

## After the Inquiry: the Inspector Decides

We've had our day in court. Five days in fact, and it wasn't a court – but it felt like one. The Public Inquiry into the Try Homes application to develop the Champion House site started on Tuesday 19<sup>th</sup> July and finished on Tuesday 26<sup>th</sup> July. It did not sit on Monday so there were five full days of the Inquiry.

### Some History

Try Homes first came to the locality in November 2005 when it hired a PR company to persuade us that a development of 350 homes on the site would be just what we wanted.

We let Try Homes know that this was not at all what we wanted. They also got opposition from the councillors and the Planning Department. Eventually, an application for 273 homes was submitted. We opposed it and it was rejected unanimously by the Sustainable Development Committee (SDC) - the borough's top planning committee.

Try Homes appealed to the Government's Planning Inspectorate because the SDC had not made a decision within 13 weeks of their application. That was their first appeal.

At the same time the developer submitted a second application (December 2006) for 239 homes. This too was rejected by the the SDC in March. Again the developer appealed to the Inspectorate because of non-determination within 13 weeks.

Try Homes withdrew the first appeal and a Public Inquiry was fixed for the 2<sup>nd</sup> one starting 19<sup>th</sup> June.

### The Inquiry Process

Planning Inquiries are quasi-judicial proceedings in which both the main parties employ barristers to put their case for them. Witnesses are called and are cross-examined by both sides.

Campion Concerns applied to be what is called a Rule 6 party to the Inquiry. This meant that we were full participants. We received all the papers and submitted our own. We could cross-examine witnesses and were cross-examined ourselves. It also meant that we could be liable for costs if it could be shown that we had behaved irresponsibly.

The Council presented their case first and questioned their 2 witnesses. These were then cross-examined by the developer's Counsel.

Then it was the developer's turn. They had three witnesses all of whom were cross examined by the developer, by the Council and then by us.

Finally, it was our turn. We put our case and were cross-examined by Counsel for the developer.

Large numbers of different papers were being referred to and had to be found instantly from the two crates of documents we took every day. Some of the cross-examinations lasted 2 hours or more.

### The Issues

The Council rejected the application because they said that (1) it would harm the street scene along Thornbury Road; (2) it would harm the Spring Grove Conservation Area; (3) the level of built encroachment on open space is unacceptable.

Campion Concerns supported the Council's case and added further points itself. One of these was the traffic problems likely to ensue from the development. Eventually we found that, given the forces against us, we were unable to pursue the issue even though we did not accept the developer's case. To have continued we would have had to produce research to prove that the traffic consultant of the developer, Transport for London and the Traffic Officer for the borough were all wrong. Despite the strength of feeling on this issue that was beyond our means.

We therefore focused our fire on the Council's three points while adding our own points.

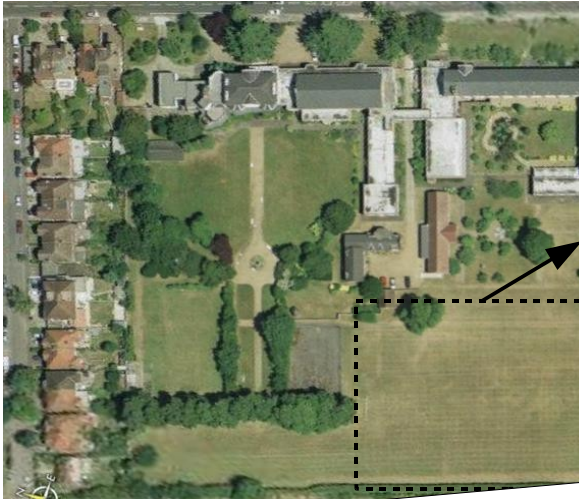
People who attended thought that we put up a good case and we felt that we did our very best. It was hard work and required some people to take time off from work to participate.

We argued that the developer had not taken the conservation area seriously and that this was why their design was unsuitable.

Now it is up to the Inspector. He said that he will deliver his judgement by mid-August. If he was convinced that the conservation area has real value, as we argued, then he should find in our favour. Inspectors, however, are also under pressure to approve developments wherever it is possible to do so. We cannot predict the result. All we can say is that the Council put up a good case and we did everything we could to demonstrate residential concern and to strengthen that case.

# Scrapbook items from a long campaign

Early on we discovered that the goal posts of the sports pitch on the site could be seen in aerial photographs. Try Homes have always denied the existence of the pitch – even at the Inquiry.



**Residents' letters.** Residents wrote to the Planning Department to object to the development. Around 130 letters were sent. They were all individually written and often very detailed. This was an exceptional response. The officers report to the SDC included about 10 pages of quotations from these letters.

**In April 2006** 473 residents signed a petition to the developer to say that that they wanted the development (1) to respect the conservation area on such matters as height and density, (2) not to encroach on open space, (3) to be based on proper consultation and (4) to require a full impact analysis of the effect on transport. We never received either a reply nor even an acknowledgement despite many reminders.

**In the application papers** to the Council for the development (December '06) the developer stated that the development would be for mainly non-family homes (thereby making higher density possible). In the papers for the Public Inquiry the developer said that it would be for mainly family homes.

**Campion Concerns** gradually extended its Newsletter circulation to reach 1300 homes. It produced a **Black Book** of detailed objections to the first application. A **Yellow Book** of objections was prepared for the second application. Finally a **White Book** of objections was prepared for the Public Inquiry. That all amounts to a lot of words!

**Readers of this Newsletter** know that Campion Concerns has *never* opposed social housing. We *have* argued that it should be of a high standard. We opposed long corridors joining social housing flats and these were eventually removed. This did not stop Try Homes telling the Inquiry that we opposed social housing. All's fair in love and development?



Campion Concerns offers advice to the developer April 2007

**At the Public Inquiry** the developer's conservation area expert argued that it would be inappropriate to replicate Thornbury Road's 1930s housing along the Campion frontage. It was a shame that his expertise did not enable him to detect that there is virtually no 1930s housing in the Road. His photographic evidence included the car park at the back of the restored Art Deco cinema frontage on London Road but failed to show the frontage itself!

**Brentford & Isleworth councillors** from all parties (Conservatives, ICG, Labour, Liberal Democrat) have been very helpful and followed our case in detail. They all gave us their time when we wanted to explain our concerns. This was local democracy in action.

**IT'S NOT OVER YET!** Now we must wait for the Inspector's decision. We will consider the possible options in a **Newsletter** when we get his verdict.