

Council of the Isles of Scilly

Delegated Planning Report

Other application

Application Number: P/21/010/ADV

Received on: 19 January 2021

UPRN: 000192001468

Application Expiry date: 22 March 2021

Neighbour expiry date: 15 February 2021

Consultation expiry date:

Site notice posted: 26 January 2021

Site notice expiry: 16 February 2021

Applicant: Mr Clifford Freeman

Site Address: The Beach
Telegraph Road
Porth Mellon
St Mary's
Isles Of Scilly
TR21 0JY

Proposal: Relocation of existing sign measuring 1410mm wide x 1200mm high from face of building to fence.

Application Type: Application to Display Adverts

Recommendation: PER

Summary Conditions

1. Standard time limit (5 years)
 2. Shall not Impact Visual Amenity
 3. Maintenance
 4. No other ADV without LPA consent
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Site Description and Proposed Development

The Beach is a restaurant that operates at Porthmellon and is situated within a row of timber and granite boat shed buildings. The area has a mix of uses including the St Mary's gig club, the sailing centre in addition to this largest building, which is used as a restaurant.

Whilst there is a separate application for a small kitchen extension on the south west side, and a removable/mobile seating extension to the north (beach) facing side, this application is to reposition the existing The Beach sign, from the south west side to a position on a fence, facing the road. The sign is not illuminated.

Certificate: B

Other Land Owners: Duchy of Cornwall

Consultations and Publicity

The application has had a site notice on display for 21 days (26/01/2021 – 16/02/2021). The application appeared on the weekly list on 1st February 2021.

Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- St Mary's Gig Club

[0] letters of objection have been received and include the following points:

[0] letters of support have been received and include the following points:

[1] letters of representation have been received.

One letter of representation has been received in relation to the extension to The Beach. It does not appear that this person would have any objections to the proposed repositioned sign.

Relevant Planning History:

The only relevant planning history in relation to Advertisement Consent includes:

- Permission granted in 2008 (P/08/019/ADV) for a directional sign for Phoenix Craft Studio. This remains on the building.
- Permission granted in 2008 (P/08/079/ADV) for a new business sign on the north west (beach) elevation and a menu display on the south east elevation.
- Permission granted in 2012 (P/12/036/ADV) to install x4 signs to replace existing signage.
- Permission granted in 2006 (P5809) to erect signage and a wooden menu box.

Constraints:

Historic Landscape Character: Landscape Type: Rough Ground: blown sand/dunes.

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
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
Is the sign illuminated	n
Would the brightness and/or direction give rise to any highway safety hazards?	n/a

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

Conclusion: The size of the advertisement with no illumination would not harm the visual amenity of the streetscape 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:

Isles of Scilly Local Plan 2015-2030

Sustainable Scilly

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

Outstanding Environment

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 ☐

Living Communities

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 ☐ Choose an item.

Policy LC7 Windfall Housing: ☐ Choose an item.

Policy LC8 Replacement Dwellings and Residential Extensions

Policy LC9 Homes in Multiple Occupation ☐

Working Communities

Policy WC1 General Employment Policy ☐

Policy WC2 Home based businesses ☐

Policy WC3 New Employment Development ☐

Policy WC4 Alternative Uses for Business or 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 non-illuminated advertisement, hereby permitted, shall not be carried out except in complete accordance with the details shown on the approved submitted plans:

- Plan 1 Proposed Elevations and Sections (Red and Yellow Lines)

- **Plan 2 Proposed Elevations (Yellow Line)**

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 1 of the adopted Isles of Scilly Local Plan (2005) and Policy OE1 of the Emerging isles of Scilly Local Plan (2015-2030).

- C3 The non-illuminated 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.

Print Name:	Lisa Walton	22/03/2021
Job Title:	Senior Officer, Planning and Development Management	
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*