

# Council of the Isles of Scilly Delegated Planning Report

**Application Number:** P/18/089/NMA

**Received on:** 14 December 2018

**UPRN:** 000192000598

**Application Expiry date:** 11 January 2019

**Neighbour expiry date:** NONE CONSULTED

**Consultation expiry date:**

**Site notice posted:**

**Site notice expiry:**

**Applicant:** Tregarthen's Hotel

**Site Address:** Tregarthen's Hotel

Garrison Hill

Hugh Town

St Mary's

Isles Of Scilly

TR21 0PP

**Proposal:** 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.

**Application Type:** Non Material Amendments

**Public Representations:**

**Consultation Representations:** NONE

**Constraints:**

## Recommendation

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1. That the Application for a non-material amendment is APPROVED
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## **Site Description and Proposed Development**

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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 non-material amendments as a partial revision to the approved 2018 scheme P/18/031/FUL and includes the repositioning of the pair of self-catering holiday let dwellings, rebuilding of the boundary garden wall and amendment to the construction of the holiday let cottages, to have complete timber frame construction.

## **Background and Relevant History**

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Extensive planning history is set out in the Full Council Report: P/18/031/FUL.

## **Consultations and Representations**

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None

## **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 determination 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) 2018**

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.

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".

### **Consultation 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 OE3). This emerging document also contains policies for the visitor economy and tourism (Policy WC5) as well as safeguarding serviced accommodation (Policy WC6). 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.

The consultation Draft Local Plan can be found here:

<http://www.scilly.gov.uk/sites/default/files/document/planning/Draft%20Local%20Plan%202015%202030.pdf> . As the pre-submission draft Local Plan has yet to be published, the policies of the earlier 2018 (Reg 18) Draft Local Plan, can only be given limited weight.

### **Planning Assessment**

This application seeks a non-material minor amendment 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. 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 seek to retain existing window openings on the east elevation of units 7 & 8 and installation of a new steel beam. Previously these were approved to be replaced with elongated window openings. The amendments also seek to block up one window on Unit 8 on Bedroom 2 with the second window needing to be widened. Amended drawings, listed below, have been submitted to replace those approved in P/18/031/FUL:

- Proposed Sections 2 of 2 (Units 7&8), Drawing No: 1156/1131/ Rev C, Date Stamped 14<sup>th</sup> December 2018
- Proposed Ground Floor Plan, Drawing No: 1156/1110 Rev C, Date Stamped 14<sup>th</sup> December 2018
- Proposed First Floor Plan, Drawing No: 1156/1111 Rev C, Date Stamped 14<sup>th</sup> December 2018
- Proposed Elevations, Drawing No: 1156/1120, Rev D, Date Stamped 14<sup>th</sup> December 2018

The rationale for the minor changes relate to the practical implementation of the approved plans to convert the accommodation to staff units 7&8 now works have commenced to remove the internals of this block.



The nature of the P/18/031/FUL, was a complex application replacing elements of an earlier re-development proposal, but retaining parts of it. This required a Unilateral Undertaking to be submitted by the Applicant, for approval, to ensure only those elements they were relinquishing were controlled. The non-material amendment now sought does not have any impacts upon the scheme overall, other than the slight change in fenestration. The rest of the scheme remains as approved, and the relinquished elements of the 2016 permission, will remain relinquished. Relative to the scheme overall, the proposed alterations are considered to be minor in nature and are not considered to alter the substance of the application and the effect of the changes does not materially alter the consideration or matters raised under the approved scheme.

The alternations to the windows on this block and when viewed from a position directly to the north and north east (depending on the precise position of vantage), which is the area from which there are existing views of the Garrison Wall (SM/LB), the changes will not impact upon the adjacent Garrison Wall. It is considered that the amended plans would not give rise to any further obscuring of this important designated heritage asset.

On this basis it is judged that the proposed alterations 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: 11 <sup>th</sup> January 2019	Signed: 	Dated: 11 <sup>th</sup> January 2019
Planning Officer		Senior Manager	