

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/20/038/COU

Received on 5 June 2020

UPRN: 000192000598

Application Expiry date: 3 August 2020

Neighbour expiry date: 1 July 2020

Consultation expiry date:

Site notice posted: 10 June 2020

Site notice expiry: 1 July 2020

Applicant: Mr. Nigel Wolstenholme

Site Address: Tregarthen's Hotel
Garrison Hill
Hugh Town
St Mary's
Isles of Scilly
TR21 0PP

Proposal: Change of use of 16 hotel bedrooms from Use Class C1 (Hotel) to 4 self-contained restricted holiday letting units Use Class C3 (Dwelling) with associated internal works to hotel rooms 41 and 42 with revised fire escape.

Application Type: Change of Use

Recommendation

1. That the Application is APPROVED for the following reason and subject to the condition set out below.

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 current application is for a change of use of 16 hotel bedrooms from Use Class C1 (Hotel) to 4 self-contained restricted holiday letting units Use Class C3 (Dwelling) with associated internal works to hotel rooms 41 and 42 with revised fire escape.

All of the plans and details submitted with this application together with consultation responses can be found online in the **link (1)** below.

Constraints

Scheduled Monuments:

DESIGUID: DCO603. NAME: POST-MEDIEVAL BREASTWORK, CURTAIN WALL AND ASSOCIATED DEFENSIVE STRUCTURES ON THE PERIPHERY OF THE GARRISON, ST MARY'S

Listed Buildings:

Multiple (Spatial)

Archaeological Constraint Areas:

Name: The Garrison. Island: St Mary's

HER Findspots:

Name: THE GARRISON - Post Medieval curtain wall. Period: Post Medieval

Historic Landscape Character:

Multiple (Spatial)

Background and Relevant History

Detailed planning history is set out in the committee report P/18/031/FUL. This is online in the **link (2)** below.

Consultations and Representations

A site notice has been on display in the vicinity of the application site for a period of 21 days (10/06/2020 – 01/07/2020). Neighbouring properties and previous objectors have been written to directly. One representation has been received and the material planning considerations raised will be addressed in the Planning Assessment below.

Neighbour Consulted	Response Received	Comments
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	(Date)	
Garrison House, The Garrison	none	n/a
Calico Jack The Bank	none	n/a
Gibsons Cottage The Bank	none	n/a
Pier House The Bank	none	n/a
Flat 1 Quay House	none	n/a
Flat 2 Quay House	none	n/a
3 Garrison Hill	none	n/a
The Old Cottage Garrison Hill	none	n/a
Harry's Lookout 31 Garrison Lane	none	n/a
The Guard House The Garrison	none	n/a
Gunners Well The Garrison	None	n/a
Lyndhurst, Church Street, St Mary's	24/06/2020	<p>As the owner of the Old Cottage, Garrison Hill, and Harry's Lookout, 31 Garrison Lane, which are directly opposite the proposed alterations, with one being a holiday home I am objecting to the proposed timing of the work.</p> <p>Please see my concerns and reasons for the objecting to the timing of the work below:</p> <p>Any building work undertaken here during the holiday season will obviously be inconvenient to my guests staying at Harry's Lookout. I believe this could significantly affect their overall holiday experience.</p> <p>I'm concerned that any work during the holiday season will affect the entrance to the Garrison through the Garrison Gate. This is already a pinch-point for both traffic and pedestrians who wish to access the Garrison. Apart from the Sally Port entrance, this is the only access to the Garrison.</p> <p>If you agree to any building work during the main holiday season you will be setting a precedent for any future development at that time of year in the future.</p> <p>Please can you inform me of the situation with regards to the proposed lighting on the outside of the development in an earlier application as I can't find the outcome?</p>

Due to the nature of this application, we have directly consulted with Cornwall Fire and Rescue. They have sent through comments set out below.

