elevation of unit 7 (shown in floor plan of application P/18/089/NMA but not the elevations). (Amended Title). All relevant planning history to this specific development has been set out below.

### Background and Relevant History

Ref	Description	Decision	Date	Decision Level
P/15/060/FUL	Refurbishment and modification of the hotel including demolition of dilapidated and unsightly components to the northwest side of the hotel site and those abutting the wall. Formation of improved entrance enhancement of elevation appearance. Formation of 10 no. units of C3 holiday cottages within three blocks within the grounds to the northwest of the hotel and southeast of the hotel (Major Development) (Affecting the Setting of a Listed Building/Scheduled Monument).	Withdrawn	March 2016	-
<a href="#">P/16/055/FUL</a>	Demolition of 3 number lower ground floor hotel bedrooms, and replacement with 6 number C3 use class dwelling units for restricted holiday letting. Change of use of staff accommodation block to 2 number C3 use class dwelling units for restricted holiday letting and formation of pitched roof with stone clad chimney, to replace flat roof. Alterations to external facade of staff block including new windows, doors and cladding, demolition of chimney to former boiler. New pitched roof above dining room over existing flat roof. Partial demolition of flat roofed hotel lobby area and replacement with new entrance to hotel. Installation of green roof over flat roof to hotel lounge. Landscaping works to form outdoor dining terraces on former hotel garden and re-profiling of garden. Installation of ground source heat pump/loop, solar panels on flat roof, break tank for foul sewage. Partial demolition of wall to car park and rebuilding at cill height. Demolition of garage and store and replacement with gas bottle store. (Re-submission) (Amended Plans)	Approved	12/08/2016	Planning Committee July 2016
P/16/113/ROV	In order to phase the approved redevelopment of Tregarthens Hotel an application is made to vary conditions 2 (Compliance with Approved Plans), 6 (Samples of External Finishes), 7 (Detail of Sewerage & Water Break Tanks), 8	Approved	21/12/2016	Delegated

	(Detail of Surface Water Management), 9 (Detail of Sustainable Design Measures) & 10 (Landscaping Scheme) of planning permission P/16/055/FUL (re-development of hotel) to allow submission of pre-commencement condition discharge information before the relevant phase of works as detailed in the 5 year phasing scheme, rather than before any development commences (Amended Title to remove the request to work Sundays)			
<a href="#">P/18/031/FUL</a>	Revised scheme for redevelopment of Tregarthens Hotel including (1) Erection of a pair of semi-detached dwellings for restricted holiday letting (use class C3) including associated landscaping. (2) Alterations to external facade of hotel lounge and hotel bedrooms including replacement windows/doors, formation of new windows and removal of existing chimney. (3) Formation of a new pedestrian opening in the existing wall adjacent to Garrison Hill. (4) Formation of external seating areas and new balustrades to hotel rooms and hotel lounge. (5) Installation of a package treatment plant for foul drainage. (Amended Plans/Amended Title)	Approved	28/09/2018	Full Council (August 2018)
P/18/078/NMA	Application for non-material amendment to planning permission P/18/031/FUL (Revised scheme for redevelopment of Tregarthens Hotel including (1) Erection of a pair of semi-detached dwellings for restricted holiday letting (use class C3) including associated landscaping. (2) Alterations to external facade of hotel lounge and hotel bedrooms including replacement windows/doors, formation of new windows and removal of existing chimney. (3) Formation of a new pedestrian opening in the existing wall adjacent to Garrison Hill. (4) Formation of external seating areas and new balustrades to hotel rooms and hotel lounge. (5) Installation of a package treatment plant for foul drainage. (Amended Plans/Amended Title)) for the repositioning, by 1 metre west, of the pair of semi-detached dwellings only.	Approved	21/11/2018	Delegated
P/18/089/NMA	Application for non-material amendment to planning permission P/16/113/ROV to retain existing windows on East elevation, blocking up of window in bedroom 2 of unit 8 and widening of window in same room.	Approved	11/01/2019	Delegated
P/19/016/ROV	Retrospective application to retain gable window at first floor, with obscure glazing.	Approved	21/10/2019	Delegated

### Consultations and Representations

All neighbouring properties, including previous objectors and those who have previously made representations have been written to directly (34 in total) and a site notice has been on display for a period of 21 days. No responses have been received. On the basis of the amendments proposed no external or internal consultations have been required.

### Primary Legislation and Planning Policy

#### Primary Legislation

### **The Town and Country Planning Act 1990**

Section 70(2) of the Planning Act requires the Local Planning Authority to have regard to the development plan, so far as material to the application, and any other material considerations when determining planning applications.

### **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.

### **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.

### **The Conservation of Habitats and Species Regulations 2010 (Consolidation of Conservation (Natural Habitats, &c.) Regulations 1994)**

It is a legal duty of a Local Planning Authority, when determining a planning application for a development, to assess the impact on European Protected Species ("EPS"), such as bats, great crested newts, dormice or otters. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations, which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

### **Planning Policy**

#### **National Planning Policy Framework (NPPF) 2019**

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.

