

LBE DRAFT POSITION STATEMENT: Ealing's Planning Service and how planning applications will be dealt with during the Covid-19 Crisis

Comments by Will French

Chair SEC

Generally there are some interesting, and in some cases very innovative ideas in this paper. More detail on many of the measures would be very helpful as how well they work will depend on details that have not yet been nailed down

We also need to know which of these proposals are expected to last just for the duration of the epidemic? Will there be any review of them once it is over? Note that at the National level, the opposition plus some senior Conservative back benchers are stressing the importance of a sunset clause for the emergency legislation and not just a review of it. These proposals have for understandable reasons been drafted in haste and are totally untested. Should something similar not be applied here? Especially with regard to planning committees and site visits.

A. Consultation on Prior Approval Applications for larger residential extensions.

No comment

B. Consultation on all applications (other than Major applications- see below).

1. 'Regular Communications' with CA Groups and RAs can be a bit patchy. Is there a register of these anywhere for new groups to be added?
3. Depending on the application, notification should not necessarily just be the immediate neighbours. Where an application would change the front of a property - e.g. installation of a front dormer window or a new front boundary addresses opposite should be notified, especially in CAs, other addresses may need to be notified for corner sites. And what about flats? Addresses are available on the electoral register. Each separate address needs to be notified.

What exactly is the 'formal site notice'? Is it the yellow notice put on lamp posts? These ought also to be posted routinely on the planning website.

How are agents expected to know neighbours' email or WhatsApp addresses? Can they not be encouraged just to post the notices through the doors and then submit a statement describing what they've done?

4. Who sends the consultation letters to CA groups and RAs? Can there be a register of these groups?
5. Even for small applications where there is no pre-application consultation?
6. and 7. These look to be interesting ideas, but they will take a bit of putting together. Will there be any engagement with Resident Associations Conservation Area Panels and Councillors in their preparation?

C. Consultation on major applications

This section uses the term 'regeneration' at many points. Very few schemes in central Ealing are about regeneration. They invariably involve redevelopment of land that already has a viable economic and social purpose. Could we please use a term that reflects this?

First para. This is an interesting statement. What does the Council have in mind? Most of the large applications

Second para doesn't encourage great optimism. Many/most pre-application engagement programmes are seriously flawed, with opinions made by neighbouring occupiers routinely ignored by the developer who then presents a grossly misleading position in their statement of engagement.

1. However, if this really is introduced, with pages made available for public comment this would be a great improvement. Will residents be able to attach files, photos pdfs etc? Will the comments be moderated by the developer?
2. I'm not clear about the distinction between the two web pages.
3. 4 and 5. These look very interesting ideas. It will be interesting to see exactly how they work. However, one is struck by the use of the word 'may' in the opening sentence. How confident can we be that any would be included?

D. Decision making - Planning Committee.

(NB. Unlike most other boroughs, Ealing's Planning Committees only deal with major applications.)

Live streaming planning committee meeting is a very attractive idea. It would give a far wider potential audience for the public to watch local democracy in action. People from around the borough will be able to see important decisions being taken in their name. How the meetings are managed will be more transparent, and the quality of contributions by committee members assessed. Documents and plans that are very hard to read at meetings will be much more visible. The whole meeting can be recorded and played back later and the way councillors vote will be held on record. I look forward therefore to a time when Committee meetings are live streamed. It will be a boost for our local government.

However, I remain pretty sceptical whether the May 20 Planning committee should go ahead if the present lockdown is still in place. I don't want to sound unkind, but as has been discussed for several years at the PUG, Ealing is not exactly at the front of digital technologies when it comes to its planning services. Problems with the website that other authorities have managed to resolve persist because of the very restricted resources available to fix them.

Many people found the recent remote PUG meeting difficult to join and some were defeated altogether. Even the Planning services manager lost contact for a lengthy period half way through the meeting. The challenges of introducing the necessary technologies for hosting a remote committee meeting if it had a contentious agenda would be far greater. It would be an embarrassment for everyone if the meeting crashed, and very likely leave the council open to judicial challenge if essential participants lost contact half way through.

