



Save Ealing's Centre

Only the Best will Do

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Mr Darra Singh
Chief Executive
London Borough of Ealing
Town Hall
New Broadway
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3rd June 2008

Your ref: P/2008/0156

Dear Mr Singh

FORMAL COMPLAINT RE: DICKENS YARD DEVELOPMENT PROPOSAL

I am writing as Chairman of the Save Ealing Centre Alliance, SEC, to lodge a formal complaint about the Dickens Yard development proposals that are now the subject of a planning application and about the Council's support for them.

This complaint is being made in accordance with the provisions of the Council's published complaints procedures as well as with the instructions in the Council's Statement of Community Involvement. It is a pity it is necessary to raise these issues in this way – SEC would much prefer to have found a less formal way to do so. Unfortunately, SEC members have without success repeatedly sought answers to our questions over recent months both from officers and members. The formal complaints procedure appears to be the only route open to us.

BACKGROUND

Our complaint goes back to the preparation and adoption by the Council of the development brief for the site in 2004. This exercise followed the spirit of, and the procedures for, local plan making that are set out by the Government in Planning Policy Statement 1 (PPS1):

'Plans should be drawn up with community involvement and present a shared vision and strategy of how the area should develop.'

Accordingly, drafting the site brief involved an extensive period of consultation with local groups including many who are now members of the SEC alliance. As PPS1 requires them to do, Council officers considered the many, and sometimes conflicting suggestions from this consultation process and then, on the basis of their consideration, drafted a brief that provided their appreciation of the principles under which the site should be developed.

The draft brief was approved by the Cabinet in June 2004 as Supplementary Planning Guidance 'for the purposes of development control' and for use as 'the basis on which to market this development site'. The report to Cabinet carried an 18 page list of detailed comments from members of the public and the Council's response to them. This list contains the views and the concerns that many of the groups, now within the SEC alliance, had contributed.

Befitting a site where there is for the Council an obvious risk of conflicting interests, the community understood that the adopted brief laid down the ground rules which would govern the way that Dickens Yard would be developed. As far as the public has been advised, the brief remains the Council's position about the site and its development potential. As provided for by the Cabinet decision, the Council used the brief to market the site and, eventually, identified St George as its preferred developer.

The Council has never withdrawn or otherwise amended the brief which, under our 'plan-led' system, SEC believes must therefore be used in determining the current application from St George.

Save Ealing's Centre Alliance

SEC is a voluntary alliance of 23 Residents' Associations drawn together, as local stakeholders, in response to the proposed developments within the centre of Ealing. Our focus is to promote the revitalisation of Ealing Town Centre and its development as the focal point for the Borough and for the community as a whole, in a manner that meets the needs of our future generations. Our constituency numbers over 12,527 residents from:

- Ascott Avenue Residents' Association
- Central Ealing Residents' Association
- Ealing Civic Society
- Grange Grove Residents' Association
- Gordon Road & Surrounding Streets Residents' Association
- Madeley Road Residents' Association
- Pilshanger Community Association
- West Ealing Neighbours
- Boston Manor Residents' Association
- Chiswick Protection Group
- Ealing Fields Residents' Association
- Gunnersbury Avenue Residents' Association
- Hanwell Village Green Conservation Area Residents' Association
- Neighbours' Paper
- Walpole Residents' Association
- Woodfield Gardens and Regency Close Residents' Association
- Brentham Society
- Creffield Area Residents' Association
- Friends of the Earth
- Hanger Hill East Residents' Association
- Kingsdown Residents' Association
- The Park Community Group
- Warwick Road Residents' Association

THIS COMPLAINT

SEC's complaint is that the Council appears to have set aside the site brief, and the ground rules that it established, and entered into completely separate negotiations with St George. These negotiations led to the Cabinet approving a vastly inflated scheme at its meeting on 4 December 2007.

The December 2007 report to Cabinet suggests the plans were drawn up in consultation with a sub-committee of senior Councillors including two representing Ealing Broadway Ward and one representing Walpole Ward. Council officers have verified that since 2004 there have been no further rounds of public consultation on the extent to which the new scheme departed from that previously approved and the implications of these departures.

This process has therefore been entirely at odds with the advice in PPS1:

'Community involvement in planning should not be a reactive, tick-box, process. It should enable the local community to say what sort of place they want to live in at a stage when this can make a difference. Effective community involvement requires an approach which:

- *tells communities about emerging policies and proposals in good time;*
- *enables communities to put forward ideas and suggestions and participate in developing proposals and options. It is not sufficient to invite them to simply comment once these have been worked-up...'*

The failure to engage with the community means the public and SEC's members can only conjecture the reason(s) why the Council might have abandoned the considered views set out in the site brief. The only realistic explanation for the failure to follow established processes appears to be that the Council has encouraged more intensive development than the agreed brief in order to obtain a higher price for a site developed. In short SEC believe the Council has compromised its statutory function as planning authority by allowing the aim of maximising the financial return from the disposal of the site to drive out all other proper considerations, and having done so without due public consultation. SEC members reading the latest "Around Ealing" believe that the Council's endorsement of the St George scheme is evidence that the planning application has been "pre-determined".

