

Complaint against the PCC Regarding Planning Applications concerning Land N.W. of 5 Marlborough Street

Briefing notes to PCC Members

1) Why the PCC has a right to be involved.

Planning Advice Note 47, Para. 14 says that, “community councils should limit their attention to proposals which raise issues of genuine community interest.” Indeed it continues to say that, “householder applications will rarely involve issues of this kind.”

The PCC has spent countless hours discussing and responding to the recent applications concerning Portobello: Viridor, the BL application and the Fun Park application. However it is also concerned with applications which concern the protection of the conservation area. One such issue is back yard or back garden development. This has only become an issue since 2006, after the first application for this site was lodged and was not an issue before then. This issue was fully discussed at several PCC meetings in 2009 when the two more recent applications were lodged and it was decided, unanimously, to object to these, as it was felt that the protection of the conservation area by preventing back garden development was indeed an issue of genuine community interest.

On average, there are between 100-150 ‘householder’ or ‘minor’ applications each year – if one can use these phrases. Apart from the two applications in question, the PCC objected to 6 such applications in 2009 and 4 in 2008, hardly a huge number. All of these involved issues of genuine community interest. I would therefore argue that the PCC does indeed follow the guidelines laid down regarding community council involvement in planning. Since 2006 the PCC has objected to 4 applications concerning back garden development, 3 concerning development in Bellfield Lane where an entire new street is being created in a part of the conservation area where previously there were no residential buildings at all. The PCC therefore is consistent as regards which minor applications it objects to.

In response to other objections raised, the PCC did not object to the application lodged in 2006 for two reasons. Firstly, back garden development in the conservation area was not a problem then. Secondly, the application was lodged in July of that year and responses had to be in by August. The PCC, as it does not meet in July or until the end of August, was neither able to discuss nor object to this application. PAS did meet within this period and PAS did put in an objection.

It is incorrect to say that the PCC responded to the requests of anonymous neighbours when deciding to object to the two 2009 applications. Two neighbours did indeed write to Robert as the then chair of the PCC. They did so stating who they were as well as why they were asking the PCC to consider objecting. This, individuals are perfectly entitled to do and there is no requirement that individuals’ names be minuted. Even if this had not been the case, I, as the PAS representative on the PCC, would have asked the PCC to consider objecting on the grounds previously stated.

2) The Accuracy of the PCC Observations

The PCC studied both applications and took care in determining the grounds of objection. We did not merely reiterate the grounds upon which the previous application for the site had been refused. Our objections covered several grounds, apart from overdevelopment as we saw it. These grounds included design, materials and parking issues. Our objections were considered by the planning department to be material in both instances. Indeed several of the reasons why the planners refused The Mortgage People's first application included elements of the design – the flat roof – and the materials – felt and brick – to which we had objected.

3) Inconsistent Treatment of Applications by the PCC

The reasons why the PCC did not object to Janet Fenton's application have already been explained. By April 2009 it was indeed PCC policy to object to applications of this nature as this type of development was not problematic in 2006. Indeed yet two more planning applications to build new houses at the bottom of Bellfield Lane gardens will be considered at the January PCC meeting.

Whether PCC members object to planning applications as individuals is not the concern either of the PCC or of The Mortgage People, and forms no part of the complaint against the PCC.

4) Community Council Decision Making

Councillor Hawkins spoke at the planning committee meeting both in a personal capacity and to represent individuals in the community who had contacted him. The PCC made no representations on this occasion. We had not discussed that anyone should do this and we had not asked Councillor Hawkins to speak on our behalf. There was therefore nothing in the minutes regarding this issue.

The Complaint in Summary

- a) We are mindful of the guidance in PAN 47 and do not believe that we acted outside our remit.
- b) We believe that our objections to planning applications are indeed consistent.
- c) The members of the public who approached us were not anonymous. The issue of whether the PCC should object to these two applications would have been discussed anyway.
- d) Our objections were neither poorly considered nor inaccurate.
- e) Both planning applications were discussed at two full PCC meetings and were fully minuted. No discussion was ever held at a PCC meeting regarding representation at a planning committee meeting.

Finally

The Council is in the process of drawing up new guidelines regarding the involvement of community councils in the planning process. When these are available, a copy will be emailed to every PCC member and then discussed at a full PCC meeting.