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Your reference: 08/00801/FUL

4th December, 2008

Dear

Thank you for your letter dated 8th October, 2008 which enclosed attached a copy of the "Officers Committee Report" (OCR), which the residents of Coniston Avenue & Copnor Road had not had sight. I have circulated the OCR to the relevant households.

You say your letter has been sent in response to Darren Phillips' suggestion that you reply to some of the points raised in former correspondence.

My delay in replying is due to the fact that I have been on assignment overseas, which terminated just recently.

I would like to clarify a comment you have made in your letter. You state that I did not wish to meet with you to discuss the application. In fact, the initial reason for no meeting taking place was that the dates suggested by your office were not feasible. It then occurred to me that, since the whole process has been written, and that a meeting with me would not provide the residents of Coniston Avenue and the interested residents in Copnor Road with an opportunity to participate (difficulty of getting everyone together at one time), I suggested that a written response would be preferable as a means of improving communications and transparency.

I would further like to correct another comment you have made. You state that my original letter suggested that the plans submitted were inaccurate and you imply that this was not the case by stating that the case officer was satisfied that they were accurate. The plans presented in the set of documentation we received when undertaking our review **were inaccurate**.

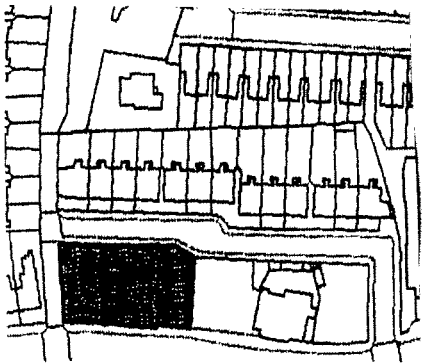
I have placed in Annex 1 the specific parts of our petition (pp. 5-6), which details the inaccuracy referred to.

The offending documents were removed from your website after we made this comment so, for clarity, I have reproduced on the next page the section of the submitted plans showing, quite clearly, the misrepresentation of the facts on the ground as described in Annex 1.

Comparison of submitted plan with plan shown in the OCR

Plan in OCR

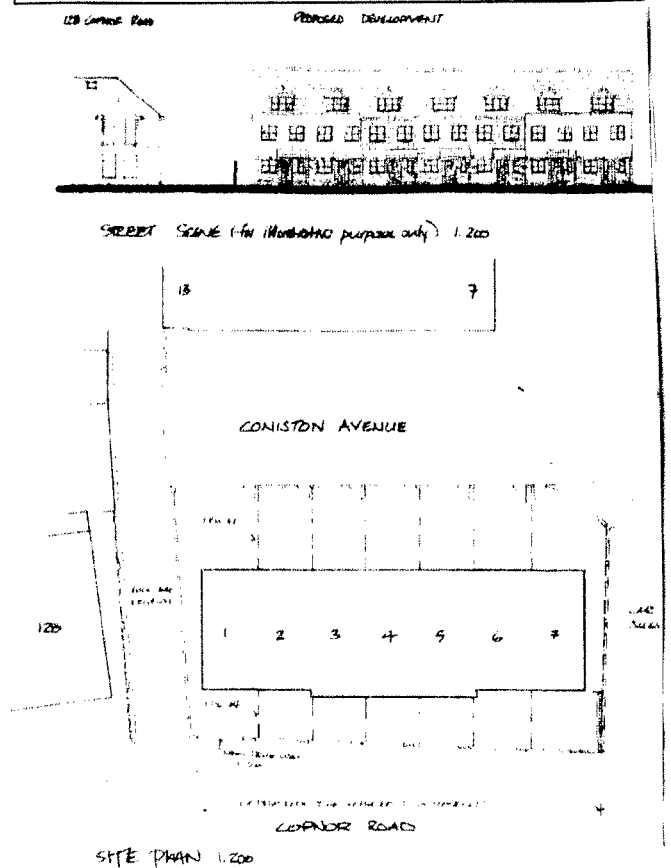
The plan in the OCR can be used to confirm that the projection of the length of the site onto the houses in Coniston Avenue shows the site to contain seven (7) houses, covering the width of some five (5) Coniston Avenue residences.



