

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/080/FUL
Received on: 19 November 2019
UPRN: 000192000941
Application Expiry date: 17 January 2020
Neighbour expiry date: 11 December 2019
Consultation expiry date:
Site notice posted: 20 November 2019
Site notice expiry: 11 December 2019

Applicant: Mr Chris Jones
Site Address: Bell Rock Hotel
Church Street
Hugh Town
St Mary's
Isles Of Scilly
TR21 0JT

Proposal: Raise rear flat roof by 150mm and re-cover in GRP, addition of solar panels on rear flat roof, replace existing softwood casement windows with white UPVC. (Listed Building)

Application Type: Planning Permission

Recommendation

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1. That the Application is APPROVED subject to the condition set out below.
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Site Description and Proposed Development

The application site comprises a large mid-terraced multi-storey hotel, with extensive enlargements and alterations. The hotel was first listed in 1959 as Church Street, Hugh Town (South Side) Bell Rock Hotel and Bell Rock Hotel on West. The listing was last updated in 1992 the title of the list entry was amended to:

Bellrock Hotel and attached walls and railings). It is listed as part of a larger group of original buildings within Hugh Town that date to this period. It is described as:

House, now hotel. Early C19 with mid C20 additions and external details. Granite rubble with aggregate render; green cement tile roof and rendered ridge and end stacks. Double-depth plan. 2 storeys with attics; original 3-window range front to left (east) has quoins to left and 6/6-pane sashes; 2-window range west wing, heightened in C20 from single storey to 2 storey, has C20 six/six-pane and 8/8-pane sashes, C20 part-glazed doors in quoined surround, quoins to left and plat band. C20 hipped dormers with sashes. Interior: 6-fielded panelled doors set in moulded architraves; moulded shutter boxes and architraves to windows. Fine, possibly reset, fanlight with 1780s leadwork and glazed sunburst lights and outer band of roundels with florets and swags; early C19 anthemion detail applied on one side only suggests re-use of whole light in this position, with Greek revival pilasters below. Hall has Vitruvian scroll and anthemion cornice. Dogleg staircase with swept string, mahogany handrail and simple turned newel posts from basement to attics. Room at east with simple reeded cornice, black polished marble fireplace, long drawn-out scroll brackets and deep shelf. Subsidiary features: coursed and dressed granite forecourt walls surmounted by spear-headed railings interrupted by urn finials.

The current proposal is to cover the existing rear flat roof with GRP surface on which it is proposed to site 40 (345w) solar panels. These are proposed to generate all of the energy needs of the hotel and feed any excess energy back into the grid.

Additionally it is proposed to replace the modern softwood timber windows below with a upvc alternative as a means to improve the thermal efficiency of the rooms below.

Background and Relevant History

There is extensive planning history for this property which has all occurred since the building has been a Listed Building:

In 1961 an application (**P0292**) was submitted and APPROVED for erection of bungalow and garage at rear of fernleigh. In 1963 an application (**P0422**) was submitted and REFUSED for extension to guest house. Then an application (**P0452**) was submitted and APPROVED for further extensions to existing guesthouse. In 1968 an application (**P0771**) was submitted and APPROVED for the replacement of existing defective pitched roof with that of a flat roof. In 1970 an application (**P0917**) was submitted and APPROVED for a first floor extension to Bell Rock Hotel. Following this an application was submitted (**P0918**) and REFUSED for the forming of a swimming pool at the rear of Bell Rock Hotel. In the same year an application (**P0929**) was submitted and APPROVED for the installation of a swimming pool at the rear of Bell Rock Hotel. Also in in 1970 an application (**P0942**) was submitted and APPROVED for the incorporation of a flat within the pitched roof of Bell Rock Hotel as required by conditional approval No. **P0917** also forming of dormer windows on front and rear elevations of roof.

In 1971 an application (**P1022**) was submitted and APPROVED for an extension to lounge and bedroom. In 1972 an application (**P1069**) was submitted and APPROVED for the provision of fire escape staircase. Following this an application (**P1146**) was submitted and APPROVED for the provision of an extension for staff accommodation on ground floor. In 1976 an application (**P1573**) was submitted and REFUSED for the erection of a staff lounge extension to the basement in the front garden of the Bell Rock Hotel. In 1980 an application (**P1937**) was submitted and APPROVED for the provision of a store at basement level in relation to the front garden at The Bell Rock Hotel. In 1991 an application (**P3158**) was submitted and APPROVED for alteration to interior and to rear elevation at Bell Rock Hotel. This was followed by an application (**P3231**) which was submitted and APPROVED for the erection of three advertisement signs at Bell Rock Hotel. Also in 1991 an application (**P3262**) was submitted APPROVED for the conversion of a rear flat at Bell Rock Hotel. This was followed by the submission of an application (**P3273**) which was APPROVED for the enclosure to existing swimming pool at Bell Rock Hotel.

