

Let me begin by thanking you for giving us the opportunity to speak tonight – it is much appreciated. The last time I spoke in public was at the annual Portobello Swimming Club dinner with 97 guests - all of whom had been drinking heavily and ended up throwing buns at me - so I am pleased to see that there is no food available here tonight!

Our complaint has been circulated and you will all know that we are here to talk about it in a bit more detail but before we begin I would like to emphasise what we are not here for tonight.

We have very healthy personal relationships with many of you in this room here and the last thing we are looking to do is put these relationships in any sort of jeopardy. So I want you all to be clear about that we are not here:

- To challenge the integrity of this group or indeed any individuals.
- Any sort of witch hunt.
- To pick on any individuals or groups of people.

Rather, we are here to point out what we perceive as inconsistencies and inaccuracies with regard to the letter and spirit concerning CC guidelines and of the PCC policies and procedures in some areas. We are hoping that after we have said our piece and are gone from here tonight that as a group you discuss the points we have raised and apply changes to how you operate in the future to ensure there is clarity and transparency in your decision making.

Let me give you a couple of examples of where we perceive that things are not working in line with national guidance notes for community councils and members of community councils.

The PCC minutes of Feb 2009 show that the PCC objected to our application because neighbours of the development approached the PCC. Yet when one reads the guidelines for Community Council's they go to great pains to highlight the need for inclusiveness, hearing both sides of the story and collating the views of the wider community – yet nobody approached us to hear what we had to say. How many people at that February meeting knew for example, that our piece of land has not been hived off a back garden plot and it is in fact a builder's yard with direct access from Marlborough Street and has been a stand alone area on a separate title deed, since at least 1948? It may not have affected the decision to object but this sort of information should be available if all community councillors are to make informed decisions.

We were not consulted and PCC took action on hearing the views of just 2 or 3 members of the general public. This goes against the spirit and the letter of guidance for community councils which dictate that consultation must take place before representations are made on planning matters. As an aside, the Feb 2009 minutes state that the neighbours approached John Stewart but John tells us these neighbours approached Robert Gatliff in writing. Again it could be as simple as a typo but the general inconsistency doesn't generate confidence in the process.

If we look at the minutes a couple of months later in April 2009, they show that the PCC objected to our subsequent application stating that the only change had been in the use of materials and that it was PCC policy to object to such developments. All very straightforward but what concerned us here is that the changes to our application were not only in the use of materials – we had sat down with the Planners and implemented their comments into our new proposal – one of which was to reduce the footprint by around 20% - a significant change. Again this might not have made any difference to the decision but it does seem a pertinent point to raise this point during your decision process. Additionally if our application was against PCC policy, why was the reason for objecting in February only based on neighbours approaching? There is inconsistency.

Following on from our perceptions of inaccuracy I would like to move on to what we perceived as inconsistencies in the way that the PCC has applied its policies and procedures and to do that I am going to highlight 3 applications:

REGENT STREET - The first of these was for a development at 20 Regent Street. This was a proposal for a 2 storey house on a backland site with no vehicular access and was lodged with Planning in April 2006. The PCC objected unanimously to this proposal although according to the minutes there was no discussion of the application during the 4 months the application was live – nor was there any record of any consultation with either the developer or members of the community. We feel that if something is worth objecting to then it should definitely be worth a full and frank discussion at the meeting and the views of the community as a whole should be represented.

FIRST APPLICATION ON M St. LAND [BY A PCC MEMBER] - This application was registered 20 days later than the Regent Street application on 23 April 2006 and was refused on September 2006. Although there are clear similarities to the Regent Street application in that it is 2 storey and has windows that overlook neighbours, the PCC did not object to this application and according to the PCC minutes during the time the application was live there was no discussion or consultation on the Marlborough Street proposal. The Portobello Amenity Society did object to this proposal.