Consultee	Response Received (Date)	Comments
Cornwall Fire and Rescue	16/06/2020	<p>ACCESS FOR FIRE APPLIANCES</p> <p>Access for fire appliances within the site will be considered satisfactory providing it complies with Part B5 of Approved Document B, Vehicle Access.</p> <p>WATER SUPPLIES</p> <p>Adequate water supplies for Firefighting purposes will be achieved by complying with the requirements as detailed in the attached guidance note W102. The proposed water supplies for</p>

		<p>firefighting purposes within the site do not appear to be satisfactory.</p> <p>Residential Sprinklers</p> <p>Cornwall Fire and Rescue Service support the provision of domestic sprinklers into all new residential developments. These should be installed to BS9251 and will reduce the risk to life and significantly reduce the degree of damage caused by fire. This consideration if implemented will enhance the safety of the occupants and any attending firefighters whilst providing property protection and maintaining the buildings continuity. Important: We strongly recommend the installation of 32mm pipe (communication pipe) between the water main and all domestic premises to allow for the provision of fire sprinkler system to be installed in the future.</p> <p>Should you require any further assistance please do not hesitate to contact this department.</p>
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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 2017

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.

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.

Paragraph 83 requires planning policies and decisions to enable the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and through well-designed new buildings.

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. Paragraph 194 sets out clearly that any harm to, or loss of, the significance of a designated heritage asset would require clear and convincing justification.

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposals 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 conservation or enhancement 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; and (b) Ensuring or facilitating the re-use of previously developed land and existing buildings for the economic, social and environmental benefit of the islands and local communities taking into account any environmental designations set out in Policy 1.

Policy 4 relates to Economic Development and seeks to promote employment and economic activity by providing opportunities for businesses to support viable communities. This identified that proposals based on the existing economic base of tourism, agriculture and fishing, as well as the distinctiveness of the islands, will be supported in the following cases: (a) where such development contributes to the further diversification and essential modernisation of the islands' economy; or (b) where it demonstrably improves the quality of existing tourist accommodation, including that of managed camping sites, or potentially extends the length of the tourist season; or (c) where there is a change of use for a larger hotel or guesthouse (in excess of six bed spaces) to another form of tourist accommodation, provided it retains a residential unit for permanent occupation and does not result in an imbalance of the type of accommodation available to visitors to the extent that it would harm the tourism status and character of the islands.

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". A **link (2)** to the design guide is set out below.

Submission Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the submission draft of the Local Plan set out a clear range of policies which apply to most development proposals, which are designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic (Policy OE7) environment. The new Local Plan has yet to be adopted by this Authority but overall most Policies remain unchanged and can therefore be afforded greater weight in planning decision making. Policy WC5 relates to the visitor economy and tourism development and Policy WC6 relates to safeguarding serviced accommodation. It is noted however, that at the Examination in Public of the emerging Local Plan, the Inspector challenged the these two policies and has made recommendations to merge elements of Policy WC6 into Policy WC5, on the basis that it wasn't clear why retaining serviced accommodation was important to the islands or why such onerous justification was required. Some modifications are therefore required to these policies and as such less weight is afforded to them in planning decision making, ahead of formal consultation. A **link (3)** to the draft Local Plan is set out below. The draft Local Plan also contains the other specific policies relevant to this proposal:

Policy SS1 (Principles of Sustainable Development): requires development to make a positive contribution to the social, economic and environmental needs of the Isles of Scilly in a manner that does not compromise the ability of future

generations to meet their own needs and to enjoy the islands outstanding environment. Development will be required to respond to climate change and avoiding development of land for vulnerable uses where there is a risk of flooding.

Policy SS2 (Sustainable Quality Design and Place-Making): requires new development design to contribute to the creation of high quality, distinctive, functional and sustainable places. Development will not be permitted if it is considered to be of poor or unsustainable design. Development proposals that involve the construction or conversion of buildings will need to be supported by a Statement of Sustainable Design Measures (SDM) as well as a Site Waste Management Plan (SWMP).

Planning Assessment

The main planning issues are considered to be whether the proposal would accord with the adopted Local Plan (2005) and specifically Policy 4(c). This policy supports changes of use of larger hotels or guesthouses to another form of tourist accommodation, provided it retains a residential unit for permanent occupation and does not result in an imbalance of the type of accommodation available to visitors to the extent that it would harm the tourism status and character of the islands. Although acknowledging that it cannot be given full weight in planning decision making, Policy WC5 also supports proposals for new or upgraded tourism developments.

Policy WC5 specifically sets out that such proposals will be supported where (a) it makes a positive contribution to the provision of high quality sustainable tourism on the islands; and (b) it is located in a sustainable and accessible location; and c) it is appropriate to the site and its surroundings in terms of activity, scale and design; and d) does not result in an unacceptable impact on the environment or residential amenities, in accordance with other relevant policies in the Local Plan; and e) in the case of conversions, do not result in the loss of homes that would otherwise be available for permanent occupation, unless there are wider public benefits demonstrated to offset the loss of permanently available homes.

