

Customs House
Lower Strand
St. Mary's
Isles of Scilly
TR21 OPS

Planning Department
Council of the Isles of Scilly
Town Hall
The Parade
St. Mary's
Isles of Scilly
TR21 OLW

4th September 2022

For the attention of the Planning Officer

Re: Planning application: P/22/056/COU

Dear Ms Walton,

We are writing this letter to object to the captioned Planning Application that seeks change the use of Holgates Green and specifically that part immediately next to our property, Customs House.

We refer you to letters that we have written to the Planning Officer [1, 2 and 4] and Chair of Licensing [3]:

- | | |
|---|---|
| [1] 24 th July 2017 (recorded as "P-17-054 LTR REP Groves") | In which we objected to the proposed plan to locate food and beverage trading at the western end of Holgates Green. The Application P-17-054 was subsequently withdrawn. The reasons why this application was not approved have not materially changed and therefore, P/22/056/COU should not be approved either. |
| [2] 30 th May 2022 (recorded as "P-22-033 & P-22-034 REP LTR Groves") | In which we commented on the Town Hall planning application and its creating a problem with respect to food outlet provision and we offered alternatives as to its solution and objection to any consideration of using Holgates Green for that purpose. |
| [3] 19 th June 2022 (Street Trading Policy, February 2022) | In which we commented on the deficiencies in the process of amending the policy and how various areas including Holgates Green were impacted without any attempt at consultation with local residents and how use of Holgates Green cannot be undertaken without breaking the policy guidance. |
| [4] 15 th July 2022 (recorded as "P-22-033 & P-22-034 REP LTR Grove (2)") | In which we commented on the amended Town Hall planning application and again pointed out that Council seem unconcerned with causing problems with food provision, whereas we again provided alternative locations that did not include Holgates Green. |

We object to this Planning Application under the following items:

- a) **Planning:** The application, if granted, would be in contravention of planning rules;
- b) **Impact on the public:** The operation of a mobile food van at this site negatively impacts the public for the convenience of a private business and the Street Trading rules cannot be satisfied at Holgates Green;
- c) **Impact on local residents:** The operation has a direct negative impact on our home and those of our neighbours; and
- d) **Available alternatives:** There are better locations available.

Finally, we believe that Council is not able to make a fair assessment as they have not followed proper process with respect to amendment of the Trading Policy and Planning Applications for usage change. Furthermore, they are currently allowing the mobile food van to operate without formal planning consent and is allowing the operator to breach the Street Trading Policy.

A) Objection with respect to planning:

We now turn to the overriding issues of Planning.

i) This Planning Application would compromise the Local Plan and must not be accepted

The Planning Application requires change of land use, whereas Holgates Green is designated a Recreational Site for the benefit of the public, the land use change is for the benefit of a single business. The Local Plan [Policy SS4 (3)] states that development of Recreational Sites is not permitted where alternative sites are available, which they are. Therefore, this Planning Application must be denied.

ii) This Planning Application is materially the same as that application not accepted in 2017

In 2017, Council lodged and ultimately withdrew a Planning Application for food street trading site at Holgates Green, due to reasonable objections from many parties. Our own objections (Reference 1: P-17-054 LTR REP Groves) were made, in common with those of others, with respect to:

- Public safety;
- Contravention of Local Plan, Policy 1;
- Contravention of the Isles of Scilly Design Guide;
- Impact on residents and visitors with respect to smell, noise, congestion and rubbish; and
- Unfair impact on existing local business and food outlets.

Wherein, with respect to Planning, we noted that:

- Any trading facility that occupies this site will create a loss of visual quality to the surrounding urban context, which includes listed Grade II buildings from all aspects. In fact, this would be true of the whole of the Holgates Green area. It would partially obscure the unique Catholic church and neighbouring buildings from the sea-shore.