In 1994 an application (**P3688**) was submitted and APPROVED for alteration to the fanlight (decorative window above the front door) at Bell Rock Hotel. This was followed by an application (**P3704**) which was submitted and APPROVED for the replacement of water storage tanks. In 1996 an application (**P4131**) was submitted and APPROVED for rear of lower ground floor: Minor extension to room 17, as part of internal improvements to guest bedroom. In 1999 an application (**P4698**) was submitted and REFUSED for the erection of pitched roof to provide Managers Flat and additional rooms. Concurrently an application for Listed Building Consent (**P4699**) was APPROVED for the same works. This suggests that whilst the proposed works were deemed acceptable in terms of the Listed Building, they were otherwise found unacceptable for other planning reasons. Without a valid planning permission in place the works could not take place, even though Listed Building Consent was granted.

In 2002 an application (**P5225**) was submitted and APPROVED for the erection of pitched roof to provide managers flat. This was followed by an application (**P5226**) which was submitted and APPROVED to replace the covered swimming pool with lounge. Also in 2002 an application (**P5227**) was submitted and APPROVED for demolition of the swimming pool cover and alterations. In 2003 an application (**P5340**) was submitted and REFUSED for a conversion of a Lounge to a bedroom. In 2004 an application (**P5406**) was submitted and APPROVED for internal alterations of rooms and match carpentry to existing. In 2006 an application (**P/06/032**) was submitted and APPROVED for Internal alterations. This was followed by an application for planning permission and listed building consent (**P/06/104** and **P/06/105**) which were submitted and both APPROVED for the erection of a conservatory and the re-location of fire escape stairs. In 2008 an application for Listed Building Consent (**P/08/107/LBC**) was submitted and APPROVED for replacement of first floor timber sash windows on North elevation like for like. In 2009 an application for Listed Building Consent (**P/09/104/LBC**) was submitted and APPROVED for Replace four top floor sliding sash windows with new hardwood double glazed sealed unit to same design as existing, fronting Church Street.

In 2011 an application for Listed Building Consent (**P/11/105/LBC**) was submitted and APPROVED for a replacement of the first floor windows on rear of building to match existing ground and second floor windows and repainting the side of the building in colour magnolia. Also in 2011 an application for Listed Building Consent (**P/11/106/LBC**) was submitted and APPROVED for internal and external alterations and refurbishment including erection of solar thermal and photovoltaic panels on South elevation. Finally in 2016 there was an application to convert part of the ground floor lounge into a self-contained holiday let suite. **P/16/090/LBC** was approved at Planning Committee in November 2016.

Consultations and Representations

Public Representations: None

Consultation Representations: NONE

Constraints:

Listed Buildings: ID: DCO14304. Grade: II. Name: BELLROCK HOTEL AND ATTACHED WALL AND RAILINGS

Historic Landscape Character: Landscape Type: Settlements.

Archaeological Constraint Area: None

Scheduled Monuments: None

Natural Environment: 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 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. As Bellrock is also a listed building, Section 66(1) of this legislation requires the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

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. 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. Chapter 16 relates to conserving and enhancing the historic environment and paragraph 192 states: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

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.

Policy 6 relates to infrastructure for sustainable communities and (2) states Development proposals, in keeping with the particular scale and character of the islands, will be supported, where they: (a) are for renewable energy projects; or (b) facilitate improvements to the electricity supply network or the under grounding of all cables; or (c) would provide telecommunications infrastructure of immediate community benefit; or (d) are for recycling or the composting of waste closer to its source; or (e) are for new or enhanced community, health, education, childcare, sport, recreational, arts and culture facilities.

