

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/012/ADV
Received on: 19 March 2019
Application Expiry date: 14 May 2019
Neighbour expiry date: 9 April 2019
Consultation expiry date: 9 April 2019
Site notice posted: 19 March 2019
Site notice expiry: 9 April 2019

Applicant: Mrs A Ellis
Site Address: The Farm Deli
Hugh Street
Hugh Town
St Mary's
Isles of Scilly
TR21 0LL

Proposal: Erection of 1300mm x 580mm x 42mm western red cedar wood sign with carved out 2mm raised graphics in black onto a sandblasted background

Application Type: Advertisement

Recommendation

That the Application is APPROVED

Contributors:**Public Representations:**

NONE

Consultation Representations:

NONE

Constraints:**Scheduled Monuments:** NONE**Listed Buildings:** NONE**Archaeological Constraint Areas:** NONE

Site Description and Proposed Development

The application site is located in Hugh Town, St Mary's. The property lies adjacent to the junction of The Parade, Silver Street, Garrison Lane and Hugh Street, at the eastern end of Hugh Street. The property is located with other commercial premises, as well as residential properties.

Conditional planning permission was granted for the change of use of the ground floor of the property to a mixed use A1 and A3: delicatessen and consumption of food on the premises in July 2005 under application reference P.5706.

The Farm Deli is a 2 storey building with dormer windows within the roof. A central door way provides access to the shop from the street at the ground floor. A large window lies either side of the entrance doors.

Description of Proposal

The application proposes a new timber fascia sign above the central doorway facing onto Hugh Street. The proposed sign would be provided with carved out 2mm raised graphics and this sign would replace the existing timber sign above the entrance door. No illumination for the sign is proposed and the sign would measure 1300mm by 580mm. The sign would sit approximately 3.5 metres above the level of the street.

Background and Relevant History

App. No.	Description	Date
P5706	Conditional approval for change of use of ground floor to mixed use A1 and A3: delicatessen and consumption of food on premises	21.07.2005
P/15/110	Conditional approval for advertisement consent for a replacement sign on shop frontage; cedar sign, green, white lettering	18.01.2016

Consultations and Representations

None

Primary Legislation and Planning Policy**Primary Legislation**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and Circular 03/07: Town and Country Planning (Control of Advertisements) (England) Regulations 2007. A Local Planning Authority shall exercise its powers under these Regulations in the interests of

amenity and public safety, taking into account the provisions of the Development Plan, so far as it is material, and any other relevant factors. The regulations advise that factors relevant to amenity may include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Factors relevant to public safety include the safety of persons using any highway, waterway, harbour or aerodrome; whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign or aid to navigation by water or air; or whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

The Planning (Listed Buildings and Conservation Area) Act 1990

The site is within a Conservation Area where there is a requirement to ensure that any development preserves or enhances the character or appearance of the area, as embodied in Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

The Countryside and Rights of Way Act 2000

The Isles of Scilly is also a designated Area of Outstanding Natural Beauty (AONB). The legal framework for such areas is provided by the Countryside and Rights of Way Act 2000. The Act places a statutory duty on the Local Authority to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it.

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

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

Planning Policy

National Planning Policy Framework (NPPF) 2019

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that Local Planning Authorities should have an up-to-date plan in place. The Council of the Isles of Scilly are currently working to a 2005 Local Plan, where policies have been saved until a new plan has been adopted. This 2005 Local Plan is not considered to be compliant with the 2004 Planning and Compulsory Purchase Act or the 2012/2018 NPPF and subsequent guidance (NPPG). The Council commenced a review of the 2005 Local Plan in 2015, with a public consultation on the scope of the new local plan. This work is now at a draft stage, which has gone through one further Regulation 18 Public Consultation and is supported by a raft of evidence on these issues. The Draft Local Plan 2015-2030 whilst it has only limited weight until it is formally adopted, is considered below.

Chapter 12 of the NPPF provides advice for achieving well-designed places. Under paragraph 132 the NPPF advises that the quality and character of places can suffer when advertisements are poorly sited and designed. The NPPF explains that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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

Isles of Scilly Local Plan 2005

Policy 1 relates to environmental protection and seeks to permit development proposal only where they respect and protect the recognised quality of the island's natural, archaeological, historic and built environment. Proposals should (a) conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the heritage coast, (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; and locally important biodiversity habitats, species and landscape features.