The submitted plan shown on the right misrepresented the projection by aligning residence numbers 7 through 13 (seven (7) houses) to coincide with six (6) on the planned houses and this gives the impression that they are wider (larger) than the Coniston Avenue houses when, in fact, they are substantially smaller.

Submitted Plan

Note the contrast in frontage of 128 Copnor Road, shown on the left, and the individual properties in the proposal



We note that the drawing used in the OCR is different in these key respects from that submitted, but we were not given sight of the plan referred to in the OCR.

In conclusion, your insistence that the plans were accurate is a misrepresentation of the facts and reflects a lack of due diligence in reviewing the facts, especially when the attention of the Committee had been drawn to the specific points in question in our petition.

I might also ask why the plans were withdrawn from the application after we had submitted this observation concerning the inaccuracy mentioned.

The failure, as yet, to explain why the petition and concerns of residents were ignored

The Concerns

Coming to the substantive issues of concern to the residents I think it is important to explain what these are.

The petition and analysis presented referred specifically to the problem of a higher concentration of dwellings in relation to appearance, dwelling orientation devaluing locale and amenity and to the generation of increased demand for on-street parking in an area where demand for all available space has been taken up with the existing property density.

The issue of amenity

I would also like to draw your attention to the fact that the residents consider this combination of factors to represent a loss in amenity in the sense of pleasantness and, therefore encompassing the value of the housing stock of the residents concerned, in terms of the desirability of the dwellings. This is of course related to the value placed upon them by those who live in them or, indeed purchase them. However, this is not essentially a matter of financial valuation of the housing stock, although of course amenity influences financial valuation. The impact of the proposal would be a significant loss of amenity on the affected properties and their occupiers. Another way to reflect this loss in amenity is to calculate the impact on property values.

Failure to engage with issues identified as concerns

What has become an issue of concern to the residents that I have had the opportunity to discuss the lamentable follow up by the City council is that, although we consider all of these points to be substantive, we have, so far, not received any response from the Chair of the Development Control Committee explaining why, in assessing the application, our concerns have not been afforded the weight they deserve.

Two letters have been received from councillors who were on the Committee, which was unexpected, because our request for explanation was sent to the Chair of the Development Committee. In any case, the two councillors did not address the specific issues raised and, therefore, made no effort to engage with the concerns raised. The outcome has been a failure to demonstrate any serious consideration of our concerns in spite of the assertion that the "concerns were taken into account".

What has emerged, as something of even more concern, is that reference was made to the OCR as the guiding reasoning or justification of the councillors concerned to accept the application.

Now that we have sight of the OCR, it appears that the councillors might not have seen our petition or, if they had, they have simply followed the recommendation of the planning officer without giving further thought to or taking our concerns into account. This can be stated with some certainty, because the OCR does not address the substantive issues raised in our petition. I explain below why this is stated by referring to the remaining parts of your letter and the relevant sections of the OCR.

In your letter you have selectively cited from the OCR the following passage:-

"Although the density of the development at 88pph would be higher than that of the properties in Coniston Avenue which have a density of 66dph, it is similar to that of other terraces within Copnor Road (121-133) at 118dph and the terraces within Tivoli Court opposite have a density of 166dph and it is therefore in keeping with the wider character of the area."

In fact, the adjacent properties to the site are all on the eastern side of Copnor Road all of which have a density of the same order as Coniston Avenue of around 66dph. The residents of Coniston Avenue and, indeed, of the relevant properties on Copnor Road are far more interested in their immediate environment, that is, the eastern side of Copnor Road, which will be encroached upon by higher density housing. The throw away line in the report referred to such high density units as:-

"...therefore in keeping with the wider character of the area"

might hold true for a limited area on the western side of Copnor Road but it is not true at all as far as the environment of the residents living on the eastern side of the road are concerned.