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 emerging document also contains policies for renewable energy (Policy SS8). Renewable energy generation for the islands will improve the reliability of the islands' electricity supply. The Government has set a UK target to deliver 15% of the UK's energy consumption from renewable sources by 2020, and also has an ambition that by 2020, 12% of heating should come from renewable sources. At a local level, the Smart Island programme establishes a target that seeks to achieve a 40% reduction in energy bills for residents by 2025, and for 40% of island energy demands to be met through renewable generation by 2025.

A link to this consultation Draft Local Plan has been set out below. As of 30th 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.

Planning Assessment

This is a combined assessment for Planning Permission and Listed Building Consent. The main considerations with respect to the planning application is to understand whether or not the proposal would result in either harm to or loss of significance in accordance with paragraph 196 of the NPPF and Policy 1 of the adopted Local Plan (2005) and Policy OE7 of the submission draft Local Plan (2015-2030). The NPPF states that where a development proposal will 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. The adopted local plan requires the preservation of the architectural or historic interest of all listed buildings, including their features and setting. Policy OE7 of the submission draft local plan reiterates national policy and states that development affecting Listed Buildings, including alterations or changes of use, will be supported where: a) it protects the significance of the heritage asset and its setting, including impacts on the character, architectural merit or historic interest of the building; and b) materials, layout, architectural features, scale and design respond to and do not detract from the Listed Building; and c) a viable use is proposed that is compatible with the conservation of the fabric of the building and its setting.

As part of the consideration of the planning proposal then it is a material planning consideration to understand the impact upon privacy and amenity, the impact upon the wider character of the area and any impacts upon the natural environment.

In relation to the listed building consent then the proposal would need to preserve special character or architectural quality the listed building and its setting, in accordance with primary legislation.

Impact upon the Listed Building

The Bell Rock Hotel, originally a dwelling, is a Grade II listed building, added to the statutory list in 1959. It is listed for its group value of buildings that date back to the early 19th Century. Originally a house, the property has been altered and extended over the years, most notably in the rear extension in the 1970s which currently provides an indoor swimming pool with guest bedrooms below. This is a flat roof structure which has a stepped fire escape down from the second floor bedrooms as well as a water tank.

This rear structure is largely screened from public vantage points with views of it only visible from the rear windows of rooms within the hotel as well as from neighbouring properties on Church Street and Rams Valley to the rear.

The 1890 Ordnance Survey map shows the building of the Bell Rock much smaller than today but it has always a significantly wider plot than adjoining properties to the east and west. As with adjoining properties much of the rear of the original plots of properties along the south side of Church Street, have been sub-divided and plots to the rear now form properties on what is now Rams Valley. The most significant original feature appears to be the two and half storey original building that has a principle elevation facing north on to Church Street and together with original internal fixtures and fittings make up the important elements to this designated heritage assets. Adjoining it to the west is White Cottage, which is also a grade II listed building. Properties to the east are not listed in their own right. It is considered that alterations to the flat roof rear structure, where these have an overriding positive benefit to the appearance and setting of the Bell Rock, or have wider public benefits, are likely to be considered acceptable. There is no original fabric within the rear extension that warrants preservation providing alternations do not adversely affect the setting of the original building.

Siting solar panels on this rear flat roof will ensure they are invisible from the ground, as they are screened from view by the parapet, so there is no significant visual impact, particularly as this flat roof is screened by the main frontage building of the Bell Rock. To the south this is screened by a two storey building, that forms part of the hotel complex, but which fronts on to Rams Valley in the south. In addition the panels will sit above a new roofing surface of GRP (glass reinforced plastic). Generally there will be no intervention of the original Bell Rock building and minimal intervention to the flat roof building and the installation would be reversible when they reach end-of-life or are proposed to be replaced. The panels could also be moved. Providing the siting of the power cable and inverter and associated equipment are sensitively located the installation of solar panels would not detract from the special architectural character of the Bell Rock, particularly from the principle elevation. Views from rear windows from Church Road, from the Bell Rock itself or from the rear windows of properties on Rams Valley will reveal the solar installation but given the type panel, the current view of the floor roof and fire escapes, it is not considered that the installation should result in significant harm to the significance of this listed building or the limited contribution of its setting.

The proposal also includes the replacement of modern style timber casements on the rear wing and its replacement on a like-for-like basis with a upvc material window. Given that this wing is a 1970s extension it is not considered that it has any architectural or historic interest. Whilst generally buildings within a conservation area should seek to preserve or enhance the character of the area, the windows in question are not publically visible and a replacement in the same style is not considered to be harmful to the character or significance of the listed building overall, particularly given the intention to improve the efficiency of the building. Had this rear wing of the hotel formed part of the original structure then such a change would be resisted. As this is an extension that post-dates the listing, it is not considered that it forms part of the special character of the site.

