

Ealing Council Cabinet members

To: Ealing Council Cabinet members

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FAO all Sounding Board members

9TH FEBRUARY 2023

Cabinet members,

We understand you will be considering a report from Council officers on the Gurnell project at the Cabinet meeting on 22 February 2023.

The Chair of the Gurnell Community Sounding Board has shared a copy of their report and taken some points from our feedback on board. However, a number of significant issues have not been addressed, most notably the proposal for development on protected Metropolitan Open Land (MOL).

Additionally, there has now been a four-month break since the last Sounding Board meeting on 28 September 2022. Once the Cabinet date was communicated we requested that submission of any report and decision by Cabinet is deferred until another Sounding Board meeting has been held, and we have had sufficient time to comment on any recommendations and receive an adequate response. This request was denied and at the time of writing no information has been provided as to the nature of the officers report and what the Cabinet are being asked to make a decision on. Therefore, this letter and report is based on the proposals presented up to and including Sounding Board meeting 4 from September.

We would like to assure you that the spirit of this letter and report is to be constructive and help our council avoid a similar outcome as the previous application. The previous scheme failed partly due to shortcomings during the early stages, therefore we should take the time to address any issues now before it's too late.

A significant number of the community groups from the Sounding Board have come together to produce this report (and the previous position statement) and we are unanimous in our views.

Please find attached our report and we hope you take this information into account in the decision-making process.

Kind regards,

Louise Simmonds

On behalf of Brent River & Canal Society, Gurnell Grove Residents' Association, Ealing Matters, Draytons' Community Association, Pitshanger Community Association, Save Gurnell and Stop the Towers.

Gurnell Community Sounding Board: Community Groups Report to Cabinet



Gurnell Grove
Residents'
Association



Brent River & Canal Society



Dated: 9th February 2023

Version: v1.0

1. PURPOSE OF THIS DOCUMENT

The purpose of this report is to state our joint position on the proposals presented to the Gurnell Sounding Board. These are the key areas which we consider Cabinet should be aware of in any decision-making process.

The report has been produced collaboratively by the following groups:

- Brent River & Canal Society
- Gurnell Grove Residents' Association
- Ealing Matters
- Draytons' Community Association
- Pitshanger Community Association
- Save Gurnell
- Stop the Towers

These groups have had strong attendance at the Sounding Board meetings, and many have extensive knowledge of the project and its history.

The report contains the following sections which will be taken in turn:

- Our joint position statement
- Establishment and running of the Sounding Board
- Our position on MOL in detail
- Response to Pitshanger Village Trader's Association submission
- Conclusion

2. OUR POSITION STATEMENT

Our position statement is attached in full in Appendix 1 of this document. This should be read in full, however to summarise:

- We support the redevelopment of Gurnell Leisure Centre within the existing building footprint and roof height.
- We support the retention of the BMX track, Skate Park and Playground within their existing footprints.
- We believe that the revised Leisure Centre options presented at Sounding Board Meeting 4 (Optimised 1 and Optimised 2) should be revisited with the Sounding Board members to ascertain whether any further refinement can be made.

3. ESTABLISHMENT AND RUNNING OF THE SOUNDING BOARD

The establishment of the Gurnell Sounding Board has been a welcome step forward and that the Council was willing to listen to local groups. It also aligned with Council Leader, Cllr Peter Mason's statement in May 2021, which in relation to regeneration in Ealing he stated, *"from now on communities will be in the driving seat when it comes to regeneration in Ealing"*.

Although we have now been engaged in the Gurnell proposals, there is a strong feeling that we are being driven to an outcome rather than being in the driving seat ourselves. Whilst we accept the need to replace the leisure centre, we do not want to end up in the same situation as the previous scheme i.e., significant sums of taxpayer money spent on a refused planning application.