There are also practical issues with the technology to think about. Those without the equipment – e.g. the internet - to tune in to online meetings will be excluded from the decision making entirely, and some of those who have the internet may not be able to tune in to whatever the Council's systems. What proportion of the public would be thus excluded is impossible to say without trialling a scheme which it would not be possible to do for a May meeting.

Managing the meetings will raise even more difficult questions. Licensing committees might work well enough, but the challenge is of a different magnitude when it comes to the often contentious Planning Committee. Like those considering Durston School and the Perfume Factory in North Acton, these regularly attract tens or sometimes hundreds of members of the public. Ealing does not have the capacity or the in-house expertise to run such large meetings remotely. Even the quietest Committees will be a challenge for the person who chairs it and decides who is chosen to speak and who not. Protocols will need to be developed and refined.

If only because they are wrestling with new technology, whoever is in control of the process will find themselves accused of bias. This will further undermine a committee that has come under recent public criticism. Rather than starting from scratch with a solely remote meeting, it would be far better to pilot the process in order to fix the minor glitches that will inevitably arise.

For the time being then, the feasibility of web streaming planning committee meetings should be investigated in a measured and properly managed process. In this respect we would direct you to [LB Camden's website](#) where every agenda item at every meeting is recorded and can be viewed including how individual members vote. Ealing should adopt this practice, and only when it has done it successfully should take the next step of introducing remote meetings.

E. Planning Committee Site visits.

The position statement is unclear what is envisaged for site visits but I believe during the phone conference it was said these would cease.

If this is so, it would present the most problematic issue in these proposals. Site visits can undeniably raise difficulties for the Committee, but very often this is because officers are recommending a deeply controversial scheme about which the community believes their concerns are ignored. Site visits therefore provide an important opportunity for communities to explain their concerns. On the comparatively few instances when Committee members vote against an officer recommendation, they invariably say they have done so after what they have seen during their visit. Examples of this include:

- Flat development in the Tesco Hoover Building Car park, [192275FUL](#)
- Flat development at Abbey Lodge, Carlton Road [PP/2013/4073](#)
- Moulin House, Mount Park Road flat development minor amendment [182928FUL](#)
- 1a Haven Green flat development [PP/2014/1285](#)
- 5A Rathgar Avenue flat development [PP/2015/3196](#)

We would strongly challenge first paragraph and the three bullet points in the draft paper that seek to justify abandoning site visits. They suggest some rather worrying and unprofessional understanding of what planning is for and its roots in transparency and open governance.

The NPPF is absolutely clear that planning is all about making good places It is irrelevant whether site visits are set down in government legislation. An understanding of a site and its context is self-evidently good practice. This is demonstrated for example by Planning Inspectors who visit every site that comes before them in a planning inquiry.

All decision makers, whether professional or members, need to familiarise themselves with a site whose future they are determining. How else are they fairly to assess the comments for and against made about a proposal? It's impossible to do this just by reading a report. It is rather worrying to read that it is not mandatory for planning committee members not to have visited a site before they vote on its future. Planning committees play a very important role in the life of the Borough. They provide the democratic underpinnings of the system. If committee members cannot find the time to view sites that they are voting on they really should not be on the committee. The March 2020 planning committee is cited as one for which there were no site visits. How could this be when it included a very contentious development proposal at Chignell Place about which there were strong objections from many sectors of the community?

Unfortunately too, as a consequence of what objectors have observed at site visits, more fundamental questions are starting to be asked about underlying integrity of the system. Responding to these questions by shutting down site visits would not allay these questions. Such a step would be interpreted as the removal of a key opportunity for the public oversight of planning decision making.

Abolishing site visits cannot be the answer and Ealing Matters would strongly oppose any proposal it should.