

# Council of the Isles of Scilly Delegated Planning Report Other application

**Application Number:** P/23/008/COU & P/23/009/LBC

**UPRN:** 000192000941

**Received on:** 27 January 2023

**Valid on:** 6 February 2023

**Application Expiry date:** 3 April 2023

**Neighbour expiry date:** 7 March 2023

**Consultation expiry date:** 8<sup>th</sup> March 2023

**Site notice posted:** 14 February 2023

**Site notice expiry:** 7 March 2023

**Applicant:** Mr & Mrs Hicks

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

**Proposal:** Conversion of 3 serviced guest bedrooms to 1 self-contained holiday letting flat. (Listed Building)

**Application Type:** Change of Use & Listed Building Consent

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**Recommendation: Approve**

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## **Summary Conditions:**

1. Standard time limit
2. Adherence to plans
3. Hours of Operation for Construction Works
4. Site Waste management Plan
5. Holiday let use only

**Extension of time agreed until:** 14/04/2023

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## Reason for Delegated Decision

No Councillor has requested that the application come to the Full Council. The decision defaults to the level of Delegated:

- Not a Councillor ✓
- Not a Senior Officer (or Officer with influence over planning Decisions) ✓
- No relation to a Councillor/Officer ✓
- Not Major ✓
- Not Council's own application ✓
- Not a departure from the Development Plan ✓
- Not Called in ✓

### Lead Member Planning Agreed

Name: Dan Marcus

Date: 24/03/2023

## Site Description and Proposed Development

The application site comprises a large mid-terraced multi-storey hotel, with extensive enlargements and alterations. The main entrance is located midway down Church Street but the complex of buildings runs through onto Rams Valley where there is a rear access.

The hotel is a grade II listed building and 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.*

This proposal is to convert 3 of the 4 guest bedrooms (2 en-suite) into a self-contained, self-catering holiday let flat. The rooms are on the ground floor at the rear of the building in the 1960's/70's extension. The area is accessed via an external walkway from the main hotel and also from a gate onto Rams Valley. There would be no external alterations and only minor internal re-configuration of the rooms with small alterations to a modern wall.

The case made by the applicants is that guests prefer not to stay in the existing rooms as there is only external access and they do not give a great impression to new guests. They state that the number of guests accommodated would not change (4-5) and the self catering accommodation is popular for the flexibility it provides guests in using the hotel and having their own space. An existing second floor self catering flat is booked all year round.

**Certificate:** A

**Other Land Owners:** None

### Consultations and Publicity

The application has had a site notice on display for 21 days (14/02/2023–07/03/2023). The application appeared on the weekly list on 13<sup>th</sup> February 2023. Due to the nature of the proposal the following external consultations are required.

Consultee	Date Responded	Summary
Cornwall Fire & Rescue	-	-
Climate Adaption Scilly	1 <sup>st</sup> March 2023	Site not in flood zones so flooding should not be an issue at design levels used.
Lead Local Flood Authority	-	-
Environment Agency	-	-

### Representations from Residents:

Neighbouring properties written to directly:

- Marine House & White Cottage, Church Street
- Tradewinds & Captain's Cabin, Rams Valley

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

### Relevant Planning History:

There is no planning history under the current local plan, and although there is extensive planning history overall, set out below is the most relevant. These proposals were assessed under the 2005 Local Plan.

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.

P/19/080/FUL & P/19/081/LBC: 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) GRANTED JAN 2020

### Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Listed Building – Site is Grade II
  - White Cottage (Adjoining)
  - Lemon Hall – 20m
  - Penlee – 30m
  - Wharoonga – 40m
  - Methodist Church – 40m
- Archaeological Constraint Area – St Mary’s, Hugh Town - 40m
- Flood Prone Land – Adjacent to south

### Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	n/a
Is the parking and turning provision on site acceptable?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	y

<b>Amenity</b>	<b>YES OR NO</b>
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Y
Is the proposal acceptable with regard to any significant change or intensification of use?	y

<b>Heritage</b>	<b>YES OR NO</b>
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	Y
If within the setting of, or a listed building, <ul style="list-style-type: none"> <li>a) Will the development preserve the character and special architectural or historic interest of the building?</li> <li>b) Will the development preserve the setting of the building?</li> </ul>	Y
Within an Archaeological Constraint Area	N
<b>Other Impacts</b>	Y
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees <ul style="list-style-type: none"> <li>a) Will this be acceptable</li> <li>b) Can impact be properly mitigated?</li> </ul>	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	n/a
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	n/a
Are the Water connection/foul or surface water drainage details acceptable?	Y
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	N (not below 5m) but is adjacent to flood prone land
Are there external lights	n

<b>Protected Species</b>	<b>YES OR NO</b>
Does the proposal include any re-roofing works or other alteration to the roof	N
Does the proposal include any demolition	N

Does the proposal include tree or hedge removal	N
Is an assessment of impact on protected species required	N
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	N
Are biodiversity enhancement measures required	N
Is a condition required to provide biodiversity enhancement measures	N

<b>Waste Management</b>	<b>YES OR NO</b>
Does the proposal generate construction waste	Y
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	N
Does the proposal include a Site Waste Management Plan	N
Is a condition required to secure a Site Waste Management Plan	Y