Wider impact upon the Character of the Conservation Area

As set out above there will be limited visual impact of the solar installation. In total there will be 40 photovoltaic panels sited on an existing flat roof to the rear of a grade II listed building. Visually there will be no wider views of the installation, and although there are views over Hugh Town from the Garrison and more closely from Buzza Hill/Buzza Tower, there will not be any particular views of this site due to the surrounding buildings. The proposal will therefore preserve the character of the conservation area.

The change to windows on the rear wing, which are of a modern casement style would not have an impact upon the wider character of the area.

Other considerations

Depending on the time of year the system would run at 0.87 with an estimated output of 5415kw/h, due to shadowing. The installation is expected to be financially beneficial for the Bell Rock Hotel by

generating all of its power needs including income from feeding some energy back into the grid. This reinforces both green tourism for the islands and more widely reduces the islands carbon footprint in line with Policy 6 of the adopted Local Plan and policy SS8 of the emerging Draft Local Plan.

There will be no impact upon the privacy and amenity of neighbouring properties, highway safety or the natural environment.

Conclusion

The proposal is considered to be acceptable without harming the significance of the Bell Rock, as a designated heritage asset, or its special architectural character or interest. The proposal is not considered to be harmful to the wider character of the conservation area and the impact of the proposal has been assessed as neutral. The proposal is therefore recommended for approval.

Conditions

P/19/080/FUL

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved details only including:
 - Proposed Roof Solar Panels and Windows, Drawing Number: BR-SP-2a, dated November 2019 and date stamped 19 November 2019
 - Paradise Power Systems Ltd – Solar Specification document, Date Stamped 19 November 2019

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

3. The solar photovoltaic panels hereby approved shall be permanently removed upon redundancy for their dedicated purpose and the building reinstated to its former condition within a period of six months unless otherwise agreed in writing by the Local Planning Authority. Reason: The solar photovoltaic panels [and equipment] have been permitted for a dedicated purpose and, if no longer needed, should be removed from this part of the Islands in the interests of the visual amenities of the area.
4. The solar photovoltaic panels hereby approved shall be permanently removed upon redundancy for their dedicated purpose and the building reinstated to its former condition within a period of six months unless otherwise agreed in writing by the Local Planning Authority. Reason: The solar photovoltaic panels [and equipment] have been permitted for a dedicated purpose and, if no longer needed, should be removed from this part of the Islands in the interests of the visual amenities of the area.


P/19/081/LBC

1. The development hereby authorised shall be begun not later than three years from the date of this consent. Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved details only including:
 - Proposed Roof Solar Panels and Windows, Drawing Number: BR-SP-2a, dated November 2019 and date stamped 19 November 2019
 - Paradise Power Systems Ltd – Solar Specification document, Date Stamped 19 November 2019

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Listed Building and Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

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Reason: The solar photovoltaic panels [and equipment] have been permitted for a dedicated purpose and, if no longer needed, should be removed from this part of the Islands in the interests of the visual amenities of the area.

Signed: 	Dated: 13/01/2020	Signed:	Dated:
Planning Officer		Senior Manager	

Monitoring – Case Officer – Don’t forget to complete and enter into the Monitoring Table:

Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

Promoting a Sustainable Scilly										
	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)	1, a, b, g							1 a, b, e, g		
Contrary to (tick)										
In accordance with (tick)	✓							✓		
Our Outstanding Environment										
	OE1	OE2	OE3	OE4	OE5	OE6	OE7			
Clause/Part (State)							6 a			
Contrary to (tick)										
In accordance with (tick)							✓			
A Strong Living Community										
	LC1	LC2	LC3	LC5	LC5	LC6	LC7	LC8	LC9	
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										
A Strong Working Community										
	WC1	WC2	WC3	WC4	WC5	WC6				
Clause/Part (State)										
Contrary to (tick)										
In accordance with (tick)										

Monitoring	Yes	No
Sustainable Design Measures required		✓
Provided		
Conditioned		
Site Waste Management Plan Required		✓
Provided		
Conditioned		
Biodiversity enhancements required		✓
Provided		
conditioned		