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Rt. Hon Hazel Blears MP  
Secretary of State  
Department of Communities & Local Government  
Eland House  
Bressenden Place  
London SW1E 5DU

31 July 2008

Dear Ms Blears,

#### **HOLLAND PARK SCHOOL CALL-IN**

I am writing to set out the concerns of my local residents' association about the way in which the Royal Borough of Kensington & Chelsea has dealt with determining its own application for redevelopment at Holland Park School. I will also add in our concerns about the consideration given by the Mayor of London and his deputy mayor, Mr Ian Clement. I hope having read this letter you will agree that the planning application requires independent scrutiny via the call-in process as, demonstrably, this has been lacking to date.

Firstly, the Campden Hill Residents' Association ('CHRA') has been in existence since 1974 and has fought many planning battles in its time. With several hundred members it is well respected across the Royal Borough and beyond; we are pleased to count the Rt. Hon Tony Benn among our long standing supporters.

In recent years we have worked to support the Friends of Holland Park and built up strong and co-operative links with Holland Park School. Amongst many of its initiatives CHRA has sponsored litter bins, planted commemorative trees, overseen reading programmes as well as giving grants to some of the most disadvantaged pupils.

We are not opposed to having a replacement school; on the contrary we would welcome a complete upgrade of the school's facilities. However, we have struggled for many years to understand why the Leader of the Council would wish to pursue the route of selling off the school's playing field regardless of the strong local sentiment against this. We fear that the project has now gained the status of a 'trophy project' which has distorted the Leader's appraisal of the alternatives. Contrary to what has been said by Conservative politicians in the Royal Borough and at the London Assembly, we are not 'anti-school', rather we have been at pains to demonstrate to the Council how it can meet its aspirations by using the funding, for

which it will be eligible from next year, under the Labour government's Building Schools for the Future programme.

As you will be aware, following your call-in decision last July the LEA withdrew their planning application at the eleventh hour and as a consequence we were awarded costs by your Inspector, for which we are most grateful. We believe that the case for a planning inquiry remains as strong today if not stronger than last year.

We have the following concerns with the approach that the Council has taken throughout the second application process:

1. **The failure of the local authority applicant to conduct a proper and meaningful pre-application consultation** on the full proposals, including almost no consultation on the details of the proposed new housing. Almost all the 'consultation' has focused on the new school building. The failure to consult parents at all the feeder schools and any residents south of Kensington High Street – 400 m to the south of the school site.
2. **The compromised position of the Local Planning Authority.** Our Freedom of Information Requests have revealed that following your call-in decision last summer, it has been the Executive Director for Planning and Borough Development, Mr Prout, who has been leading the council's work to secure a planning consent. We have Fol evidence from the GLA that Mr Prout teamed up with a representative of the LEA to meet with the Planning Decision Team of the London Mayor early in January 2008 to discuss how the application could be made acceptable to the then Mayor. We think the discussion between the Applicant, the Planning Authority and the Mayor represents a total conflict of interest. In the case of a council's own development, probity safeguards are more important than ever. We recognise that both the Applicant and the Planning Authority are at liberty to meet the Mayor's staff individually, but for these to be jointly held suggests a mind-set of officially sanctioned pre-determination.
3. **The Council's Failure to comply with national planning guidance on sport and recreation contained in PPG 17** – either as LEA applicant, or as planning authority. Sport England has yet to resolve the compliance of the applicant with specific policy points or to obtain a cast iron agreement that the Council will undertake an Open Space Assessment. The lack of such an assessment means that it has been difficult for the Local Planning Authority to objectively assess the application based on a plan led approach.
4. **The failure to provide on-site affordable housing.** The Council has not kept the LEA to the same standard as the LPA expects and demands from a private sector developer. The off-site solution does not comply with the Council's emerging LDF policies with regard to off-site affordable housing being located in the same ward or adjacent ward. The solution to place housing in a ward in the North of the Royal Borough is a poor precedent. This is contrary to PPS3. Our independent appraisal from AtisReal concludes that the applicant's financial appraisal does not justify departure from the policy requirement to provide 50% affordable housing on site. After all, this is a public sector applicant developing land in its own ownership.

