

Dear Ms Walton

2nd September 2022

Planning Application P/22/056/COU

I am writing to express my concerns and objections to Planning Application P/22/056/COU for a Change of Use of land for the siting of a mobile hot food takeaway unit and Land Rover on Holgates Green, Lower Strand.

Having examined the Council's Development Plan I note that this proposed change of use goes against the local policy SS4(3)(4), where Holgates Green is designated as a site of recreation and classified as RE3 on the Policies Map (section 10)

In order for this change to be approved the applicants must demonstrate that the site is no longer needed by the Community or that it can be replicated and be accessibly located to the Community elsewhere and be at least of equivalent standard (see page 101). Nowhere in the application can I see this being addressed.

Since this application seeks an approval that is in conflict with and a departure from the Statutory Development Plan it should be dealt with at Full Council and not be delegated to Council Officers for a decision.

The applicants, in Section 3 of the planning application, answers that no change of use has already started, when in fact trading commenced on Holgates Green, with the consent of the Council's Officers, from 13th August 2022. As a consequence of this we were advised by Council Officers that the Planning Department was expecting to receive a retrospective application dated from the 12th August 2022. However, the Planning Statement, submitted by the applicants, is for a change of use effective from March 2023 (see Planning Statement), even though use of the site and trading is already taking place, without Planning Consent, and will probably continue until October 2022. How will this be rectified?

Further issues of concern relating to the application form are :-

The applicant's location plan shows a red line outlining the curtilage of the area relating to the change of use but gives no actual dimensions, even on the "layout plan with dimensions", so that any planning conditions can be enforceable on a specific area.

The applicants do not identify how the trading area can be accessed from the road without crossing the area of Holgates Green that will still be for recreational use, particularly when manoeuvring the unit when parallel to the seawall, see location plan and block plan. This will restrict Community and Visitor use of the remaining area including the location of tables and benches.

In addition the remaining recreation area will have restricted availability of use since there will be traffic movements across it at least 12 times each week.

The applicants show the proposed trading time as 12 till 2 and 5 till 8. Under the current trading arrangements the set up and removal of the unit means that it is on the Green for an additional 45 minutes each day. Will this require amendment to the hours on the application or will the hours above be inclusive of set up and removal?

It is not clear whether the Unit and Land Rover will stay on the Green for the whole of the period from 12 noon to 8 in the evening or whether it must be removed after each trading period. The planning application is not clear on this, but it could mean that the area is unavailable for Community and Visitor use for some 60 daylight hours each week. The Planning Statement, in the last paragraph, hints the applicants will remove it at the end of each day's trading.

The applicants state in Section 15 that there are no trees within the area, but this is not the case. In their Planning Statement the applicants refer to the "large hedge" which is within the red line in their location plan. Within the red area are also 4 mature Palm Trees which Visitors use to shelter from the sun and prevailing wind.

With so many factual errors, as listed above, it is my opinion that the application is invalid and should never have been validated by the Council. Any conditions that are set as part of Planning Consents have to be enforceable otherwise the conditions become null and void.

Section 184 of the Highways Act 1980 states it is illegal to drive over a pavement. The applicants in their Planning Statement state that this is how they intends to gain access using a timber ramp on the Highway, which is wholly illegal, as is the placing of traffic cones on a solid yellow line by the applicants. Does this comply with the traffic order relating to the bus stopping area?

I note in your letter consultation ends on the 5th September and I, therefore, look forward to hearing from you as soon as possible, since there appear to be serious anomalies within this application.

As a final point I find it strange that the applicants, not the Council, posted the advisory signage on a Palm Tree trunk at the back of the Green and not on the Highway where the Community can easily see the proposal.

Yours faithfully

Barry Archer

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