

THE HOLY VALE PARTNERSHIP  
Porthcressa, St Marys, Isles of Scilly TR21 0JQ  
Tel: 01720 422431

Mrs L. Walton,  
Senior Officer: Planning and Development,  
Council of the Isles of Scilly,  
Town Hall,  
St Marys,  
Isles of Scilly TR21 0LW.

14<sup>th</sup> September 2016

Dear Mrs Walton,

**Reference: P/16/060/FUL**

We refer to your letter dated 16<sup>th</sup> August, addressed to our agents, Island Architects, and your subsequent email dated 12<sup>th</sup> September.

We note three letters of objection have been received from neighbouring properties within Holy Vale, relating mainly to car parking issues and blocking of an alleged right of way. We will address the issue of car parking below, but regarding the alleged right of way:

- (i) There is no reference to such a right of way existing on either our neighbour's registered title or on our registered title;
- (ii) No such right of way was revealed following standard pre-contract enquiries with the former freeholder, HRH Prince Charles Duke of Cornwall.
- (iii) We are not aware of the alleged right of way being exercised at any time during the 5½ years we have owned the property, and at no time has it been mentioned to us by any of the three objectors.

However, because we always strive to behave in a responsible and neighbourly manner, we can instead offer the adjoining property access to their rear garden and workshop across the access track which runs across the northern boundary of our site, and which terminates at the rear of his workshop.

## **Impact of the Development**

### Proposed Staff Unit

We fail to understand why you should seek to have this unit removed from the scheme, when it is common knowledge that staff are living in garden sheds, caravans and all manner of sub-standard units around the islands. This unit would have been purpose-built, modern and of course up to current Building Regulations standards, including the stringent Part L Conservation of fuel and power. In short, it would have been a sustainable property providing permanent accommodation and year-round employment.

However, in the spirit of co-operation, we have removed this dwelling from the scheme, replacing the ground floor accommodation with covered store rooms (bins/bicycles, etc) for the new and existing units.

### Unit No1 (Single storey, two bedrooms)

The windows you refer to are small, low units, providing a total of just 1.5 sq m of glazed area. They are not sufficient to allow adequate natural daylight into the property, and we would therefore resist your suggestion to reduce the number of rooflights. We trust you find this acceptable.

### Unit No2 (Part two storey, two bedrooms)

You will note the revised scheme which shows a considerable reduction in the number of visible rooflights. Most of the rooflights on the south-facing roofslope cannot be seen from outside the property.

### Unit No3 (Single storey, one bedroom)

This unit has only three visible rooflights, one of which is within the bedroom and two in the lounge. We do not consider this excessive, and would point out that the south facing roof is already 60% glazed. The proposal is therefore much less heavily glazed than existing.

### General

All roof windows will be fitted with integral blinds, thus minimising any light pollution.

## **Other Design Issues**

We had thought the delineation of gardens, etc, was already shown on the Site Plan, but for clarification purposes we have shown the approximate boundaries of these on the revised floorplans. You will also see that bicycle / bin storage, etc has been identified, including internal stores for three of the units on the ground floor of what was formerly the staff unit.

Likewise, rainwater goods and meter locations, are marked on the revised drawings.

The existing courtyard is paved with Marshalls Saxon paving in grey, and will remain as such unaltered. Likewise, the concrete access path running along the southern boundary of the current glasshouse (Unit 3) will remain.

We would be happy to have other external landscaping dealt with as a planning condition, but envisage the following:

- (i) Granite boundary walls (approx. 0.75m in height) around the private gardens to the Eastern side of Units 2 & 3.
- (ii) Paved private gardens within the above boundary walls, incorporating planting.
- (iii) Retention of the grass access strip running along the northern boundary of Units 1 and 2, incorporating a block-paved path.
- (iv) Block-paved car parking areas (probably Marshalls Keyblock Bracken, or similar).

### **Sustainability & Drainage**

We would be happy to include rainwater harvesting as part of the scheme, and suggest the design of this measure is dealt with as a Building Regulations issue. Likewise, we would be happy to incorporate solar PV panels on the hidden south-facing roofslopes, but are reluctant to plaster the building with unsightly panels for fear of adverse effect on the beauty of Holy vale particularly, and the local Conservation Area more generally.

The new dwellings will of course meet the requirements of Part L of the Building Regulations (conservation of fuel and power), and will therefore be highly insulated with low energy requirements.

The existing double roman clay roof tiles will be salvaged and re-used in the conversion, thus contributing to the sustainability of the development, and reducing its carbon footprint.

The existing units drain into a septic tank and soakaway system installed in 2007 located in the amenity field situated to the south of the triangular "roundabout" below the Farmhouse. This was designed to accommodate both the existing dwellings, and any additional units built in the barns. The soakaway has recently been upgraded. Can we suggest the capacity and design of the drainage facilities are considered by Building Control as part of a Building Regulations application?

### **Bats & Birds**

As you note, we have commissioned a Bat Survey, which found no evidence of bats within the buildings. Of course, during the construction stage, every care would be taken (as highlighted in the report) to minimise any impact on bats, and we would also be prepared to install bat / bird nesting boxes within our demise to provide additional nesting opportunities

## **Car Parking**

We take the issue of car parking seriously within Holy Vale, and have no desire to see the access road full of parked cars. This is why we had proposed six new off-road car parking spaces to service the four new dwellings. We had also allowed for the creation of a new car parking space for Holy Vale Farmhouse (which can be accommodated by reducing the size of the pond behind). By reducing two of the units in our existing holding from two bedrooms to one, we have contributed already to a reduction in car parking demand within Holy Vale.