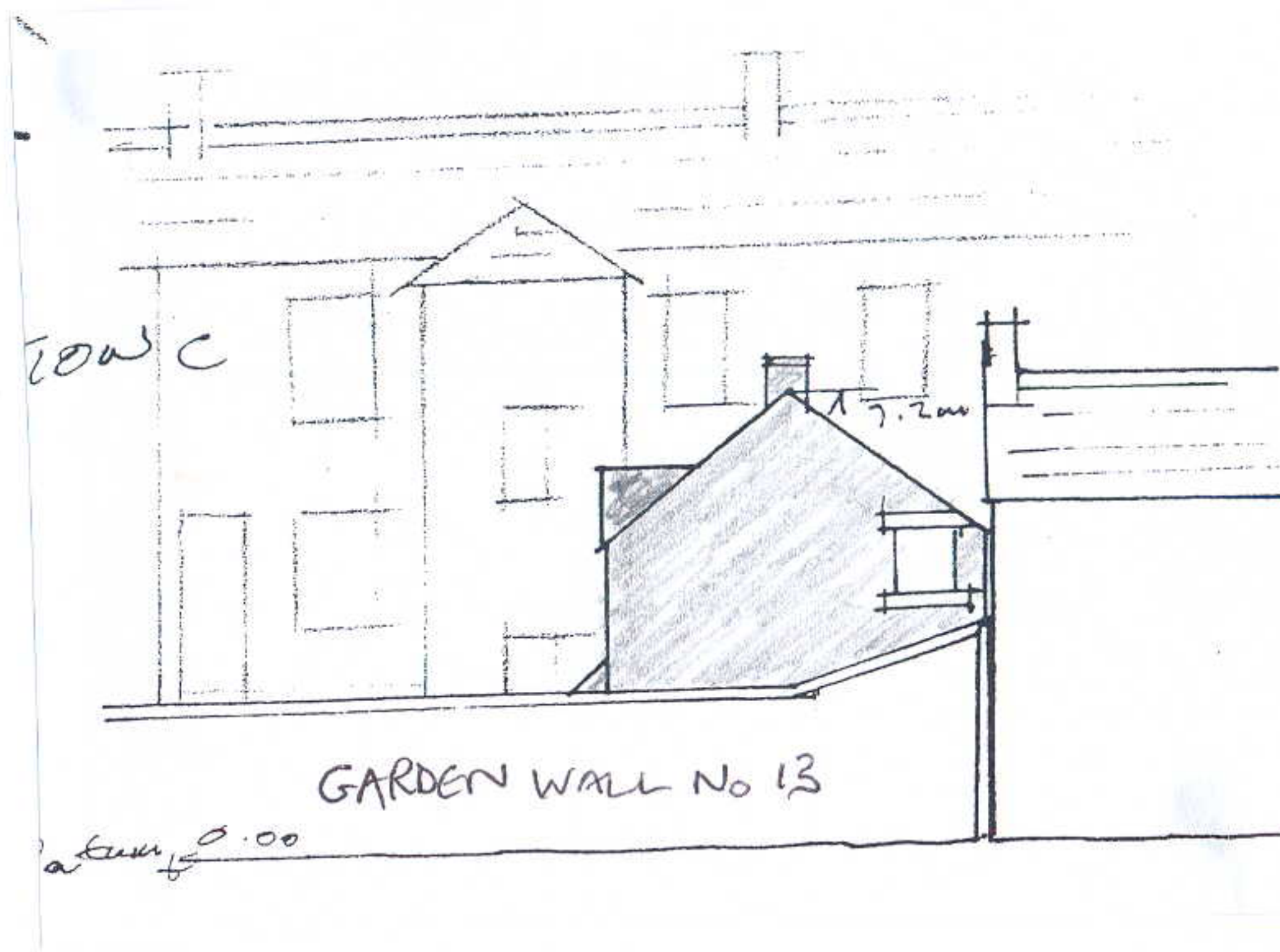
To summarise; in the space of one month, April 2006, there were 2 applications for 2 storey developments in the conservation area. According to minutes neither of the applications was discussed and only one, Regent Street was objected to. We do not perceive this to be consistent.

FIRST APPLICATION ON M St. LAND BY THE PORTOBELLO PARTNESHIP

Commencing in Feb 2009 we submitted two applications and one amended proposal for a one storey development on this site and the PCC objected on all 3 occasions. Our concerns are not the objections per se but the fact that although our development was for half the size and did not overlook neighbours like the very first proposal, it is only our proposal to which the PCC objected. To illustrate our perception of inconsistency I want to show you a picture.

