

Council of the Isles of Scilly Delegated Planning Report

Application Number: P/19/004/ADV

Valid on: 24 January 2019

Application Expiry date: 21 March 2019

Neighbour expiry date: 14 February 2019

Consultation expiry date: 14 February 2019

Site notice posted: 24 January 2019

Site notice expiry: 14 February 2019

Applicant: Mr Philip Moon

Site Address: On The Quay
The Quay
St Mary's
Isles of Scilly

Proposal: Erection of menu display cabinet by entrance to restaurant and company logo transfer on balcony glass.

Application Type: Advertisement Consent

Recommendation

1. That the Application is APPROVED.
-

Contributors:

Public Representations:

NONE

Consultation Representations:

NONE

Constraints:

Scheduled Monuments: NONE

Listed Buildings: Grade II Listed Quay

Archaeological Constraint Areas: The Quay ACA

Site Description and Proposed Development

On The Quay is a restaurant that occupies part of a former warehouse that is situated on the St Mary's Quay. The quay itself is Grade II listed, but the building on it is not otherwise designated other than being situated on the listed quay. Historic England describe the quay as:

Quay and breakwater. Begun by Francis Godolphin soon after 1601, rebuilt 1740 and 1748; new pier extending north to Rat Island built 1835-8 for Augustus Smith, Lord Proprietor of the Islands; lengthened 1889 for the flower trade. Granite rubble to earlier arm into harbour partly in vertically-coursed dry stonewall technique, and shaped granite blockwork to later arms. Breakwater has canted wall on sea side. Two granite piers at south entrance and cast-iron upturned cannon reused as bollards. The construction of a pier for the new harbour, St. Mary's Port, was associated with the fortification of the Hugh begun by Godolphin which included Star Castle and the Garrison walls (q.v.). (B.H. St.J.O'Neil: Isles of Scilly: London (HMSO): 1950-: 26; Borlase, William: Observations on the Isles of Scilly: Oxford: 1754-: 14).

This area is also defined as an Archaeological Constraint Area (ACA) within the Isles of Scilly AONB, Heritage Coast and Conservation Area.

The former warehouse is a large prominent building that is rendered at ground floor level and clad in timber at the first floor level. Balconies have been erected along the eastern elevation of the building. St Mary's Quay itself consists of a quay and breakwater that are Grade II listed. It also acts as the St Mary's ferry terminal.

The proposal consists of a menu cabinet attached to the building at ground floor level next to the entrance to the restaurant, and five logo transfers on the balcony at first floor level. The menu cabinet would measure 0.48 metres by 0.48 metres. The frame would be constructed from timber. The logo transfers would be attached to the glass of the balustrade.

Background and Relevant History

Attached to file

Consultations and Representations

No comments received

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 property is a Listed Building, when making a decision on listed building consent applications, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (sec. 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies).

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.

Paragraph 132 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.

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.

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

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.

There are two elements to the proposed advertisement. Firstly, a menu cabinet is proposed next to the entrance to the restaurant, which would have an approximate area of 0.25 square metres. The frame of the menu cabinet was originally proposed as aluminium but it has been agreed with the applicant that the frame would be constructed from timber. The cabinet would be illuminated with an LED light. The second part to the proposal is five logo transfers on the glass balcony on the first floor of the building. The glass on the balcony is frosted and the logo would be clear.

In summary, the menu cabinet would be small scale and well related to the entrance of the restaurant that it would provide advertisement for. The use of timber in the construction of the frame would see the use of a traditional, sustainable material that would be in keeping with the local vernacular. The logo transfers would be subtle in appearance by taking advantage of the existing surface finish of the glass and would avoid the use of bright and intrusive colours. There is mention of LED lighting to illuminate the menu cabinet but it is stated that this would be discreet. It is considered necessary to attach a condition that requires the illumination to be no brighter than specified in order to ensure that they maintain low levels of illumination and switched off when not in use. With the attachment of this condition, it is considered that there would not be a detrimental impact on amenity, which includes the character and appearance of the Conservation Area and the listed Quay.

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. All proposed advertisements would be attached to the building and would not hang over, or impede, the public area around the building. As mentioned, there would be illumination of the menu cabinet but with the attachment of the aforementioned condition, it is considered that there would not be a level of illumination that would dazzle or glare 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.

Links

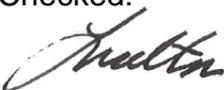
Not applicable.

Conditions

1. Plans condition
2. Illumination off when not open and illumination not to exceed the brightness set out in the application for the menu cabinet
3. Five standard advertisement conditions

Informatives

1. Statement of Positive Engagement
2. Appeal

Signed: <i>K. Reeves</i>	Dated: 20/03/19	Checked: 	Dated: 21/03/19	Signed: 	Dated: 21/03/19
Planning Officer		CIOS Planning Officer		Senior Manager	