As you will have noted above, the revised scheme has reduced the number of additional units from four to three. This equates to two spaces per new unit, which we consider is generous and beyond that imposed on other out-of-town schemes around the island.

The location and design of the proposed car parking spaces has been carefully selected. They are truly “off-road”, able to accommodate a large family car, and strike a balance between impact on the road and impact on the Elm trees and other mature vegetation behind. If required, we could push them a further metre or so into the site, although this will require the demolition and rebuilding of the granite garden wall.

By retaining mature planting either side of the car parking spaces, we consider their visual impact will be obscured and retain the pleasant vista looking down into the Vale. One of the objectors challenges the right of cars to use the full extent of the road, but we would respectfully point out this is an adopted highway, not a private road, and that there is now an established vineyard opposite which already generates vehicular traffic.

## **Miscellaneous**

To address the various points raised in your email of 12<sup>th</sup> September, we respond as follows:

- The West elevation comprises just one gable, which is only visible from within the private courtyard. We will endeavour to produce an additional elevation, although the only change proposed is replacing a door with a window of the same width.
- You refer to the remains of a building. This building does still exist, but is covered with substantial ivy growth. It provides a garden / bin store for Holy Vale Farmhouse.
- Rainwater goods will continue to drain into the pond.
- The car parking spaces are designed to accommodate a vehicle of 5.5m in length.
- Not applicable, as the staff unit has been removed.
- Bin storage areas are now shown on the plans
- You are correct that the rear Unit (No1) has very little outlook. We would compare it to the two new Housing Association units recently built at Well Cross, and now providing much needed accommodation.
- Since there is no change to the external configuration of the outbuildings in so far as they impact on the existing dwellings, we consider this information is readily available

from a site visit. If you would like a further (internal) inspection please let us know and we will arrange this on your behalf.

### **Imposition of S106 Planning Obligations**

We would strongly oppose the imposition of Planning Obligations, for the reasons already outlined in our design and Access Statement.

### Financial Considerations

The outbuildings have a gross external area of approximately 340 sq m, assuming 60% coverage for the first floor accommodation in Unit No2. At a realistic conversion cost of £1,750 per sq m, this suggests a development cost (excluding the present value of the outbuildings) of £595,000. Allowing again a conservative present value of say £35,000 per outbuilding, the total scheme cost is in the region of £700,000. This excludes any professional fees, project management charges or developer's profit. The Gross Development Value of the completed scheme subject to Planning Obligations falls well short of the GDV, and on that basis the scheme is clearly not just unviable, it is loss-making. Therefore, if such obligations are imposed and upheld at appeal, the scheme will not happen, and the outbuildings will remain unconverted and fall into disrepair.

You suggest S106 Obligations are necessary to "guarantee" that the completed units will be let to meet the needs of islanders. Clearly this is defective logic, because the opposite is true; the imposition of Planning Obligations will guarantee that the scheme does not get built at all. Islanders will therefore definitely fail to benefit from what could have been high quality new units (built, incidentally, at no cost to the public purse) and the outbuildings will remain neglected and unused. This strikes us as planning policy working against the community, not in support of it.

### Overall Improvement of the Holding

You state that the proposed reduction in the number of bedrooms in the existing units is not relevant, and yet you specifically refer to these units in relation to car parking, amenity spaces, etc, etc. Surely they are either wholly relevant, or not at all?

We would argue that the scheme should be looked at as a whole. When we acquired the property in 2011, we inherited a holding that had suffered years of neglect. Conversions had been carried out cheaply and to a poor specification, the quality of accommodation was sub-standard, and the units were thermally inefficient. Over the past five and half years, we have invested heavily in the holding to bring it up to a decent modern standard, suitable for either permanent occupation by islanders or as holiday accommodation. The Five Star Gold Award we have secured on Holy Vale Farmhouse is testament to the quality of accommodation we have created, and we would very much hope to be encouraged in our future endeavours.

By reducing the number of bedrooms in two of the units from two to one, the quality of the accommodation will be improved, and the impact of the overall development on water, sewage, power consumption, etc, will be reduced. We do not consider it unreasonable to assess the additional new units against the backdrop of reduced occupancy in the existing holding; on this basis, there is a net increase of just three bedrooms.

Certainly the recent Blue Sail and Ash Futures reports seem to support what we are doing, and go on to recognise that quality open market housing will be necessary to attract entrepreneurs and other quality staff, so that businesses can flourish, the decline of recent years can be reversed, and the islands can begin to thrive again.

### National Planning Policy vs Local Framework

As noted in our Design and Access Statement, we consider the existing Local Plan is out of date and has failed to provide the housing it set out to. The imposition of Planning Obligations has proved to be a very blunt tool, and has not guaranteed the supply of housing for islanders that you refer to.

It has, however, created an unplanned selection of guest houses, holiday apartments, HMOs, commercial laundries and other sub-standard staff units. Clearly the enforcement capability of the Planning Department has been insufficient to ensure that planning restrictions are adhered to, and indeed properties have been created without the S106 Agreements even being signed.

We consider our proposals are in keeping with the premises upon which the National Planning Policy Framework is based, and would therefore hope the Local Planning Authority would support us in our endeavours.

We would furthermore draw your attention to the recent Court of Appeal decision, which confirmed that Government policies introducing the Vacant Building Credit, and exempting small scale development from affordable housing, are indeed lawful. We understand these policies take precedence over Local Plans. Surely this sends a strong message that the type of development proposed at Holy Vale is to be encouraged, without the imposition of planning obligations opposing open market housing?

### **Summary**

We trust we have addressed all your outstanding queries. Please advise of any matters require clarification prior to consideration by the Planning Committee.

Yours sincerely,

*Ian Sibley*

**On behalf of  
The Holy Vale Partnership**