5. **The poor location of the off-site affordable housing.** The Council has chosen effectively to 'dump' the affordable housing in an area of existing social housing provision, by demolishing garages on an existing council estate, in the shadow of a North Kensington tower block and up against the elevated track of the Hammersmith & City Line embankment. We believe that this is a sub-standard location. The previous application, which was the subject of a call-in last year, contained on-site affordable housing.
6. **The flawed application to the Department of Children, Families and Schools for a consent to dispose of the playing field land under section 77 of the School Standards and Framework Act 1998.** We have provided Counsel's opinion to the Department showing that authorisation should not have been forthcoming as it was based on serious errors of calculation in the Council's application. This reinforces the concerns of local people that the application has been forced through by a partial local authority without adequate probity. At the time of writing there has still been no adequate explanation from the Department or from the Council to the concerns we have expressed.
7. **The criticism from the Design Manager at Partnerships for Schools.** Partly as a result of our urgings, the Council sought a dialogue with Partnerships for Schools. Unfortunately, the Design Manager at PfS criticised every floor of the proposed new school building as unsuitable for the intended use. This feedback has not been taken on board by the Council.
8. **The concerns of English Heritage, a Statutory Consultee, have been ignored.** The Council consulted English Heritage but then ignored its concerns despite EH having the status of being a key Statutory Consultee. EH reported "serious concerns regarding the harm to the character and appearance of the Conservation Areas. In addition, the development site is adjacent to Metropolitan Open Land at Holland Park and will have a detrimental impact". No modifications were made in the light of this advice.
9. **The Council ignored the advice of its own expert design panel.** In a snub to its new architects' appraisal panel, no modification whatsoever was made to the design after it was comprehensively criticised by an expert panel comprising many of London's leading architectural practices. The Royal Borough bars external commercial applicants from placing their schemes before Committee if they receive similar criticism; yet another example of the authority's partiality in this case.
10. **Failure to respond to the government's commitment to provide BSF funding to the Royal Borough in 2009/10 and to work to the terms of this scheme.** We have a professional opinion from leading educational consultants Bryanston Square confirming that the Council could use this funding route were it to amend its plans.
11. **Consistent overstatement of the future public spaces and habitat areas.** The local authority is guilty of misleading the public and the GLA on the future land areas available to the new school. It has always quoted figures which include the private gardens for the new private housing courtyard. It has

therefore given the impression to the London Mayor and others that the school habitat area would only decrease by a quarter when actually it is being halved.

12. The Council committee services sought to provide the minimum possible public notice of the Planning Committee date and time and access to the Committee Report. Despite having arranged a committee meeting for 12 councillors to attend well in advance, the Council chose only to announce the committee date at the bare minimum statutory notice period and then confused matters further by posting the wrong time of the meeting on its web site. It is this sort of tactics which show complete contempt for local democracy.

Finally, I would like to alert you to the conduct of the new Mayor of London in this application.

Firstly, the new Mayor conducted a visit to the school on the morning of the day that he signed off his stage two approval notice. His visit was conducted not by the applicant but by the Executive Director of the Planning Department. Again we find this a strange approach for a Council's Own Development.

Secondly, and more concerning was the prejudiced outburst of the Deputy Mayor, Ian Clement, at a recent evidence session of the London Assembly. He informed the public gathering that he felt very strongly about this application and was of the view that local residents opposed it because they did not want comprehensive school children cluttering up their streets. We deplore these remarks and suggest that the Deputy Mayor, who received the Stage 2 report acting on behalf of the Mayor, cannot be said to have acted objectively in this matter.

It is our belief that the leadership of Kensington & Chelsea has been determined to see this project through at all cost and has been unwilling to look at alternative suggestions from local people or to allow their planning department to determine this application in a fair and objective manner. On behalf of CHRA and its members I hope that you will continue to maintain the call-in direction and confirm that a Planning Inquiry will take place.

Yours sincerely,

David White  
Chairman, CHRA

Enc. Holland Park School, The Alternative Vision leaflet

Cc Hywel Lloyd, Policy Advisor