There have been a number of challenges with the Sounding Board process which have not been outlined in the Chair's report:

a) Gurnell survey from April 2022

- The survey was constructed and circulated with no input from the Sounding Board, in fact members were not even notified. We appreciate that the first meeting was not until May, however it was set up in March and we feel the survey would have benefitted from members' input.
- The survey was poorly constructed and contained leading questions. Any data analysis conducted from the responses cannot be relied upon and should not have been used to drive decision making in such a key project.
- On 5th April 2022 Save Gurnell wrote to Cllr Peter Mason and Cllr Shital Manro requesting that the online survey be removed from the public domain, and not re-published until such point that the sounding board has convened and reviewed the content and distribution channels. This request was denied and the results of the survey presented as a fait accompli to the Sounding Board meeting 2.

b) Running of the Sounding Board

- Whilst it is true that papers from the Sounding Board were eventually made public, there was a significant delay in this process. Papers from meetings 1 and 2 (22nd May and xxx July respectively) were not made public until 16th September.
- There have been constant issues with delays in responding to queries from Sounding Board members.
 - Save Gurnell sent two letters (in August and October) the latter of which has still not received a satisfactory response.
 - The joint position statement submitted in November had no response until January this year.

c) Lack of public engagement and communication

- Despite the [Terms of Reference \(ToR\)](#) stating that *"The community sounding board is being established in addition to more general public engagement activity to be carried out as part of the project, including public engagement, planning consultation and general communications. The sounding board would however be encouraged to provide comment on more general communications plans."* There has been no public engagement aside from the survey mentioned in point a above.
- We request that the Cabinet do not make any decisions on the future of Gurnell until the public have had an opportunity to comment on the proposed options

We appreciate that any new forum will have some teething problems and wished to make the Cabinet aware of these issues for full transparency of the process. Despite these challenges, we feel the Sounding Board is a forum that should continue however the points above must be addressed going forward.

4. OUR POSITION ON METROPOLITAN OPEN LAND (MOL) IN DETAIL

We should not be accepting that a new facility must be built in the proposed location(s) whatever the wider harm to MOL, SINC's etc. This is not in line with high level plan policies that explicitly protect these assets. The 'Very Special Circumstances' for allowing development on MOL which they circulated simply do not apply here. The MOL protection this site is afforded is significant and should not be underestimated.

This was outlined by Save Gurnell in their letter to the Sounding Board dated 18 August 2022 and again to the Chair of the Sounding Board in response to the feedback request on their draft report. It refers to the July Sounding Board however the content remains relevant. For convenience, the information from the Appendix referred to has been added as Appendix 2 in this report and the relevant section quoted below:

“We are extremely concerned that the options outlined in the July Sounding Board, would constitute inappropriate development on MOL and would therefore not receive planning permission. Construction of new buildings should be regarded as inappropriate on MOL unless the exceptions are met. In Appendix 1 we have reviewed each exception for both the Leisure Centre and the residential elements of the proposal. Given this project is focused on the Leisure Centre replacement we have assessed the elements independently. To summarise:

- Residential
 - None of the exceptions apply to the residential element of the proposals.
- Leisure Centre
 - *Could be exempt but only if the openness of the MOL is preserved and the new centre would not be materially larger than the current one – which is not the case with the current proposal. Based on the above, the “very special circumstances” test would need to be met. Given this test was not met on the previous application, and the revised proposals do not even include any affordable or social housing, we are struggling to see how this test would be met, and planning permission granted.”*

As it stands, we simply do not foresee how the proposals could be granted planning permission given the last application was rejected due to it constituting inappropriate development on Metropolitan Open Land (MOL). Any proposals including housing would have an adverse impact to MOL and would therefore be rejected when tested against planning policy. Please see Appendix 3 for the decision notice wording from the previous planning application.

5. RESPONSE TO PITSHANGER VILLAGE TRADERS’ ASSOCIATION (PVTA) SUBMISSION

We note that John Martin has submitted a letter of support under the umbrella of the Pitshanger Village Traders association, our comments on this are as follows:

- There is a conflict of interest here as Cllr Martin is currently an elected Labour Councillor – this is a community sounding board and meant to be independent.
- This submission is the only letter of support which reinforces the strength and breadth of feeling amongst the majority of the Sounding Board members.
- The letter states *“if housing were to be included, this would bring additional footfall to Pitshanger Lane which is always welcome”*. This is not guaranteed and not a valid reason to go against planning policy and build on MOL. Should housing be built on the current car park site this would be nearly a 20 minute walk to Pitshanger Lane. It is interesting that PVTA objected to the plans at No.1 Pitshanger for 60 flats which would arguably almost definitely increase footfall on the lane due to it being only a 2-minute walk away. This is documented in the [Planning Committee briefing note from 20 October 2021](#).
- When referring to discussions with members of the residential community, the letter states *“they would like to see a new leisure centre and, again, have not expressed any strong views either for or against housing and, to be fair, it is perhaps because it would not impact them as directly as it would those living closer to Gurnell.”* We would like to remind the cabinet that 1983 residents objected to the previous planning application (with just 13 supporting. These residents spanned the Borough not just the local wards. Additionally, Pitshanger Community Association who do represent the views of the community (as opposed to the traders) are co-signatories of this report.
- We are not disputing the need for a 50m pool, the comparison with Spelthorne was to highlight that further consideration should be made on the leisure centre facility mix.
- The letter also states that *“I have been made aware of a number of matters pertaining to the development and from a business/financial perspective”*. These statements referred to have not been substantiated and we do not feel that the points regarding Spelthorne Councils finances are relevant. We should be looking at the funding we have ringfenced (£12m) and identifying an appropriate facility mix for the leisure centre which negates the need for inappropriate development on protected MOL.

6. CONCLUSION

We like to assure you that the spirit of this report is to be constructive and help our council avoid a similar outcome as the previous application. The previous scheme failed partly due to shortcomings during the early stages, therefore we should take the time to address any issues now before it's too late.

We would request that the Cabinet do not take decisions on Gurnell until the Sounding Board have had the opportunity to be updated on the outcomes of the impact appraisal and any other work that has progressed in the last four months. The other points in our report must also be addressed, most significantly finding a way to proceed without inappropriate development on MOL.

APPENDIX 1. OUR JOINT POSITION ON THE PROPOSALS PRESENTED TO THE GURNELL SOUNDING BOARD ARE AS FOLLOWS:

1. We support the redevelopment of Gurnell Leisure Centre within the existing building footprint and roof height.
2. We support the retention of the BMX track, Skate Park and Playground within their existing footprints.
3. We believe that the revised Leisure Centre options presented at Sounding Board Meeting 4 (Optimised 1 and Optimised 2) should be revisited with the Sounding Board members to ascertain whether any further refinement can be made.

Even with the optimisations, the estimated cost of the new Leisure Centre (£39.4m and £35.9m respectively for Optimised 1 and 2) are still excessively high in relation to similar projects. [Spelthorne Leisure Centre - GT3 Architects](#) had a cost of £36m and whilst the pool provision is slightly lower, it includes many of the costly elements that have been reduced/removed from the “Feasibility” option to reduce the cost:

Spelthorne Leisure Centre:

“The facility boasts both wet and dry facilities, including: an 8 lane 25m Pool, a 4 lane 20m teaching pool with a moving floor, splash pad, a large café to connect with Staines Park, luxury Spa, 6 court sports hall, 3 Squash courts, 2 studios and a state of the art Spin Studio, a 200 station gym, a climbing zone, a soft play area, a flexible multiuse space, 4No. 3g pitches on the roof (utilising the otherwise empty roof space), rooftop community garden space, and cycle trails to connect to the local park.”

4. We believe that the current estimates for “landscaping” (£3-5m) are excessively high, and the scope of landscaping should be outlined in detail and revisited with the Sounding Board members to bring this cost down.
5. We believe that the funding options have not been adequately progressed. Given the limited funding previously set aside for the project (circa £12.5m) it was clear from the outset that a degree of additional funds would be required, however there has been no apparent progress to seek these funds aside from the enabling development option. Given the MOL designation of the site, enabling development should be the absolute last resort, not the first option. In fact, the architects engaged to deliver the masterplan for the project (Mikhail Riches) are a housing specialist. This leads us to believe that housing was always on the agenda, despite the unsubstantiated need for housing in Ealing due to the yet unpublished 2019/20 Authority Monitoring Report (and five-year land housing supply).
6. We object to any market housing development on this site and ask Ealing Council to uphold national and local planning policy protecting Green Belt and Metropolitan Open Land (MOL) from inappropriate development and to uphold its policies in the BRP Countryside Management Plan (Part 1, 1990), Local Agenda 21 Response (1998), Biodiversity Action Plan (2001) and Supplement (2022) and Climate & Ecological Emergency Strategy (2021).
7. We object to any Affordable Housing development on this site given it will not contribute financially as an “enabling development” which is the rationale behind any housing being built. If there were no funding gap this project would simply be redevelopment the leisure centre and housing, affordable or otherwise would not be part of the discussion.

