



Council of the Isles of Scilly
Planning & Development Department
Old Wesleyan Chapel
Garrison Lane
St. Mary's
Isles of Scilly TR21 OJD

Re: Planning Reference P/14/037/ROV

Objection to the removal of Condition 2 from Permission P.2365 to allow permanent occupation of Flat 6, Spanish Ledge.

Dear Sirs,

We are the owners of 5 Spanish Ledge, the flat immediately adjacent to the flat in question on the second floor of the building. We purchased our property in 2001, knowing that it had a Condition 2 covenant on it and occupy the flat for 6 – 8 weeks a year ourselves the remainder being let to those on holiday during the season. We are very well-aware of the problems the building has. We are very concerned about the ability of Flat 6 to exist as a permanent dwelling and the effect that a removal of Condition 2 would have on the nature of the rest of the building as holiday accommodation. The needs of a permanent resident are different to those of a person on holiday.

If the Council be minded to grant this application could they bear the following factors in mind which will impact the other properties in the complex?

1, Access issues

We consider that there are access issues which would detrimentally affect the use of Flat 6 as a permanent residence. The only entrance to Flat 6, on the second floor of the building, is via the courtyard, up both external staircases which lead onto a communal corridor. Whilst the flats remain as holiday lets, we can expect moderate use during the season. People on holiday do not tend to come and go throughout the day. They tend go out for the day returning for a while and then go out again in the evening. Permanent occupation would mean much more frequent all-year round usage by the occupants and visitors wear and tear which would detrimentally affect other owners in terms of disturbance and ultimately upkeep. All the external areas of the building belong to the Spanish Ledge Management Committee. It is worth noting that the two flats with residency in the complex have access onto both The Parade and Silver Street and occupy the ground floor. The other floors each have three flats.

2. Noise and disturbance factors

The construction of the holiday flats at Spanish Ledge is such that sound from other flats travels very easily. The walls are of stud partition construction and are not sound insulated. It is possible to hear televisions, the switching on and off of lights and even slightly raised voices from adjacent flats as well as footfall on staircases and floors. On one occasion, on a visit in February, it was necessary for us in Flat 5 opposite to complain to the occupants of Flat 6, who were living there for an extended time, that their constant noise was spoiling our enjoyment of our property.

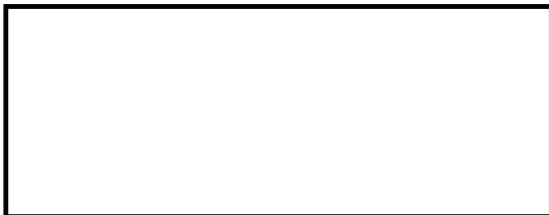
The needs of residents are different from those of people on holiday. If full residential use was granted it would probably be necessary for the occupants to have such domestic white goods as a washing machine, not needed by those on holiday. There is no doubt that the noise and vibrations on wooden floors would adversely affect the flats opposite and below. In addition, we do not feel that the plumbing in the building is up to the standard needed for this purpose and there is also no designated external drying area. (The occupant of Southard Well has special permission to use the line in the courtyard written in to their lease.)

More frequent use of electrical appliances is likely with inevitable noise problems.

We would request that a site visit is made to see these problems before any decisions are taken.

Finally one of our primary reasons for buying a flat with a Condition 2 restriction was that living in an area with many second homes which lie unoccupied for months on end we would not be taking up accommodation which could be used by local people. Our flat is small and convenient for a couple to share on holiday but guests have commented that it would not be big enough to live in all the time. We agree with them, hence our concern for the removal of the condition from Flat 6.

Yours sincerely,



John Giles and Greg Wall