Paragraphs 39-41 identifies the need to front-load the planning system through pre-application engagement. This states that the right information is crucial to good decision-taking, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitat Regulations Assessment and Flood Risk Assessment). To avoid delays the NPPF advocates early discussions with the local planning authority as well as expert bodies as early as possible.

Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 172 advises that great weight should be given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The conservation of wildlife and cultural heritage are important considerations.

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

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (b) Preserve nationally important archaeological remains and their settings; (c) 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; (d) safeguard the integrity and nature conservation objectives of Special Protection Areas

(SPAs), RAMSAR sites and Special Areas of Conservation (SAC); (e) protect a statutorily protected plant or animal species and the wildlife, geographical and geomorphological interest and features of designated Sites of Special Scientific Interest (SSSI); and locally important biodiversity habitats, species and landscape features.

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. Policy 2 (a) requires development to ensure conserve or enhance the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping.

### **Isles of Scilly Design Guide 2007**

The Isles of Scilly Design Guide is a Supplementary Planning Document (SPD) that forms an important part of the local Development Plan. This states that "It is important that the nature of the surrounding area is understood and reflected in any development proposal. Without this awareness it is likely that a development will be unsympathetic".

### **Submission Draft Isles of Scilly Local Plan 2015-2030**

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7). This draft document also contains policies for the visitor economy and tourism (Policy WC5) as well as safeguarding serviced accommodation (Policy WC6).

As of 30<sup>th</sup> September 2019 the Submission draft Local Plan has been submitted to the Secretary of State, at the time of writing this report, and as such the policies it contains can be given greater weight.

New visitor accommodation will be supported where it improves the quality and choice of existing tourism and responds to the changing needs and expectations of visitors. Such accommodation will be supported for both serviced and self-catering at the most luxurious end as well as more basic end of the market, with quality and value for money being key drivers. It will be important to ensure a balance between serviced and self-catering accommodation, recognising that a limited availability of serviced accommodation restricts the opportunity for short-breaks, particularly outside the main tourism season and reduces passengers by air and sea.

Policy WC6 Safeguarding existing serviced accommodation is considered an important consideration on the islands. Hotels and other forms of serviced accommodation provide an economic benefit to the local economy and can also provide social and community facilities such as a public bar or function room. In relation to changes from serviced accommodation (other than reverting back to single dwellings where the unit was an original dwelling), it needs to be shown that the hotel cannot be made viable over the longer term and that the property has been marketed at a reasonable value for a minimum of 12 months with no willing buyers, before a change of use of part or the entire hotel will be considered.

Policy WC5 Visitor Economy and Tourism: sets out that proposals for new or upgraded tourism development will be permitted where they a) make a positive contribution to the provision of high quality sustainable tourism on the islands that improves the current visitor experience, offer and responds to the changing needs and expectations of visitors to help create a more competitive and sustainable visitor destination; and b) are located in sustainable and accessible locations; and c) are appropriate to the site and its surroundings in terms of activity, scale and design; and d) do not result in an unacceptable impact on the environment or residential amenities in accordance with other relevant policies in the Local Plan.

### **Planning Assessment**

This application seeks a variation of condition, specifically to amend the approved plans to application ref. P/18/031/FUL which was approved on 28<sup>th</sup> September, following a Full Council decision on the 7<sup>th</sup> August 2018. This was for a revised scheme for redevelopment of Tregarthens Hotel including (1) Erection of a pair of semi-detached dwellings for restricted holiday letting (use class C3) including associated landscaping. (2) Alterations to external facade of hotel lounge and hotel bedrooms including replacement windows/doors, formation of new windows and removal of existing chimney. (3) Formation of a new pedestrian opening in the existing wall adjacent to Garrison Hill. (4) Formation of external seating areas and new balustrades to hotel rooms and hotel lounge. (5) Installation of a package treatment plant for foul drainage.

The applicant has entered into a Unilateral Undertaking, legal agreement, to not implement parts of an earlier approved scheme (P/16/055/FUL and P/16/113/ROV). The amendments now sought firstly seek to amend the fenestration on the existing front elevation of the “30 series room” elevation, which is the ground floor, flat roof existing extension that has a permitted balcony above and faces on to the Mermaid Car Park. The windows shown on approve drawing number: 1156/P111 Rev B will be amended to those shown on Drawing number D09 (Aug 2019). This amendment elongates all of the windows relative to the existing windows. Secondly the proposals seek to address the construction issues that have arisen since permission was granted. In particular issues with construction and demolition waste forcing a reduction in the amount of excavating that can be accommodating. The proposal seeks to not lower the two garden cottages as originally intended and as granted in 2018. To ensure the development does not sit more prominently the plans have been amended to reduce the overall scale and the property called ‘crump’ which would be single storey, rather than the originally approved 2-storey. Overall floorspace and height would be reduced but the alignment would be retained as approved in terms of proximity to the sea wall.