The comments above reflect a general trend, which has become evident in the handling of this planning application where there has been a failure to:

- acknowledge the basis for the concerns of the residents
- respond to these concerns in a transparent fashion

and

- thereby engage in a positive manner with the affected segments of the constituency

It seems clear that the over-reliance of the councillors on a document such as the OCR has been the cause of their contributions in the relevant planning meeting and subsequent letters, to fail to address the concerns raised. Reliance on the OCR is bound to result in a perfunctory response to the concerns raised because the OCR itself fails to address the concerns of the residents. This is not an assertion, since the OCR content provides the evidence for this statement and in order to explain why this is so, I review the relevant segment of the OCR below.

Comments on the "Officers Committee Report"(OCR)

The response of the Planning Department to the planning application, including the concerns raised in the residents' petition, is reported in the OCR.

The OCR lists the following concerns as having been raised in our petition:

- a) design does not relate to surrounding area;*
- b) degrading Coniston Avenue to back access lower value location;*
- c) noise & disturbance;*
- d) use of rear access could result in bins stored on pavement, loss of parking and increase in parking;*
- e) reduction in property values;*
- f) should be two storey;*
- g) suggest 5 two-storey dwellings fronting onto Coniston Avenue and sited closer to Copnor Road, with parking accessed from the rear would be more acceptable."*

Item c) above, the potential "noise & disturbance" were not issues raised in our petition.

Property appearance/density

In terms of appearance in the sweep of houses running down the eastern side of Copnor Road are all of density equivalent to Coniston Avenue. The proposed plan would break this general appearance by introducing higher density properties not in keeping with the existing appearance. In terms of parking demand it is obvious that by increasing housing density, **parking demand will also increase, especially when this proposal is unique in this general area in not providing for any on-site parking space.**

The OCR took a selective view on the density and appearance question by only considering the properties on the western side of Copnor Road ignoring the immediate environment of the residents of Coniston Avenue and the affected Copnor Road properties on the Eastern side of the road. The phrase, concerning the proposed density, "it is therefore in keeping with the wider character of the area" is as selective as it is tendentious in so far as it

purposely has not given adequate consideration to the views of the residents immediately affected.

The OCR also ignores the Portsmouth City Plan, which considers that residential density of new proposals should accord with the accessibility to public transport with the City Council seeking to meet the following densities expressed as dwellings per hectare (dph).

High Accessibility – at least 60dph
Medium Accessibility – at least 45dph
Low Accessibility – at least 30 dph.

The planning proposal refers to a site in a Low Accessibility Zone and the petition expressing concerns on high density encroachment is from residents from the same Low Accessibility Zone (see map on page 6 below, extracted from Figure 9 Residential Density and Parking Standards Zones, Portsmouth City Plan, see Annex 2). The standard set by the City council is a threshold of 30dph when *Coniston Avenue already exceeds the High Accessibility density at 66dph*.

Not being content with this state of affairs, the City Control Committee deems fit to encourage a raising of the density to almost three times the requirement, considering this to be acceptable even in the face of justified complaints from residents.

Access

The concern with the encroachment of higher density properties is related to them being orientated with the rear entrances facing the fronts of the houses in Coniston Avenue. Indeed, as far as I know, **this is the only example of such a bizarre proposal in this area** - that is, to place rear entrances directly in front of front entrances. **This proposal is also the only one in the immediate area where no provision has been made for parking** (see below). I am not sure about the nature and quality of information the Planning Department possesses concerning the outcome of completed projects and their impact on the local community. **In the case where an equivalent “rear entrance” scenario exists, albeit rear entrances facing other rear entrances and overlooking on-site parking (121-131, Copnor Road), there have been several complaints, including in the local newspaper (“The News”) from local residents. Complaints have included general untidiness and downgrading of the area concerned, exemplified by abandoned refuse sacks, stolen supermarket trolleys, road signs and barriers, abandoned bicycles, dog excrement, litter, broken fences, general untidiness and a complete loss of amenity.**

As can be readily appreciated, the orientation of the proposed properties and the avoidance of consideration of adequate parking (see below) makes this proposal a-typical and, because of the associated impacts, unacceptable.