It is considered that in light of both the adopted Local Plan and the intention of the emerging Local Plan, the loss of serviced accommodation requires some consideration as to the particular impact upon the islands. Specifically, whether the loss of 16 serviced hotel rooms and the delivery of 4, 2-bedroom self-catering units will have a particular harmful imbalance on the type of tourism accommodation available for visitors. The emerging Local Plan seeks to ensure

that such development proposals make a positive contribution to the provision of high-quality sustainable tourism on the islands

In considering the issue of retaining a balance of types of tourism accommodation. As the Council is no longer responsible for Tourist Information, there are no Council specific reports or assessments as to the amount or type of tourism accommodation available on the islands. The management of Tourist Information was transferred to the Islands Partnership in 2014. The Islands Partnership carry out annual visitor surveys. The most recent report available is from 2018. Although not available online it has been sent to the Council for information and shows that between 2014 and 2018 self-catering accommodation was used by over half (52%) of those completing the survey. It is apparent from the results of this survey that hotels generally provide the type of accommodation used by visitors on 'short breaks' and those visiting during the 'off-season' between October and March.

Although this report provides a good level of detail and analysis, it is noted that it is based on those completing the survey only. Whilst this provides a good degree of understanding of the types of accommodation booked and for what reason and when, it does not present a complete picture of the changing demands of tourism on the islands. Officers are not aware of Isles of Scilly specific research on what types of tourism accommodation constitute, high quality sustainable tourism. This lack of justification, to disproportionately protect serviced accommodation in Policy WC6 is the reason for the Inspectors modifications to the emerging Local Plan. Which is why currently Officers are not assessing this proposal in accordance with the emerging Policies, but rather have focussed on Policy 4 of the adopted Local Plan. The success or otherwise of any tourism accommodation will depend on whether it is a type of accommodation 'in demand' and 'available' for those wishing to visit the islands for whatever reason.

Currently Tregarthens Hotel provides a bar and restaurant facility, function room space as well as 32 serviced hotel rooms and 6 self-catering suites (with 2 more already permitted). This proposal will see the serviced hotels rooms decrease to 18 and the number of self-catering suites increase to 12. The application states that it is the applicant's ambition to modernise the hotel to become more sustainable to meet customer requirements. "The intention is to create a more luxurious small boutique hotel with a higher proportion of serviced self-catering accommodation as the primary income generator for the business". This is based on the success in letting out the self-catering cottages. On this basis it can only be concluded that the self-catering suites at Tregarthens Hotel are currently delivering a type of accommodation that is in demand by visitors of the Hotel. If these were not successful, then it is unlikely that the owners of Tregarthens would seek to invest in more self-catering suites.

There is of course, the point about retaining a balance of accommodation. This is the intention of the emerging Policy WC5/WC6. Clearly servicing hotel suites is more labour intensive, particularly when considering the cleaning and room servicing requirements and the fact that they are more likely to be used for short breaks (resulting in a higher turnover of room cleaning). These not only provide the short-break options but are also likely to provide more local employment. From the visitor survey it can be concluded that a decline in hotel rooms offered across the islands, could lead to a decline in short-break visitors, or those visiting out of season. With the need for less staff, it can also be concluded that it has a less beneficial effect for providing local employment. It has to be assumed however that gaps within the tourism market, where there is a clear demand for a service not offered, would be filled in the long term. It is noted however that the proposed change of use now sought at Tregarthens would seem to suggest that there is a decline in demand, particularly for the level of accommodation currently offered by the applicant. To insist that this particular establishment retains its serviced hotel rooms, where it has seen a decline and where there is a clear intention to invest overall in the tourism that is offered, would seem to be unreasonable in this case. There is a clear intention to retain the Tregarthens brand of tourism accommodation on St Mary's.

In relation to the employment effects of the proposal, then it is noted that Tregarthens has struggled to find sufficient and adequate staff accommodation due to the reliance of recruiting staff not already housed on the islands, and on this point, its decrease in staffing needs, is not considered a strong issue on which the proposal would be assessed negatively.