Policy 2 (Sustainable Development) states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) conserving or enhancing 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 5 (Transport) seeks to achieve and maintain an effective, affordable and accessible year round transport system.

Policy 6 (Infrastructure for Sustainable Communities) advises that development proposals, among other things, must, where appropriate, either improve existing infrastructure or impose no unsustainable burden upon it; ensure that water supplies, in terms of quality and quantity, can be adequately provided and that local water sources remain unharmed; and that in areas not served by a sewage system, development must connect to an approved treatment plant.

Isles of Scilly Design Guide (2007)

The Isles of Scilly Design Guide was adopted as a Supplementary Planning Document in 2007. This document provides important guidance to the design of development of the islands where planning permission is required.

Consultation Draft Isles of Scilly Local Plan 2015-2030

The emerging policies within the consultation draft of the Local Plan set out a clear range of policies designed to protect the landscape character (Policy OE1) as well as the natural (Policy OE2) and historic environment (Policy OE7). Policies provide principles for sustainable development and water

management. Specifically Policy SS2 (Sustainable Quality Design and Place-Making) states New development must be of a high-quality design and contribute to the islands' distinctiveness and social, economic and environmental elements of sustainability by (i) requiring sensitively designed adverts and signage that are appropriate and sympathetic to their local setting in terms of scale, design and materials.

The consultation draft Local Plan has not yet been adopted. At the time of writing this report, these policies can only be given limited weight.

Planning Assessment

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that a Local Planning Authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development and other relevant factors. In relation to amenity, this includes the general characteristics of the locality, including the presence of any feature of historic, architectural or similar interest.

Paragraph 132 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy SS2 of the draft Local Plan 2015 – 2030 requires that adverts and signage are sensitively designed adverts and signage, and are appropriate and sympathetic to their local setting in terms of scale, design and materials.

The Isles of Scilly Design Guide 2007 states that the design and placement of signage should be co-ordinated and minimised. Well-designed signage can make a positive contribution to the appearance of the street environment. Too much signage is both unsightly and confusing.

The sign proposed would be positioned on the principal elevation of the building. It would sit below the line of the first floor windows and above the main door in to the building, which is centrally located on the principle elevation. The position of the sign is considered to suitably respond to the fenestration and architecturally detailing of the building. The use of timber in the construction of the sign and the carved raised graphics see the use of a traditional, sustainable material that would be in keeping with the local vernacular. The detail, design and material of the proposed advert is considered acceptable and there would not be a detrimental impact on amenity, which includes the character and appearance of the Conservation Area.

Installations of signage should not interfere with the use of the highway or prejudice highway safety by distracting or confusing road users; or by causing dazzle, glare, etc., due to their size, detailing and/or proximity to the public highway. The proposed advertisement would be attached to the building and would not hang over, or impede, the public area around the building. There would be no illumination of the sign and the proposal is not considered to cause a detrimental impact on highway safety.



For the reasons outlined above the proposed advertisement is considered, on balance, to be acceptable. The application is therefore recommended for approval subject to appropriate conditions.

Conditions

1. *The advertisement hereby approved shall be displayed in accordance with the details submitted in support of the application.*
Reason: For the avoidance of doubt and to ensure the advert is displayed in accordance with the plans/drawings to which this consent relates.
2. *The advertisement hereby permitted shall not be illuminated.*
Reason: For the avoidance of doubt and in the interests of the visual amenities of the locality.
3. *Any advertisement displayed, and any site for the display of advertisement, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.*
Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.
4. *Any structure or hoarding erected or used principally for the purposes of displaying advertisements shall be maintained in a safe condition.*
Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.
5. *When the advertisement hereby permitted is required to be removed in accordance with the Town and Country (Control of Advertisement) (England) Regulations 2007, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.*
Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.
6. *No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as to otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).*
Reason: In accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

Informatives

1. Statement of Positive Engagement
2. Appeal

Signed: <i>J. White</i>	Dated: 30/04/2019	Signed: 	Dated: 30/04/2019	Signed: 	Date: 30/04/19
Planning Officer		CLOS Planning Officer		CLOS Senior Manager	