8. We note that the land is wholly within the flood plain of the River Brent and object to any reduction in the flood water storage capacity or increase in the rate of rainwater run-off from the site. In particular, we object to any proposal to create underground parking beneath the Leisure Centre as unsustainable. Any proposals should take full account of Ealing's Local Flood Risk Management Strategy (2016) and clearly evaluate the impacts and costs associated with building in or beside the flood plain in the light of climate change, and on river peak flows, surface water drainage, foul sewer capacity, flood risk management and on-site storage and attenuation.
9. We note that the Council is currently reviewing Ealing's Sites of Importance for Nature Conservation (SINCs). BRCS expert surveyors expect that when that process is complete, substantial areas of neutral grassland habitat in the River Brent floodplain north of the Leisure Centre and the native species hedgerows in and around the main car park and the old hedgerow along Ruislip Road East will all need to be designated as SINCs. This review, when complete, will require a re-evaluation of any planning proposals for Gurnell Leisure Centre and likely constrain these within the existing building footprint and height.
10. We object to any new footbridge over the River Brent within the existing SINC as BRCS experts advise that this would increase disturbance of and damage to riverside habitats within the Long Field SINC and the Gurnell grasslands likely to be designated as SINC in the current review.
11. We note that the existing building and car park emit extensive light pollution into the park affecting bat flight lines and feeding areas and ask that any future lighting scheme be properly designed to minimise any effect on wildlife and to avoid spillage. All such lighting should be switched off at 11pm.

APPENDIX 2 – PARAGRAPH 149 OF THE NPPF

The Gurnell site is designated in the London Plan as Metropolitan Open Land (MOL).

Policy G3A of the London Plan affords MOL the same planning status as the Green Belt. It protects MOL from inappropriate development in accordance with the national planning policy tests that apply to the Green Belt.

[These tests are set out in the NPPF. Link here: National Planning Policy Framework - 13. Protecting Green Belt land - Guidance - GOV.UK \(www.gov.uk\)](#)

Para 149 of the NPPF states. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

Exception	Does it apply?	Does it apply?
	Leisure Centre	Residential
(a) buildings for agriculture and forestry;	NO	NO
(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;	POTENTIAL YES <ul style="list-style-type: none"> If the openness of the MOL is preserved. 	NO
(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;	NO <ul style="list-style-type: none"> The proposals are for a replacement rather than extension/alteration. 	NO
(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;	NO <ul style="list-style-type: none"> Although this is a building replacement and of the same use it will be materially larger than the one it replaces (5,350 vs. 11,505 sqm). The location within the MOL under Option 2 is also different and on a SINC Grade II. 	NO
(e) limited infilling in villages;	NO	NO
(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and	NO	NO <ul style="list-style-type: none"> The proposals do not include affordable housing and 500 units could not be considered “limited” in any case. Additionally, if Affordable Housing were to be included,

		this would need to be 50% as the land is Council owned.
<p>(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:</p> <ul style="list-style-type: none"> not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. 	NO	<p>NO</p> <ul style="list-style-type: none"> The car park which is designated MOL does not equate to previously developed land (PDL) as no structure currently exists there. It also contains a great deal of biodiversity due to the hedges planted there. 500 units cannot be considered “limited infilling”. The proposals constitute a complete redevelopment of the current car park. They would have a greater impact on the openness of the MOL than the existing car park. The housing development is supposed to be “enabling” and will therefore be private rather than affordable. The affordable housing need is unsubstantiated due to the lack of an Authority Monitoring Report (AMR).

APPENDIX 3 – PLANNING DECISION NOTICE (201695FUL)

Reference No. 201695FUL

Schedule of Reasons 1

The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt (and by implication MOL which according to the London Plan is treated in the same way) and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness and by definition harm caused by the scale, massing and design of the development proposal. The benefits of the proposed development are therefore not deemed to outweigh the by definition harm to the MOL. Consequently, the very special circumstances necessary to justify the development do not exist.