Tregarthens have provided additional clarification in relation to the proposed change of use and have stated that the corridor rooms, proposed to be converted in this current application, are always the last rooms to be let-out and are let at a discount to corporate stayers or to the groups and tours market. It is noted that even at these rates they offer very poor value for money for the size of room and aspect (no sea views), creating a poor customer experience and frequent complaints (they compare very poorly to a Premier Inn Room in Penzance for example). The 8 rooms that overlook the Garrison wall (18, 19, 20, 21, 23, 24, 25 and 26) offer the worst experience - in 2019 main season these rooms were allocated only 258 nights, out of a potential 1712 nights, an occupancy rate of 15%. The Corridor Rooms in the main block as a whole averaged some 25% occupancy. The Hotel's cottages conversely averaged 82% occupancy in 2019. The main block converted to four cottages and let as per the 2019 statistics, would generate 2,808 person nights. Those same rooms, remaining in their unsatisfactory format, will generate only 1,849 person nights. This is a case of

“less being more” where this conversion should generate a 150% improvement for use and increase the tourist spend more broadly.

As the case made by the applicant suggests, the shift away from serviced accommodation proposed is the result of balancing both the increased demands for self-catering suites, that are part of a wider hotel offer, and the decline in demand for the more traditional hotel bedroom arrangement. This together with the overheads and staff costs of retaining serviced hotel bedrooms is likely to be a driving factor behind this application. Coming back to local planning policies, however, then the adopted Local Plan advocates support for changes of use providing there is the retention of a unit for permanent occupation and it does not result in an imbalance of the type of accommodation available to visitors, to the extent that it would harm the tourism status of the islands. On this part of Policy 4, Officers are aware that Tregarthen’s has secured the use of the Woolpack Battery, which it has secured for staff accommodation needs. Officers are also aware of other hotels on St Marys, who retain serviced hotel bedrooms as well as a number of guesthouses. There is no clear evidence to suggest that the proposal will lead to an imbalance in the type of accommodation available to visitors. The hotel will still retain 18 serviced hotel bedrooms. It is not considered that the 4 self-catering apartment suites proposed would not harm the tourism status of the islands. It is considered that the proposal would accord with Policy 4 of the adopted Local Plan and would align with the general requirements for tourism developments of the emerging Local Plan Policy WC5.

Impact upon the Historic Environment (Conservation Area)

The proposal relates to a prominent and well-established Hotel. This site comprises of a mixture of buildings of various ages, designs and styles that are situated close to the Garrison Wall (Listed Building and Scheduled Monument). The site is also on a prominently sloping site, close to the quay (a Listed Building) within the Isles of Scilly Conservation Area, close to the core of the historic built environment that makes up Hugh Town. The site is also within the Isles of Scilly Area of Outstanding Natural Beauty and Heritage Coast designations. The proposal relates to a material change of use of the hotel including internal works. Externally the proposal involves changing some of the existing windows to doors and repositioning of an existing door, these are on the south, Garrison Lane elevation, and are generally at ground floor or lower ground floor and are hidden behind an existing boundary wall. To the north the proposal already has permission to change first floor windows to doors and utilise an existing flat roof to construct an area of outdoor seating. The current proposal retains these changes but reduces the size of each balcony associated with each apartment. Each balcony is shown to be enclosed with opaque glazed balustrades.

Whilst none of the buildings within the site are listed or scheduled, the site is already very close to the Garrison Wall, which is a Scheduled Monument and

Listed Building. The application proposes no new buildings, that could obscure this important feature. Details of the balustrades were previously conditioned, and it is considered necessary for these clear details to be agreed by condition in this current proposal. Generally, the changes to windows and doors will not have a greater impact upon the adjacent features and the changes now proposed do not propose any changes to the position or size of the openings. The proposal does reduce the size of previously approved balconies, but with a slight extension on the westerly side to enable the connection of a new means of fire escape. As noted by the applicant this will not attach to the Garrison Wall but will be structurally supported off the wall of the Hotel building. It is considered that clear construction details should be provided of this feature, to ensure no harm to the adjoining Garrison Wall. Subject to these details it is not considered that the reduced size of the balconies and the addition of a fire escape, which will be largely hidden between the hotel building and the garrison wall, will not give rise to a loss of significance or harm the fabric of this designated heritage asset.

Overall the changes to exterior of this building will result in improvements to windows and doors and although aluminium frames will be used, as currently, these will be powder-coated and finished in white, which will give the effect of painted timber finish. The previous application in 2018 did already approve the new pedestrian gate along Garrison Lane and the details of this have recently been approved in a Discharge of Condition application (P/20/029/DIS). Overall, in terms of the scenic beauty and natural environment of the AONB, the character and appearance of the Conservation Area and the setting of the adjacent Garrison Wall and nearby Quay, the proposal is considered to have a positive to neutral effect and will not give rise to any harm to the historic environment or the setting of designated heritage assets.