Therefore, this planning application is not consistent with the various planning constraints as set out in the Local Plan (eg Policy 1 that “development proposals” must “preserve or enhance” the characteristics of the area). Specifically, it is noted that in HES Report No. 2003R031 (2003) [Cornwall and Scilly Urban Survey, Historic characterisation for regeneration, Hugh Town], referenced in the Local Plan, that this area is described as:

3. Town Beach, Thoroughfare and the Strand

An important visual 'gateway' to Hugh Town for arrivals by sea, this is the town's historic working foreshore and related areas. Buildings and sites associated with maritime activity are set around a spectacular curving beach.

Therefore, it is already identified by the Council that the visual quality of The Strand and Holgates Green correspond with the primary reasons for visitors to come to the Isles of Scilly.

And that:

- The success of tourism business to the Isles of Scilly derives from the beauty of the environment and the quality of the public realm, including those at this site location. In fact, these sentiments are echoed in the Council's (2006) Isles of Scilly Design Guide, wherein location character (including sounds and smells), public realm quality (including public places, squares and parks) and economic sustainability are rightly linked. This planning application will cause damage to the public realm quality and have impacts on visitor perceptions of St. Marys.

Since 2017, none of these factors have changed. Holgates Green is a designated Recreational Site. Therefore, if Planning Application P/17/054 in 2017 was withdrawn then so must this Planning Application.

B) Objection with respect to impact on the public:

We have noted that members of the public have commented that they are extremely disappointed that Holgates Green has been impacted by the mobile food van. Various they have pointed out, and we agree that it:

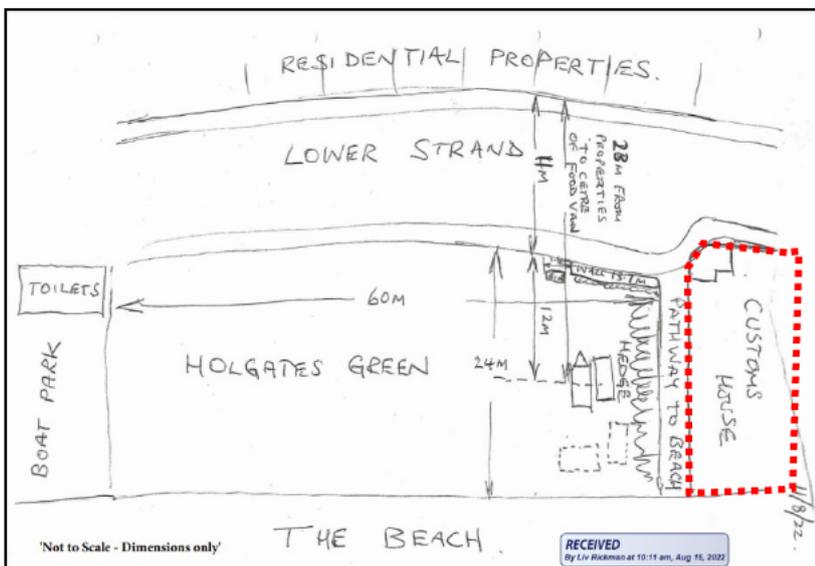
- Restricts use of the western end of the Green to the public;
- Has required the moving around of the available benches and tables to suit a private business when the public could benefit from shelter of the hedges and trees in wet and windy weather and shade in sunny and hot weather; and
- Requires the public to move out of the way when the mobile food van is being towed on and off the Green around its turning circle and across the public pavement, which is an accident waiting to happen.

All of this impact to suit a private business when compared to the public's right to use of the Recreation Area is not acceptable. There is no justification in claiming this is a necessity for provision of food to the public because this could be achieved elsewhere and there is space to accommodate this mobile food van and its towing vehicle, safely, elsewhere in Hughtown.

C) Objection with respect to impact on local residents including on the Customs House:

Residents around Holgates Green, including ourselves have been unfairly impacted by the mobile food van, which has been allowed to operate despite not having planning consent to do so.

It is extremely unfair that the seaward outlook of residents from their houses on The Strand adjacent to the western end of Holgates Green is blighted.



We note from the Planning Application a hand-drawn site plan, which estimates the distance from the food van to the houses on the southern side of The Strand.

However, this fails to illustrate the proximity the van and vehicle and its generator to Customs House.

The distance to the Customs House is four times less than has been illustrated to the other house on The Strand!



