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By Liv Rickman at 3:12 pm, Jun 28, 2023

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

27th June 2023

For the attention of the Planning Officer

Re: Planning application: P/23/036/COU

Dear Ms Walton,

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

We note that nothing in the Planning Application P/23/036/COU has materially changed since the Planning Application P/22/056/COU was made by the same applicant and denied by Council.

Notwithstanding the unreasonableness of repeated application, we now object again:

Impacts to Customs House and local residents:

We have suffered impacts of the continued operation of the food van on Holgates Green in close proximity to the Customs House:

- **Noise:** We wrote to you on 4th September 2022 complaining that the noise was audible inside our property. I would add that this that our Holiday Let guests have complained to us that they would not open windows to limit the noise.
- **Odours:** Unfortunately, the food van operations does create spicy odours. Again, multiple Holiday Let guests have complained to us that they were extremely disappointed that they could smell this inside their apartment and had to keep windows closed despite warm weather. They also pointed out their amazement that Holgates Green should be used for any food van and that it is a great loss of quiet amenity that they highly value as visitors.

We believe it is highly probably that we will lose repeat bookings from these holiday guests.

We would again point out to Council, as we have previously done, that the Planning Application falsely indicates proximity to residents as being 23m or greater. This completely ignores the Customs House, which is much closer than is inferred (refer to Appendix A). The distance to the Customs House is four times less than has been illustrated to the other house on The Strand! In fact, since the food van has re-appeared in June 2023, it has been located even closer than it had been last year.

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 (Appendix A) illustrates how close the van and vehicle with generator is to the Customs 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.

When the food van returned (unexpectedly to us, given Council denied planning permission in October 2022) to Holgates Green in early June 2023, we requested an explanation (email to Council Chairman) on:

- Why the Council renewed the Street Trading Licence this year, despite Council Officers advice to not to do this.
- Why the Council has decided to allow the operator (Planning Applicant) to operate without planning consent (nb consistently breaking the Trading Policy rules as well).

We have received no meaningful response on this.

We are also disappointed that, as Council intended to allow the food van to operate despite these breaches, then no environmental surveys have been undertaken and Council has not consulted the public on whether impact has again occurred.

Impacts 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 Site 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.

Other objections:

We repeat our previous objections, which we believe in their own right, ought to determine that change of use of Holgates Green is unacceptable, all of which impact the wider public.

We have already written to Council on these matters on the occasions of:

- a) 2017 Planning Application for Street Trading on the edge of Holgates Green – application withdrawn by Council.
- b) 2022 Change of Street Trading Policy, which was undertaken without public consultation.
- c) 2022 Planning Application for Change of Use of Holgates Green – application denied by Council.

We refer to those letters in Appendix B.

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.

This was also examined by the Chief Planning Officer in October 2022 and it was determined that harm would occur.

We ask the simple question: “*Would a family picnicking be asked to move so that the Applicant can trade?*”. If the answer is yes, then the change of use prejudices the use of Holgates Green as a Recreational Site.

For all of these reasons, this Planning Application must be denied, just as P/22/056/COU was denied.

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

Our own objections (Appendix B) 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.

Since 2017, none of these factors have changed. Holgates Green is a designated Recreational Site. Therefore, if Planning Application P/17/054 (and indeed P/22/056/COU) were not accepted then so must this Planning Application be denied.

b) *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.

Concluding remarks

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 intended to be located on Holgates Green) are wrong and will damage the appeal of the islands.

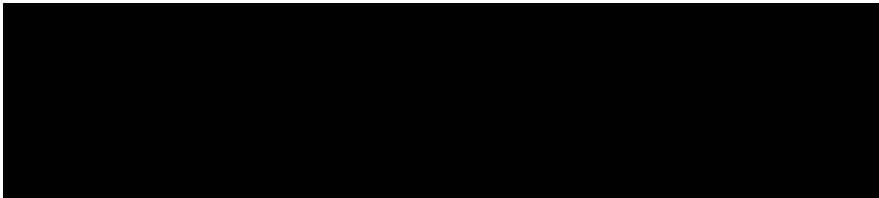
We are not against development and we support high-quality, well designed additions to Hughtown.

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

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

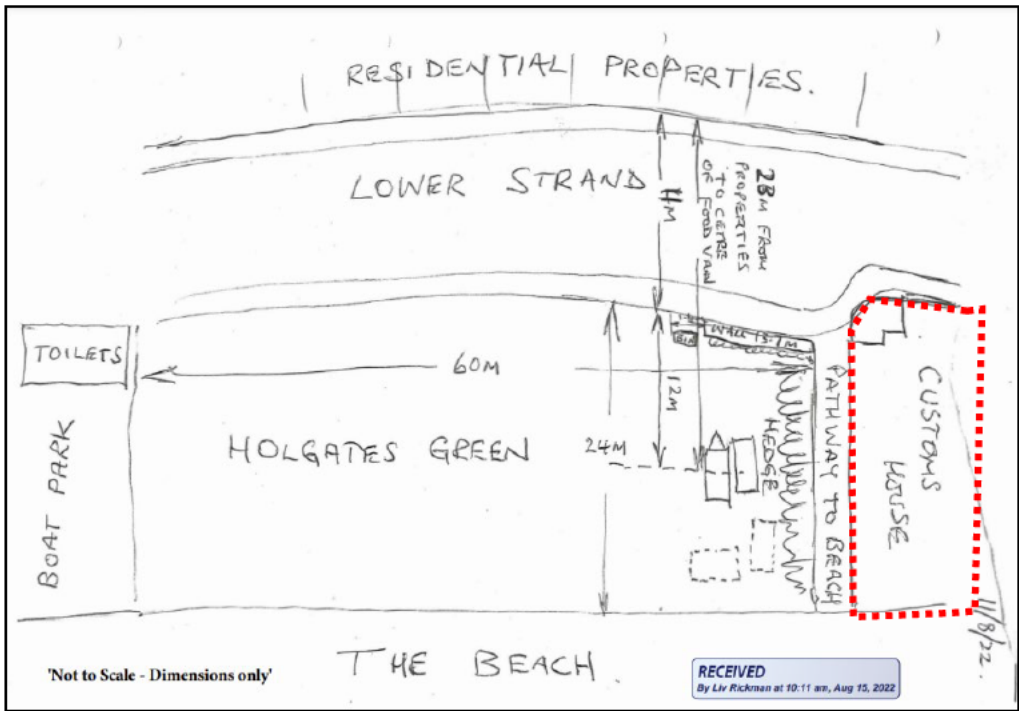
The Planning Application must be measured in terms of planning requirements, under which it must fail.

Yours Sincerely



Mr Paul Groves & Mrs Carrie Groves

APPENDIX A



APPENDIX B

We refer you to letters that we have written to the Planning Officer [1, 2, 4, 5, 6], Chair of Licensing [3] and Members of Council [5]:

- | | |
|---|---|
| [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. |
| [5] 10 th October 2022 | In which we commented on the Chief Planning Officer’s findings with respect to Local Plan, Policy SS4 and our opinion that compliance had not been demonstrated. |
| [6] 4 th September 2022 | In which we objected to the Planning Application P/22/056/COU, noting that those objections also apply to Planning Application P/23/036/COU. |
| [7] Email on 8 th June 2023 | Email to Council Chairman asking for explanation as to why Council allows the food van to operate without planning consent and in contravention of Street Trading Policy requirements. |