Impact upon the wider Natural Environment

All works relate to an existing building and are generally internal and as such it is not considered necessary to assess the wider natural environment implications of the proposal.

Impact upon Neighbouring Amenity

In terms of amenity issues then the main impact that could arise, relates to the external alterations along Garrison Hill. The proposal will see the removal of an existing doorway. This doorway provides access to an area of outdoor space, as well as a gated access on to Garrison Hill. This door and external access will be removed, with the door being re-positioned to the side of this existing building. On the main building, also along Garrison Hill, an existing gated access has already been approved but the conversion of the 16 bedrooms to 4 self-catering suites, now proposed, will require changes to doors and windows. On the ground floor, and behind the existing boundary wall, there will be 4 existing windows, converted to doors, which will provide the self-catering suites with an

independent means of access, separate to the main hotel access. The proposal will therefore see a net-gain of 4 points of pedestrian access along Garrison Hill. This could lead to some localised disturbance for neighbouring properties.

To the south neighbouring properties are located on the opposite side of the road on Garrison Hill. The proposed doors to the south side will enable the movement of guests into and out of each apartment of up to 4 family groups. This is not an insignificant change to the existing arrangements which currently sees guests moving through the two existing points of access only. These are located lower down Garrison Hill and from the Mermaid Carpark. These proposed arrangements to the south do not provide any outside amenity space, and the doors provide access into and out of the accommodation only. Outside amenity space is restricted to the north side only, with small balcony areas already approved in 2018 being slightly reduced in size in this current application. Additionally, the 4 doors proposed will be set below the existing boundary wall and will align primarily with a junction in the road where Garrison Lane meets Garrison Hill, close to the Garrison Arch, which is already a well-trodden pedestrian route for visitors. It is not therefore considered that the change from windows to doors on this south side of the building, will give rise to significant harm to the amenity of nearby residential properties.

To the north and west properties are located on the other side of the Garrison Wall. The closest is the Guardhouse, which is a holiday let. This property is roughly parallel with the part of the hotel, proposed to change. It has views over Tregarthens Hotel and has an outdoor garden area that overlooks the balcony areas. There is also a property, not a holiday let, in an elevated position further to the north of the site (again on the opposite side of the wall), this is in excess of 30m to the north. It is noted that although the balconies were approved in 2018, these were serving serviced hotel rooms and not 2-bedroom apartments. The proposal therefore could see more people out in an area, overlooking the north side of the site. They are however located at ground floor, and no additional balcony features are proposed for the first floor of these rooms. It is considered that the proposed x4 smaller balconies, serving the apartments will not give rise to any significant impacts upon neighbouring properties.

Overall the proposed changes to the windows and doors, the reduction in size of balconies to the north side are not considered to give rise to significant impacts upon the privacy or amenity of existing neighbouring properties.

Impact upon Infrastructure

The proposed changes relate to an existing building and 16 existing hotel bedrooms each with an en-suite bathroom. It is proposed to replace these 16 hotel rooms with 4x 2-bedroom apartments. Each apartment will have 1 kitchen,

and 1 ground floor toilet and two first floor en-suite bathrooms. The 16 bathrooms therefore will be replaced with 8 en-suite bathrooms in total, 4 ground floor wc toilets and 4 kitchens. It is not considered that the change will give rise to a significant increase in use of the hotel's existing foul drainage system or water supply. Particularly when considering the 32 bed spaces (that could be accommodated in 16 bedrooms) versus the 16 bed spaces of the 4 apartments. The proposed change is not considered to increase in the use of water supplies or foul drainage.

Waste and recycling associated with each apartment would be handled with the non-domestic/commercial waste streams as currently handled as part of Tregarthens Hotel waste management. In terms of the short-term management of construction waste, then it is noted that no Site Waste Management Plan has been provided to set out the clear management of waste items, including re-use, recycling or how waste streams will be managed. This is required in order to comply with Policy SS2(2). It is considered, however that as this is an existing building, which does not require demolition works or significant new building works, this can be managed through a pre-commencement condition.