The full extent of consideration given in the OCR, to the fundamentally important issue of amenity and desirability of properties facing such a development, states:-

“The proposed pedestrian accesses to each property are considered to be appropriate and will ensure access to essential facilities such as refuse stores and cycle stores would be possible from the rear.”

This is a demonstration of refusal to take the concerns expressed in the petition seriously.

Parking

Another example of this lack of diligence in demonstrating a desire to understand the points being raised in the petition is the associated issue of parking. **We pointed out that with seven (7)**

extra properties and no on-site provisions for parking there would be at least a demand for an extra seven (7) spaces in a narrow street where parking is already fully allocated. By creating this extra demand for street parking there would be a loss of some seven (7) spaces already allocated.

The OCR side-steps this important matter by making the following statement:

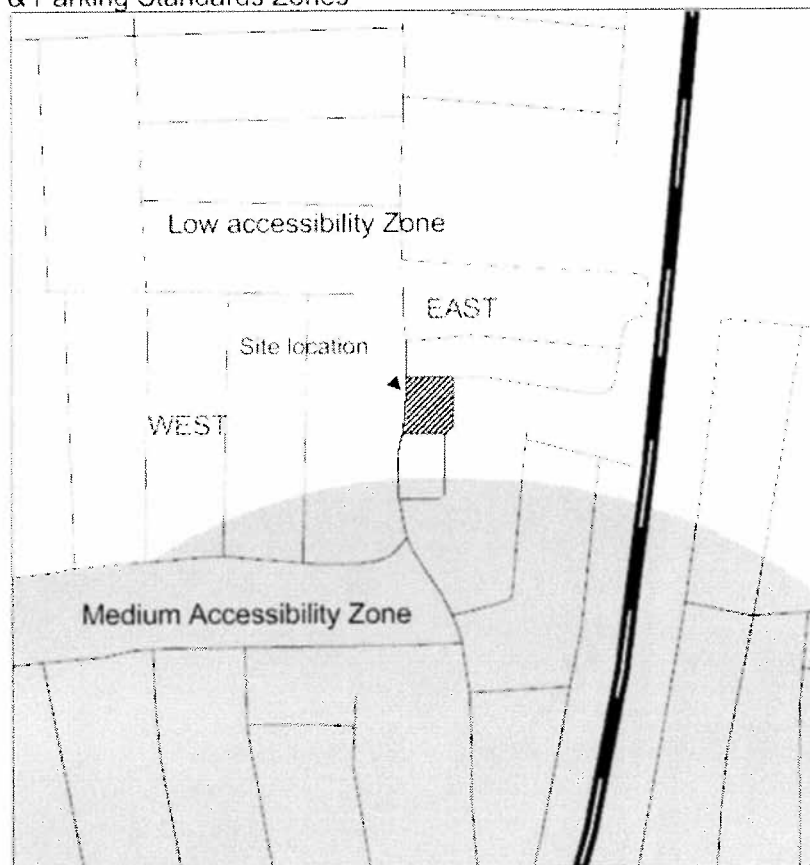
"Whilst providing parking on the site might be desirable, the site is located on a bus route close to local services and the layout provides the opportunity for appropriate cycle storage in each dwelling. Therefore alternative modes of transport are available for the development and in accordance with the maximum parking standards contained in the Local Plan..."

And the OCR, on this point therefore concludes:

".. an objection on grounds of parking could not be sustained."

This statement is misleading, as can be appreciated from the segment of the relevant part of the Plans map below, showing the relative location of the site in question with respect to accessibility zones.