It is highly misleading to suggest that the van and vehicle are neatly tucked into hedge and so do not impact local residents or the public.

The photograph illustrates how close the van and vehicle with generator is to the Customs House. We can hear the generator from inside our house.

The Street Trading policy requires protection from noise, odours and other

nuisance. The policy also requires that no vehicle is left on-site during operations and that any power generator is enclosed within the van and is quiet.

The Planning Application admits that the van is powered by a generator enclosed within the vehicle, which must be kept on the Green. Therefore, the Planning Application does not meet the Trading Policy or license requirements and hence must be denied.

In practice, matters are worse. The operator does not even bother to enclose the generator within the vehicle.

Why the Council has decided to allow the operator (Planning Applicant) to consistently break the Trading Policy rules has not been explained to us.

D) Alternative locations are available:

Given that the use of Holgates Green is such a poor option, it is surprising that it has been pushed by Council for approval despite better alternatives being available that do not negatively impact visitors and residents.

We have previously pointed out better locations such as: at Porthcressa Bank; the car park behind the Town Hall; the car park below Tregarthens; the car park of the old school site; the land previously occupied by the demolished school buildings; and the car parking area near the Porthcressa petrol pumps. In addition, other parts of St Marys do not have mobile food vans such as Old Town, Garrison Camp Site, etc.

All these available sites provide safe access for a mobile van, give easy access to the public, do not damage the usage of Holgates Green as a Recreational Site and do not represent a nuisance to the local residents around Holgates Green.

Council have never given any evidence of having seriously considered these areas. In fact, the Planning Application P/22/033/COU for redevelopment of the Town Hall would eliminate the established sites for food vans worsening the situation without any remedy. It seems that Council are bent on using Holgates Green for all mobile food vans!

We want to stress the importance of Holgates Green as a critical part of the quiet enjoyment of the islands by visitors and the community, we believe that the Street Trading Policy amendment and the Planning Application for usage change (perhaps the first of many to be located on Holgates Green) are wrong and will damage the appeal of the islands.

We are not against development and we support high-quality, well designed additions to Hughtown.

Comment about Council's position with respect to this Planning Application:

We believe that there is a serious conflict of interest with respect to this Planning Application and therefore, it must be denied or else passed to another authority to fairly judge this planning issue. We believe this because:

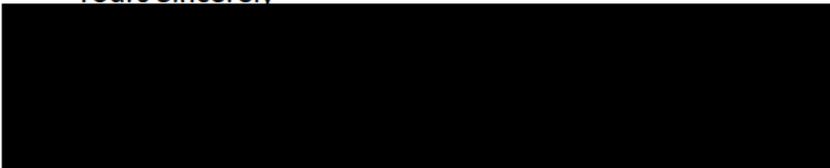
- The way that Council amended the Street Trading Policy was questionable. We have raised serious questions in our letter [Reference 3], dated 19th June 2022, that have not been formally addressed beyond an email that did not answer our queries. We have read the letters of others making similarly serious points about this process;
- Council then allowed the van operator onto Holgates Green to trade;
- Subsequently, Council decided that a Planning Application was necessary [*clearly correctly because the Green is a designated Recreational Site and not intended for private business use*]. This was explained to us by Council officials in person, after they allowed the operator to access Holgates Green. We have sympathy for the applicant because it appears that they were encouraged to believe that they actually had consent to trade at Holgates Green and had invested accordingly;
- Meanwhile, Council has allowed the applicant to continue to use the Green before Planning consent is granted; and
- Council has permitted the applicant to operate in breach of the Street Trading policy [*the policy is clear about vehicles and generators and the operator is breaching these*].

The ongoing unauthorized use of the Green by the applicant means that the Council officials responsible have unilaterally decided to ignore their own rules and/or are biased and have the intent to promote the application despite the erroneous circumstances. Perhaps they are seeking to create precedence despite being in breach of the rules. This is a conflict of interest.

We would welcome review by the Standards Committee as well as external review of the handling of these issues by another party.

The Planning Application must be measured in terms of planning requirements under which it must fail.

Yours Sincerely



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