Other Issues

It is noted that Cornwall Fire and Rescue have raised concerns that the proposed water supplies for firefighting purposes within the site do not appear adequate. In response to this the applicant has considered the note from the CFR and does not consider this to be an issue for planning as the water supply for the 16 hotel rooms is the same as that proposed for 4 self-catering units. There is no change in this regard. This proposal effectively halves the potential occupancy, thereby securing an improvement over the current provision. The proposal is a conversion not a new build therefore there will be no change to water supply. Sprinkler mains need to be unimpeded (by meters etc) and it is not part of the proposal to introduce a new sprinkler main given this is not a new build. The proposal will meet building regulations for fire safety.

One letter of representation has been received from a local resident who owns two properties on Garrison Hill. This letter raises concerns about the timing of works giving rise to inconvenience to guests staying at neighbouring holiday let properties. It will impact upon access to the Garrison, which is already a pinch-point for pedestrians and vehicles. In response to this issue, it is noted that previously the works approved under P/18/031/FUL which was for a significant amount of construction works, were conditioned to avoid the main tourism season. This condition was recently partially relaxed (June 2020 Full Council meeting) in light of the COVID-19 pandemic and Government instructions to assist the construction industry. The largest parts of that proposal remain restricted to the 'off season'. It is considered that the aspects of work connected with this current proposal would not, either in isolation or in combination with

other permitted works, give rise to a significantly adverse impact upon the local environment , to the extent that would necessitate a restriction of the works to the off-season.

On the south side, which would be the Garrison Hill elevation facing the majority of neighbouring properties, then the works to the new pedestrian gate have already been approved and other than windows and doors, the proposed works are primarily internal. To the north elevation there would be the changes to the windows, construction of the balustrades and associated works to the outside seating areas, above the existing flat roof, as well as the new fire escape to the west side. It is not considered that these elements are sufficiently concerning, in terms of noise generation for neighbouring properties, that would suggest a condition restricting implementation to the off-season would be required.

In relation to the issues raised in relation to external illumination. The proposal does not include any external illumination. The representation has picked up reference to external illumination from the Heritage Impact Assessment. This references an earlier application which did initially include external illumination (which was also subsequently taken out of that earlier proposal). This (Historic Environment) document was submitted to demonstrate the impact of the proposal upon the historic environment. The applicant has confirmed that external illumination is not part of the current application. In order to ensure the applicant is clear that any new external illumination would require consent, as this would be contrary to emerging Policy OE4, without clear justification, a condition is recommended on the basis of protecting the dark night skies of the islands.

Conclusion

It is noted that the proposals although overall will reduce both serviced hotel accommodation and the number of bed spaces that would be available for visitors, this is balanced with the multiple issues of meeting the changing demands of visitors towards a self-catering market, the need to balance the impact upon the designations and heritage assets as well as the delicate infrastructure of the islands water supplies and processing of foul water. The changes now proposed have been assessed as acceptable and would accord with the Isles of Scilly Local Plan and the National Planning Policy Framework.

Recommendation

For the above reasons this application is recommended for approval, subject to the conditions set out below.

Other implications

Due to the application being located in a sensitive environment, as denoted by the AONB, the application has been screened for environmental impacts through

an Environmental Impact Assessment, Screening Opinion. This screening concluded that the development proposed does not constitute EIA development requiring an Environmental Statement.

The planning application engages certain human rights under the Human Rights Act 2008 (HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life, are not considered to be unlawfully interfered with by this proposal.

Links

1. **The application details submitted:** <https://www.scilly.gov.uk/planning-application/planning-application-p20038>
2. **Full Council Report for P/18/031/FUL:** <http://committees.scilly.gov.uk/documents/g1079/Public%20reports%20pack%2007th-Aug-2018%2018.30%20FULL%20COUNCIL.pdf?T=10> (agenda Item 9)
3. **Isles of Scilly Design Guide (2007):** <https://www.scilly.gov.uk/sites/default/files/document/planning/Isles%20of%20Scilly%20Design%20Guide.pdf>
4. **Emerging Isles of Scilly Local Plan (2015 – 2030):** https://www.scilly.gov.uk/sites/default/files/Submission%20Isles%20of%20Scilly%20Local%20Plan%20Local%20Plan%202015%20-%202030%20July%202019_3.pdf
5. **Six Tests for Planning Conditions:** <https://www.gov.uk/guidance/use-of-planning-conditions>

Appendix 1 – Conditions

- C1 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).
- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:**
- Location Plan and Block Plan 1:125 and 1:1250, Drawing No:1532/ PL01 Rev A
 - Proposed Elevation 1 of 2, Drawing No: 1532/PL09 Rev B
 - Proposed Elevations 2 of 2, Drawing No: 1532/PL10 Rev B
 - Proposed FF Plan, Drawing No: 1532/PL08 Rev B
 - Proposed GF Plan, Drawing No: 1532/PL07 Rev B
 - Proposed Section, Drawing No: 1156/PL11 Rev B
- 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, Scheduled Monument, Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the Isles of Scilly Local Plan 2005.