Proposal Site with respect to Residential Density & Parking Standards Zones



Source Residential Density & Parking Standards Zones. Figure 9 from the Portsmouth City Local Plan 2001-2011 (Revised Deposit Draft) (web)

The relevant map, Figure 9 in the City of Portsmouth Plan entitled Residential Density and Parking Standards Zones (see Annex 2), shows that the **whole of the site referred to in the proposal, as well as all of the dwellings represented in the petition, except one, fall within a Low Accessibility Zone (LAZ). According to the Portsmouth Plan LAZs should meet the**

Hampshire standards in parking. The stated levels of provision: residential developments in LAZs should preferably discourage on-street parking through good design and in addition provisions for parking should not exceed 1.5 spaces/unit. The parking standards for LAZs residences is 1 space/1 bed unit; 2 spaces for 2-3 bed units and 3 spaces for 4 bed units (see Local Plan Appendix 5 Parking Standards Section on Residential standards).

The implication of the OCR statements is that the City of Portsmouth Planning Department officials expect that all of the potential, and currently unidentified, residents of the seven (7) proposed dwellings will not own cars and that all of their transport needs will be satisfied through the use of bicycles or public transport. Unless the City and local councillors are intending to introduce by-laws banning selected residents from owning cars and forcing them to take odd journeys by bicycle, these assumptions are absurd. This handling of the parking question is an affront to those signing the petition, which pointed out, in reasonable and practical terms, why there will be a parking problem. This level of response by the Planning Department to a petition by local residents is unacceptable.

Impact on amenity, property desirability & valuation

The OCR reflects a desire not to engage the issues being raised in the petition of which a fundamental one was the loss in amenity. Indeed the OCR avoids mention of the impacts on area amenity and the general impacts of this proposal on the desirability of Coniston Avenue and Copnor Road properties. Indeed, the OCR makes the following statement:

"The loss of amenity, with respect to parking, nuisance associated with maintenance of the tidiness of back entrances and the devaluation of the front access character of Coniston Avenue to that of a shared back access."

"A possible reduction in property values is not material to the determination of a planning application."

The substantive point of concern is the contribution of the proposed plan to an erosion in amenity, or pleasantness is a decline in the desirability of properties. One succinct measure of the impact on amenity is a decline in their valuation. The calculation of a financial impact is therefore not our main expressed concern but is simply a way to flag the quantification of this impact.

In terms of Planning Statutes and procedures it is true that monetary valuation is not an issue, because this depends upon market forces. **However the relative erosion of amenity and, indeed desirability of properties affected by a development is very much an issue in the determination of a planning application; this is a reason planning applications are subject to public scrutiny. This is also a fundamental reason why local councillors need to remain alert to the interests of their constituents when participating on planning committees. Planning officers have a function of checking that statutory requirements are satisfied and amongst these valuation does not figure. This means that relying upon the views of planning officers who have no political motivation to engage with the genuine concerns of residents affected needs to be handled with considerable discretion.**

However, the OCR uses the device that possible reductions in property values, that is their prices, are not material to the evaluation of planning applications as the basis for their justification to throw out, and therefore give no further consideration to the causative issues related to amenity and desirability of properties. **Certainly they can ignore the financial estimates but the size of these estimates should be a signal to the councillors of the gravity of the situation addressed and should therefore, be a major concern to councillors.**

Conclusion

The disparity between the City Plan, the planning proposal provisions and the performance of the Planning officials has been lamentable. This case seems to reflect a failure to apply due diligence sufficient to understand concerns expressed in the petition and thereby defaulting to a process marked by a deficient acknowledgement and engagement with the issues of importance to the residents affected. What is even more unacceptable is that the councillors concerned have used such unprofessional behaviour and its output work as the basis for their decision. As a result the councillors have also failed in their duty to understand exactly what residents are concerned about and to respond accordingly. In this case they appear to have simply taken the easy route of being led by the OCR to record a decision at odds with the City Plan as reflected in the incomplete and unsatisfactory OCR, especially in relation to the classification of the accessibility zone within which the site lies.

