

Council of the Isles of Scilly Delegated Planning Report Other application

Application Number: P/23/039/ADV

UPRN: 000192000033

Received on: 14 June 2023

Valid on: 16 June 2023

Application Expiry date: 11 August 2023

Neighbour expiry date: **10 July 2023**

Site notice posted: 20 June 2023

Site notice expiry: 11 July 2023

Applicant: Mr Philip Moon On The Quay

Site Address: On The Quay
The Quay
Hugh Town
St Mary's
Isles Of Scilly
TR21 0HU

Proposal: Fix a metal laser cut On the Quay logo to the external wall of the building on the left hand side of the restaurant door, illuminated in a soft glow to ensure that it is visible during the darker hours of opening.

Application Type: Application to Display Adverts

Recommendation: Permit

Summary Conditions:

1. Standard time limit (5 years)
2. In accordance with approved plans
3. Shall not Impact Visual Amenity
4. Removal once no longer required
5. No other ADV without LPA consent
6. Brightness not exceeded

Reason for Delegated Decision

No councillors have requested that the case come to the Full Council. The decision defaults to the level of Delegated

- No relation to a Councillor/Officer
- Not Major
- Not Council's own application
- Not a departure from the Development Plan

Lead Member Planning Agreed

Name: Cllr D Marcus

Date: 04/07/2023

Site Description and Proposed Development

The proposal is a simple steel cut sign, to replace the menu box adjacent to the entrance to the restaurant. The intention is to backlight the sign with a static light of 54 candela/m².



Consultations and Publicity

The application has had a site notice on display for 21 days (20/06/2023 – 11/07/2023). The application appeared on the weekly list on 19th June 2023. Due to the nature of the proposal no consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

Harbour Master Office

Isles of Scilly Steamship Freight Office

[0] letters of objection have been received

[0] letters of support have been received

[0] letters of representation have been received.

Relevant Planning History:

P/21/026/LBC - Granted - Alterations to the second floor flat to include dormer window to increase head space for new shower room. Current lounge to be split into two bedrooms with an additional rooflight. (Listed Building).

P/21/025/FUL - Granted - Alterations to the second floor flat to include dormer window to increase head space for new shower room. Current lounge to be split into two bedrooms with an additional rooflight. (Listed Building)

P/19/004/ADV - Granted - Erection of menu display cabinet by entrance to restaurant and company logo transfer on balcony glass.

P/18/053/ADV - Granted - Place three signs on the harbourside building. One hanging sign outside the cafe and one outside the restaurant doorways and one on the south gable end at first floor.

Constraints:

- Conservation Area
- Area of Outstanding Natural Beauty
- Heritage Coast
- Archaeological Constraint Areas Name: The Quay. Island: St Mary's
- HER Findspots Name: RAT ISLAND - Post Medieval lime kiln. Period: Post Medieval
- Historic Landscape Character Landscape Type: Communications.
- Listed Buildings ID: DCO14299. Grade: II. Name: THE PIER
- ST Mary's Flood Prone Land St Mary's FPL: Mary1

Planning Assessment

The decisive issues are:

1. Whether the proposed advertisements ensure against harm to the visual amenity of the streetscape, avoid over-dominating the primary purpose of the freestanding structure to which they are part of and preserve or enhance character and appearance where they are located in Conservation Areas.
2. Whether the proposed advertisements ensure public and highway safety and avoid restricting the free movement of pedestrians and other users of the footways.

Design and Materials	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 building, street and area?	y
Would the materials, details and features match the wider character of in the area?	y

Visual Amenity	YES OR NO
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Is the proposal acceptable with regard to any significant visual amenity issues?	y
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	y

Public Highway Safety	YES OR NO
Would the proposal interfere or otherwise unduly distract drivers in terms of the free movement of highway users, including access to other sites and parking or turning spaces?	n/a
Is the sign illuminated	y
Would the brightness and/or direction give rise to any highway safety hazards?	n

Movement	YES OR NO
Does the proposal interfere with a pedestrian footway	n

Conclusion: The size with low level back-lit illumination would not harm the visual amenity of the seascape and would preserve the character and appearance of the Isles of Scilly Conservation Area, in accordance with the adopted Development Plans, and policies listed below. The location and position of the proposed advertisement would allow the safe and unobstructed movement of pedestrians and other users of the footway in accordance with to policy SS2(i) of the Isles of Scilly Local Plan (2015-2030)

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 Advertisement Consent to be granted.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

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 December 2005, 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:

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 December 2005, 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	
<i>Policy OE4 Protecting Scilly's Dark Night Skies</i>	✓
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 Safeguarding Serviced Accommodation	

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.

Recommended Conditions:

C1 This consent hereby grants permission for the display of the advertisement referred to in this notice for a period of five years from the date of this consent.

Reason: Having regard to Regulation 14(7) the Town and Country Planning (Control of Advertisements) Regulations 2007.

C2 The advertisements hereby permitted shall not be carried out except in complete accordance with the details shown on the approved submitted plans:

- **Plan 1 Location Plan**
- **Plan 2 Proposed Sign Location**
- **Plan 3 Proposed Sign Plan**
- **Plan 4 Proposed Signage**

These are stamped as APPROVED

Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the 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 advertisement hereby permitted shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: In the interests of amenity and in accordance with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

C4 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In the interests of amenity and in accordance with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

C5 No advertisement, other than those already displayed with either deemed or express consent, shall be displayed at this site without the prior express consent of the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 or any regulations revoking or re-enacting those regulations.

Reason: In the interests of amenity and to maintain a reasonable level of advertisement material on this building having regard to the prominent location of the site and the general character of the area in which it is located.


C6 The advertisement(s) hereby approved shall not exceed the level of LED illumination stated in this application and shall be switched off when the premises is closed to the public.

Reason: To preserve the scenic beauty of the Isles of Scilly as a designated Area of Outstanding Natural Beauty which includes its Dark Night Skies in accordance

paragraph 185 of the National Planning Policy Framework 2021, Policy OE4 of the Isles of Scilly Local Plan 2015-2030

Further Information

1. In dealing with this application, the Council of the Isles of Scilly has actively sought to work with the applicants in a positive and proactive manner, in accordance with paragraph 38 the National Planning Policy Framework 2021.

Print Name:	Lisa Walton	11/08/2023
Job Title:	Chief Planning Officer	
Signed:		
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*