- C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800- and 1800-hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of neighbouring properties.

DETAILS OF BALUSTRADES and Fire Escape

- C4 Prior to the installation of the balustrades and fire escape walkway, hereby approved, precise details, to include large scale drawings, of the design and materials to be used in their construction and method of attachment of the fire escape walkway, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.**

Reason: To safeguard the visual amenity, setting, character and appearance of the adjacent Garrison Wall, which is a Listed Building, Scheduled Monument in accordance with policies 1 and 2 the adopted Isles of Scilly Local Plan 2005 and policies OE7 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

Removal of Permitted Development Rights: External Illumination

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), (or any order revoking or re-enacting that Order) prior to installation, details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting shall thereafter be installed in accordance with the agreed details.**

Reason: To protect the amenities of the locality, including that of neighbouring residential properties and to protect the amenities of this rural area and preserve the dark night skies of the Isles of Scilly and the Garrison Dark Sky Discovery Site (Milky Way Class) in accordance with Policy OE4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

OCCUPANCY RESTRICTIONS

- C6 Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 2007, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only in connection with Tregarthens Hotel and for no other purpose, including any other purpose within Class C3 of the Order. The self-catering holiday-lets, hereby approved, shall be retained in the freehold ownership of the Hotel. The accommodation shall not be occupied by any persons for a total period exceeding 42 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority on request.**

Reason: The proposed self-catering apartments form part of the wider hotel complex of Tregarthen's Hotel and are not provided with independent amenities including access or car parking. Separate or independent occupation of the of any self-catering units would require further assessment as this proposal has been justified only on the basis of hotel diversification only. Any separation of the accommodation would require further assessment in accordance with policies 1, 2, 3 and 4 the adopted Isles of Scilly Local Plan

2005 and policies LC1 and LC4 of the Submission Draft Isles of Scilly Local Plan 2015-2030.

SUSTAINABLE DESIGN MEASURES

C7 Prior to the commencement of the development hereby permitted a detailed scheme indicating the sustainable design measures to be incorporated into the proposal shall be agreed in writing with the Local Planning Authority. These details should include details for any water and energy saving measures and for the 4 self-catering apartments, hereby approved, which shall meet a water efficiency requirement of 110 litres/person/day. The sustainable design scheme shall be implemented in strict accordance with the details as agreed prior to the occupation of the development hereby permitted.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the original application but are required to ensure the development minimises the impact upon the infrastructure of the islands. In accordance with Policy 6 of the adopted Isles of Scilly Local Plan 2005 policies SS1 and SS2 of the Submission Draft Isles of Scilly Local Plan 2015-2030

PRE-COMMENCEMENT CONDITION: Site Waste Management Plan

C8 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, including excess material from excavations, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.

Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application but are required to fully understand the impact upon landscape and management of waste, to be submitted and agreed by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by uncontrolled mineral extraction or the tipping of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan (2005) and Policy OE5 and Policy SS2(2) of the Submission Draft Isles of Scilly Local Plan (2015-2030).

Print Name: Lisa Walton

Job Title: Senior Officer, Planning and Development Management

Signed:



04/08/2020

Authorised Officer with Delegated Authority to determine Planning Applications

Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table: Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring

	SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	SS9	SS10
Clause/Part (State)		1. a), b), c), d), K)iv and 2),				d)				
Contrary to (tick)										
In accordance with (tick)		✓				✓				

Our Outstanding Environment

	OE1	OE2	OE3	OE4	OE5	OE6	OE7
Clause/Part (State)							(5), (6) (7)
Contrary to (tick)							
In accordance with (tick)							✓

Strong Living Community

	LC1	LC2	LC3	LC4	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)					1	
Contrary to (tick)						
In accordance with (tick)					✓	

Application Number:	P/20/038/COU	
Valid Date	08/06/2020	
Date Decision Issued	04/08/2020	
Approved	Refused	Withdrawn
DEL/LMP: 04/08/2020		COMM

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