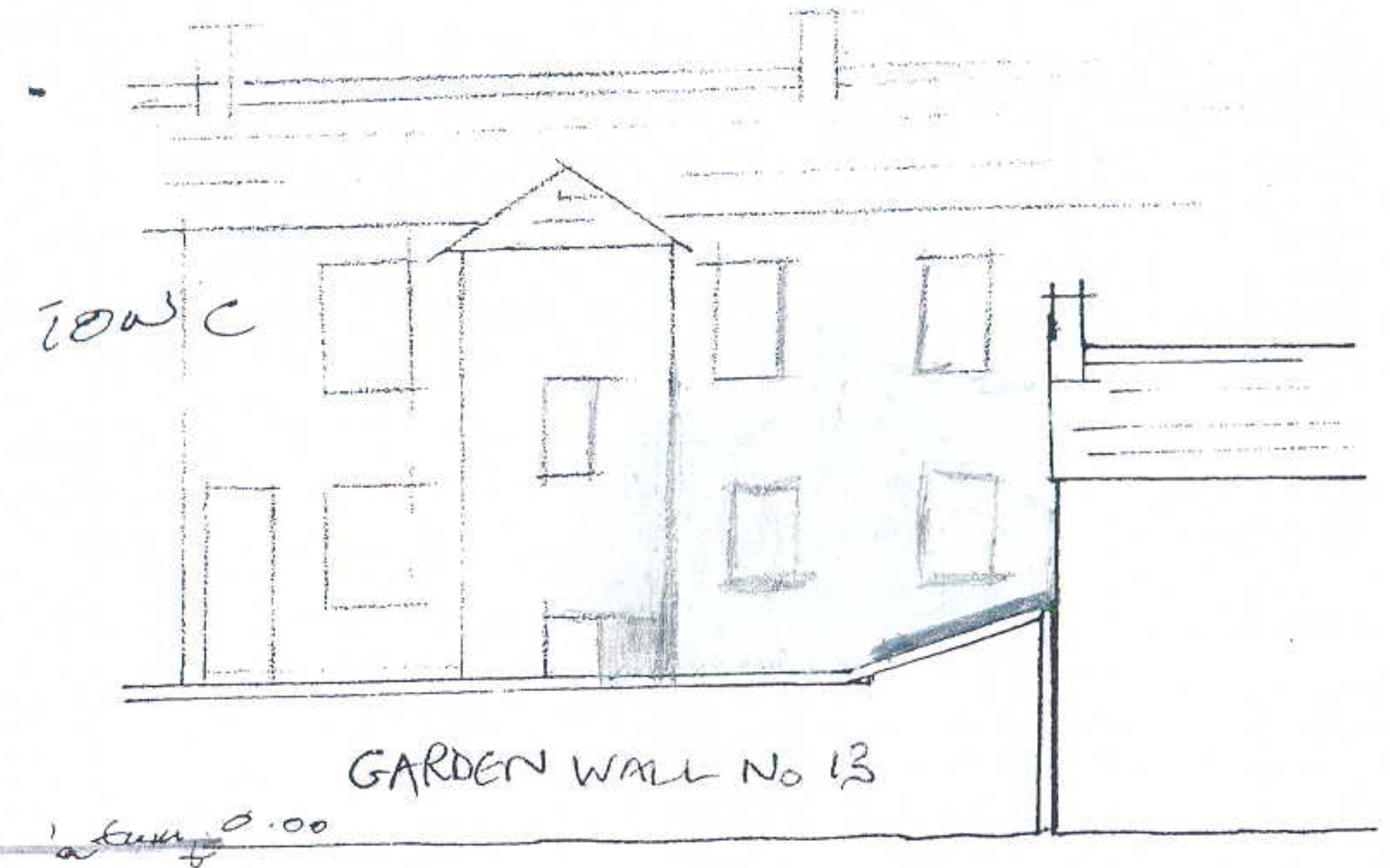
ELEVATION DRAWINGS
VIEW FROM 13 MARLBOROUGH St - LOOKING TOWARDS HIGH STREET

ORIGINAL APPLICATION



NO OBJECTION BY PCC

FINAL APPLICATION



3 x OBJECTIONS BY PCC

- The shaded areas in both drawings represent what portion of the new development would be seen when viewed from the garden of 13 Marlborough Street.
- The drawing does not include the original application by TPP which had a flat roof as it was virtually hidden from the garden of 13 Marlborough Street.
- The application by TPP includes no windows which overlook any part of the surrounding area.

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- PCC did not object to a two storey house with windows that overlooked neighbouring gardens but went to some length objecting on 3 occasions to a discreet one storey development which according to the planners final report, "had no significant impact on neighbouring properties." And by default satisfied all of the prevailing planning policies.
- The April 2009 minutes state that PCC have a policy to object to "developments of this nature" and it has subsequently been stated that this policy was not in place in 2006. We have studied all of the minutes since and including April 2006 and there is no record of such a policy being introduced. Indeed there is no record of any discussion on the matter. A member of the public would find it impossible to identify this PCC policy.
- Planning records show that PCC had around 4 months to object to the first application for the Marlborough street site. Subsequently it has been stated that there was no complaint partly because there was no meeting in July 2006. However, when it came to Feb 2009 and our application was to be discussed, We believe that members ought to have been made aware that PCC had not objected to the previous application and that the application had involved a serving member of the PCC. Had PCC members followed guidance notes and procedures those facts, would have been apparent to members and may have altered the representation of the PCC. It was a material consideration.
- The objections to our proposals were unanimous, yet we are aware that at the time at least one serving member spoke up in support of the proposal and also that a then serving member of the council took the trouble to write to planning in support of the proposal. We observe that when there is a diversity of views amongst CC members that diversity is detailed in representations but not in the case of our application.
- We made a complaint in relation to the decision to ask Councillor Hawkins to represent the PCC at the dev sub committee meeting where our application was first discussed. We complained on the basis of what was said at this meeting but now accept that it is not the case.

SUMMARY

I emphasise that our concern is not that the PCC have "got it in for us". I hope that we have demonstrated that there are inconsistencies, inaccuracies and gaps in your practice and procedures. We ask that as a council you carefully consider and discuss the issues

we have raised. In the hope that future planning applications from members of the Portobello community can demonstrably shown to have been treated in a fair, accurate and consistent manner.