Given that the scale of the overall development is reduced, relative to that approved, the main issues for consideration, as to whether to permit the amendments, are the visual impact in relation to the amended windows and the amended pair of garden cottages as well as the impact upon the listed building/scheduled monument of the garrison wall, which lies to the west/south-west and along the site boundary of Tregarthens. As the design of the semi-detached pair of cottages has been amended it is necessary to assess the design of the proposal. It is not considered that the scheme gives rise to any neighbouring amenity issues over those already considered. This assessment does not intend to reconsider either the principle or the impact upon neighbouring amenity.

### **Assessment of Design**

The changes proposed to the windows, would result in a more modern appearance to an existing building, without any other significant changes being required. This is a relatively uninspiring and dated elevation current. This particular amendments is considered to be a positive design change that would enhance the existing appearance of the Tregarthens Hotel, which is a prominent building and the “30 series room” elevation, which is clearly visible from public vantage points both from around the front ‘Mermaid’ car park and more widely, although less clearly from further distances such as from the quay, on the water and from across to Porthloo. It is considered that this amendment has a positive design change that is an enhancement to the scheme as approved in 2018.

In relation to the larger design change to the two approved garden cottages ‘Crump and Kittern’, then it is noted that the plans clearly show changes that are designed to accommodate less excavation whilst ensuring the proposal does not appear more prominent. A more prominent building would not only have implications for the Hotel’s own guest accommodation by reduced sea views but it would also make the development more prominent (assessed below). The changes therefore seek to ensure the scale is kept low to address these issues.

The design accommodates this by firstly making the rear of the two properties ‘Crump’ a single storey unit (as opposed to two-storey as originally approved) and secondly by making the roof a shallower



pitch and lowering the ridgeline. This brings down the pitch to an angle of 30 degrees. Although this is shallower than most other pitched roofs within the Tregarthens site, which generally have multiple gables of various sizes and heights, and are most commonly at a 40 degree pitch. The proposal therefore would appear, design-wise, at 'odds' with the existing and surrounding elements of the hotel site. The design does otherwise retain a vernacular 'cottage' style with a wide frontage and shallow depth, as shown in the Isles of Scilly Design Guide (page 46). This design guide also notes that a traditional Scillonian cottage generally has a shallower roof pitch of between 30 and 35 degrees. On this basis, as the amendments seek to reflect a more traditional building with a lower cottage design, rather than reflecting design aesthetics within the Tregarthens own buildings, it is considered that a shallower pitched roof would not be wholly out of keeping generally. It is considered that the difference between the proposed unit 'Kittern' once complete, as its gable aligns with that on 'Hendra'; to the south east, would be noticeable as 'Hendra' has a steeper 40 degree pitch and 'Kittern' has a shallower 30 degree pitch.

Overall it is considered that as the proposal generally reflects a traditional cottage building, and the amendments seek to reduce scale overall, the design of the amendments are considered, on balance, acceptable.

### **Wider visual impact of the proposed amendments**

The proposed revisions to the approved plans, as shown on the revised plans: D04, D05 and D07 show clearly the scale of the scheme to be much reduced overall and would be lower than that originally approved. The ridge line is now considerably lower than the recently converted staff block to the rear, and lower than approved in 2018. The ridge and overall scale would be no higher overall than the existing lets of Gibson and Hendra.

The amendments to the windows on the "30 series room" elevation give a more modern look to these existing buildings, which is considered to be acceptable. The windows would be larger but as this is a single storey existing building at the Tregarthens site it is considered that these changes would be acceptable in the context of visual impact.

It is considered that the scale of the proposed amendments would therefore have no greater impact upon the wider streetscene or the urban landscape of this part of Hugh Town, relative to the approved development.



### **Impact upon the Garrison Wall**

As the main amendments now proposed result in a reduction in scale overall, relative to the approved scheme, it is considered that the proposals, when viewed from a position directly to the north and north east (depending on the precise position of vantage), which are the areas from which there are existing views of the Garrison Wall (SM/LB), then the change now sought, will not significantly impact the setting of the adjacent Garrison Wall. The reductions overall would not have any significant additional visual impact that would suggest it would further obscure the Garrison Wall. There are wider benefits to the approved works that are considered to improve the setting immediately in front of the Garrison Wall and the amendments now sought would not detract from this or obscure it to any greater degree than the implementation of the scheme as approved.

On this basis it is judged that the proposed amendments would not detract from the character or appearance of the wider area, including the scheduled monument and listed building of the Garrison Wall.

The amendments would not result in causing any adverse harm to neighbouring amenity. The amendments do not give rise to any greater impact upon the wider character of the adjacent Listed Buildings, Scheduled Monument, or the wider Conservation Area, AONB or Heritage Coast in accordance with Policies 1 and 2 of the adopted Local Plan.

The proposed amendments are considered to be acceptable.

Signed: 	Dated: 05/11/2019	Signed: 	Dated: 05/11/2019
Planning Officer		Senior Manager	