SEC understands the Council's obligation to obtain "best consideration" but refutes any suggestion that "best consideration" absolves the Council of its obligations to follow a plan-led approach defined in PPS1 or provides a power to override the 2004 brief. Furthermore the Council's decision to increase the scale of the development appears to have been made after the selection of the developer. Given the significance of the increases in scale and the lack of competition on the revised scale can the Council and rate payers be confident that the current scheme does offer "best consideration"?

INCREASE IN SCALE

The planning application to develop the site on the lines indicated in the December 2007 Report to Cabinet was lodged in April 2008. Anyone who compares the 2004 brief against the application can see at once that the two have very little in common. Here, to illustrate them, are a few of the inconsistencies:

Issue	LBE Policy (2004 SPG and Site brief)	Planning Application (May 2008)
Max Height (storeys)	Up to 8 subject to siting, impact on nearby uses etc	14
Number of Flats	250	698
Community and other Facilities	? primary health care, church hall, cinema, as part of total 84,000 m ² for town centre	920 m ² health spa 325m ² 'community facility'
Car Parking	200 public spaces – residential development only to be 'low car ownership'	282 public and 301 residential spaces
Retail	7,000m ² approx total additional	8,079m ² A1 including 1,000 m ² replacement, + 961m ² A3
Overall capacity	Over 30,000m ²	At least 54,891.m ² Almost certainly much more
Plot ratio	2:1 acceptable in principle, 75% site coverage	Not less than 3:1 Almost certainly much more
Access	From south – Uxbridge Road. Avoid traffic on residential roads to north	From north and south

The inevitable consequence of these changes has been that almost all of the concerns raised during the 2004 consultation have been ignored. These concerns were documented in an 18 page Appendix to the 2004 Cabinet Report.

CONCLUSION

SEC understands the need to respect the commercial confidentiality of the agreement the Council has struck with St George if the planning application is approved. But SEC members are very concerned that the Council are so confident that planning consent will be granted for the development that it has already included the capital sum expected from St George, when the consent is granted, in this year's capital budget.

For the members of SEC these events constitute a failure of due process for community involvement and the Council's obligations to manage your conflict of interest. SEC members participated in the Dickens Yard consultations in good faith; they now consider that the time and effort they invested have been completely wasted.

There has also been a failure to follow the Government's clearly laid out guidelines for plan-led development management and this raises some disturbing questions about the probity of the Council's activities in working with St George.

These are serious claims and they need to be carefully investigated. We should therefore please appreciate your answers to the following questions:

- Did the Council intend to increase substantially the scale of the development after selecting a developer when it embarked on the consultation process regarding the Dickens Yard site brief?
- Who exactly took the decision to set aside the approved brief and negotiate a quite different scheme with St George? Was this an officer decision or was it made by members?
- When it decided to negotiate this different scheme with St George, why didn't the Council follow either the letter or the spirit of the procedures for public engagement set out clearly in PPS1 – procedures the Council purports to support through its Statement of Community Involvement?
- Given that this negotiation was undertaken without any competitive tension from other developers, to what extent can the community and the Council believe that the current proposed scheme, however unacceptable its content, offers the people of Ealing "best consideration"?
- As it appears Council has assumed that planning approval will be granted, evidenced by including the consideration in its future capital budgets, what contingency plans exist lest the planning application is not approved?
- When it decides on the application, will the Planning Committee be provided with a full analysis of the brief that was approved for development control purposes and will it be given a full explanation of every instance where the application exceeds the limits that are set out in the brief?
- When it decides on the application will the Planning Committee be advised by Officers to take into consideration and respond to each one of the issues raised by the community during the 2004 public consultation and the Council's responses to them as set out in the 18 page Appendix to the 2004 Cabinet Report?
- When it decides on the application on what basis will the Planning Committee assess any objections from the community to the planning application? Will it, for example, follow the statutory requirements for 'plan-led' decision making?
- Do the Council intend to make any changes to public consultation procedures to restore public faith in the value of engaging in any such consultation?

As indicated at the start of this letter, SEC regrets that we have found it necessary to raise these issues so formally. If there is any way for SEC members to discuss and amplify their concerns with you before you respond to this complaint I am sure it would help all of us, although SEC would wish to formally record any such meetings.

Thank you

Yours sincerely



Nick Woolven
Chairman