I, for one, remain aghast at the treatment metered out to concerned residents by the planning officials' failures to demonstrate adequate due diligence and good practice and by councillors who have allowed themselves to be bamboozled by such behaviour to the degree that they seem to consider it to represent an acceptable standard of public administration.

There is no need to reply to this letter since we will make a formal complaint concerning the prejudicial prevarication of the City council on this matter.

Yours faithfully,

Hector McNeill

Attached

- a) Annex 1 – explanation if original plan inaccuracies
- b) Annex 2 – Residential density & parking standards zones
- c) Copy of letter being responded to (from Claire Upton-Brown of 8th October, 2008
- d) Copy of the OCR attached to item c)

Cc:

all signatories to original petition;
Members of the Development Control Committee;
Head of Planning;
Development Control Manager;
MP Portsmouth North;
APE syndication.

Annex 1 Original justification for stating plan information was misleading, that is, inaccurate taken from original petition pages 5-6.

“ SPECIFIC OBSERVATIONS

The information supplied with this Planning application is misleading to the degree of suggesting a character of development at variance with that intended. It is, therefore, necessary to call the attention of the Planning Committee of the Local Authority to significant issues which would arise from it being accepted.

These concern:

A. Misrepresentations in the information submitted and a failure to check the submitted plans for accuracy.”

.....

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“The submitted plans misrepresent the visual impact, as well as the concentration or defacto over-development, as well as appearance of this over-development, by exaggerating the real dimensions within which seven (7) properties are expected to be constructed. Thus in the right hand side of the Plans & Elevations document a block of Coniston Avenue housing numbered as 13-7, gives the impression that some seven (7) Coniston Avenue houses (Coniston Avenue has sequential numbering) fit well within the length of the proposed site. Indeed, the block of seven (7) proposed properties is longer than the Coniston Road block of seven (7).”

“Closer inspection of the site, in situ, shows that this misrepresents the facts on the ground where, in fact the Coniston Avenue properties, numbered 8 and 7, lie outside the projection of the proposed site. Only properties 9-13, that is five (5) Coniston Avenue properties, have the same dimension as the construction site on which seven (7) new properties are planned. Also, in comparison with the relevant neighbouring terraced properties in Copnor Road (128 through 132) only four (4) of these would fit into the proposed construction site on which seven (7) new properties are planned.”

“Clearly, such a concentration of individual properties in this application does not comply with the current housing density or dimensions of the closest properties. This is why the result will give the impression of over-development and an attempt to use a limited site area for an excessive number of dwelling houses.”

“The attention of the Planning Committee is drawn to the fact that plans accompanying applications are relied upon by the public to draw objective conclusions. Unfortunately, in this case, it is apparent that these plans do not appear to have been checked for accuracy by either the Planning Department or those submitting the application because the resulting submission significantly misrepresents the detail of what is being proposed. The plan contains the caveat “for illustrative purposes only”, but the degree of misrepresentation is misleading and, therefore, unacceptable”

“It is a normal expectation on the part of Portsmouth residents to expect the Local Authority to demonstrate a duty of care through an obligation to uphold transparency and to require that information submitted for decisions on planning applications be based upon accurate information. This is because most interested parties are not specialists in the interpretation of technical drawings and associated plans. As a result, the unassisted reliance for assessing plans, which are defective in terms of the information contained therein, is, subsequently, not fully transparent. It would seem to be the duty of the Local Authority to carry out initial reviews of submitted applications from the standpoint of standards of accuracy and representation.”

“The plans submitted in this case fail to satisfy this basic requirement and, it would seem, the Planning Department has not detected the issues raised herein.”

Annex 2. Residential density & parking standards zones

This map shows the approximate extent of the Accessibility Zones that will be used to determine parking standards (policy DC21) and the minimum density for new housing (policy DC39). The relevant standard will be applied when planning applications and other development proposals are considered. Please contact the Planning Service for further details.

For the purposes of this map, the zones have been drawn concentrically around existing relevant train stations (800 metres radius) and bus stops (400 metres) to represent the prescribed walking distances from them (Appendix 5: Table A).