<b>Sustainable Design</b>	<b>YES OR NO</b>
Does the proposal materially increase the use of the site to require additional sustainable design measures	N
Does the proposal include any site specific sustainable design measures	N
Is a condition required to secure a Sustainable Design Measures	N

<b>Listed Building Assessment</b>	<b>Yes or No</b>
Is there a need or justification for the works?	Y
Has it been demonstrated that the works cannot be addressed through repairs or lesser works?	Y
Have the proposed works been adequately justified with regard to the impact on the significance of the heritage asset and its character and appearance?	Y
Where materials or other details are indicated in the application are these acceptable or can they be adequately secured by condition?	Y
Has it been demonstrated that the proposed works will cause no substantial harm to the significance of the listed building?	Y
Having regard to your answers above, is the application considered to be acceptable?	Y

**Analysis:** Although the proposal relates to the reconfiguration of an internal space, the works relate only to a modern extension. I consider the Heritage Statement would not be adequate for any works or alterations to the original 'house' that became the Bell Rock

Hotel on the basis that it references no detail of the significance of the Bell Rock and records no important features, either culturally, historically or architecturally. The report does not identify any significant features and does not consult historic maps or the Isles of Scilly Historic Environment Records (HER).

Having reviewed the 1890s Ordnance Survey Maps for St Mary's, it is clear that the rear of the hotel complex was added at a later date and reviewing planning history – appears to have been added in the 1960s and 1970s. All of the works are internal only and do not impact upon the special character or historic interest of the Bell Rock Hotel as a Grade II Listed Building and do not result in any harm to its significance.

**EIA:** Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

**Proactive working:** In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is acceptable for planning approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This application has been considered in accordance with Sections 16, 17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Planning Policy:** Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 2021, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

### Isles of Scilly Local Plan, 2015-2030

Policy	Tick if Used ✓
Policy SS1 Principles of Sustainable Development	
Policy SS2 Sustainable quality design and place-making	
Policy SS3 Re-use of Buildings	
Policy SS4 Protection of retailing, recreation and community facilities	
Policy SS5 Physical Infrastructure	
Policy SS6 Water and Wastewater Management	
Policy SS7 Flood Avoidance and Coastal Erosion	
Policy SS8 Renewable Energy Developments	
Policy SS9 Travel and Transport	
Policy SS10 Managing Movement	
Policy OE1 Protecting and Enhancing the landscape and seascape	
Policy OE2 Biodiversity and Geodiversity	
Policy OE3 Managing Pollution	

Policy OE4 Protecting Scilly's Dark Night Skies	
Policy OE5 Managing Waste	
Policy OE6 Minerals	
Policy OE7 Development affecting heritage	✓
Policy LC1 Isles of Scilly Housing Strategy to 2030	
Policy LC2 Qualifying for Affordable Housing	
Policy LC3 Balanced Housing Stock	
Policy LC4 Staff Accommodation	
Policy LC5 Removal of Occupancy Conditions	
Policy LC6 Housing Allocations	
Policy LC7 Windfall Housing:	
Policy LC8 Replacement Dwellings and Residential Extensions	
Policy LC9 Homes in Multiple Occupation	
Policy WC1 General Employment Policy	
Policy WC2 Home based businesses	
Policy WC3 New Employment Development	
Policy WC4 Alternative Uses for Business/Industrial land and buildings	
Policy WC5 Visitor Economy and Tourism Developments	✓

Info Requirements	Submitted (LVC)	Not Submitted	Condition Required
Site Waste Management Plan	n		Y
Sustainable Design Measures	n		n
Biodiversity Enhancement Measures:	n		n

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

**Considerations under Human Rights Act 1998 and Equalities Act 2010:** The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report. In discharging their functions, must have “due regard” to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it



- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

**Recommended 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:**

- **Plan 1 Existing & Proposed Plans, Site Plan and 4289-01-A**
- **Plan 2 Heritage, Design & Access Statement Stamped Feb 6<sup>th</sup> 2023**

**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, Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy OE1 and OE7 of the Isles of Scilly Local Plan (2015-2030).

- C3 The self-catering, self-contained accommodation, hereby permitted, shall not be occupied at any time other than for the purposes of short-let holiday letting accommodation by guests of the Bell Rock Hotel and shall not be let, sold, leased or otherwise disposed of as a separate residential unit, or be occupied by any person for a period exceeding 28 days in any calendar year.**

Reason: The creation of an additional independent residential unit on the site, that is not for local need, would be contrary to Policies LC1 and LC2 of the Isles of Scilly Local Plan (2015-2030).

**PRE-COMMENCEMENT CONDITION: Site Waste Management Plan**


- C4 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 packaging and building material 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 ensure adequate consideration is given to the minimisation of unnecessary waste generation, and adherence to the waste hierarchy, in accordance with the requirements of Policy

SS2 (2) and Policy OE5 of the Isles of Scilly Local Plan 2015-2030.

- C5 No construction plant and/or machinery shall be operated on the premises, as part of the implementation of this permission, before 0800 hours on Mondays through to Saturdays nor after 1800 hours. There shall be no works involving construction plant and/or machinery on a Sunday or Public or Bank Holiday.**

Reason: In the interests of protecting the residential amenities of the islands.

<b>Print Name:</b>	Lisa Walton	12/04/2023
<b>Job Title:</b>	Chief Planning Officer	
<b>Signed:</b>		
	Authorised Officer with Delegated Authority to determine Planning Applications	