

Cllr Shital Manro, Chair of the Planning Committee
Ealing Council
Perceval House
14/16 Uxbridge Road Ealing
W5 2HL

7 June 2020

Dear Councillor Manro

Re: LB Ealing virtual Planning Committee meeting held on 20 May 2020

We, the undersigned, are writing to put on the record our strong concerns about the Planning Committee meeting held on 20 May 2020 which used video conferencing technology for the first time. As objectors to developments that came before the Committee, we felt there were numerous failures and breaches of process which we detail below. Some of us are considering taking our complaints further and we reserve the right to seek legal advice and action as necessary.

1. Initial concerns raised by residents' groups at the Planning User Group (PUG) on 16 April 2020

Our letter focuses on failures and breaches in process at the virtual Planning Committee meeting held on 20 May. However, we would first remind you that at the PUG meeting of 16 April residents' groups raised serious concerns about conducting Planning Committee meetings virtually, and these were reinforced by the results of a survey by Ealing Matters.

Even though the PUG meeting raised concerns about the public's ability to access the virtual Planning Committee meeting, objectors had issues with registering to speak as objectors against developments. We informed you about these prior to the Committee meeting. These problems included a lack of response to the administration phone number, a failure to confirm objectors' intention to speak and the lack of a phone number for those with no access to the virtual conferencing technology.

2. Suspension of Planning Committee site visits

Site visits are essential for Planning Committee members to fully understand proposals they will be voting on in their physical context. As site visits were suspended Committee members did not have an opportunity to assess the schemes in their context. We strongly

object to this, especially for large scale developments. For this reason alone, these schemes should not have been put to a vote.

Objectors, (notably those concerned with the “Wiltren” and the Greenend Road/Warple Way developments) made strong representations to defer the meeting because there were no site visits, but they were ignored.

3. Insufficient time at the virtual Planning Committee meeting

The agenda at the virtual Planning Committee meeting had seven items. This reduced to a bare minimum the time necessary for essential scrutiny of the applications by councillors, despite all but one of the applications being controversial, and most of them being large scale developments.

The overpacked meeting agenda inevitably impacted on the proceedings. All but one item included representations from objectors, and three included representations from ward councillors. The result was that:

- The meeting overran the three hours scheduled by more than an hour, with only a short break (of roughly seven minutes) between agenda items 4 and 5.
- This was procedurally very unfair to objectors/ward councillors making representations, particularly against agenda items 5, 6 and 7, all of whom had had to wait three hours or more to make their views heard.
- In order to get through the agenda, you as the Chair grew increasingly impatient to limit discussion. You were heard constantly telling colleagues to keep their comments brief.
- The time taken over each item steadily decreased, with the last item (Buckingham Avenue in Perivale) receiving less than 16 minutes attention from the Chair’s introduction to the conclusion of the vote. This meant applications from the latter part of the meeting received less time for scrutiny than those at the beginning, due to sheer exhaustion among Planning Committee members and the distracting concern that the video conference would cut off after four hours for technical reasons (which did seem to happen to two members before the final vote).

All this was foreseeable and entirely avoidable. The meeting should have been split into two or more sessions. This view was expressed at the conclusion of the meeting by Cllrs Dabrowska, Millican and R Wall.

4. The democratic deficit in the Planning Committee procedure caused by the use of video conferencing.

While members of the public were able to watch proceedings of the virtual Planning Committee meeting, the effect of video conferencing was to shield the Committee from public sentiment, thus reducing still more public participation and engagement in the developments in our borough. The fact that Planning Committee members and those in the virtual ‘public gallery’ could not see how many people were watching proceedings at any given moment reinforced this sense of public disempowerment.

The public's inability to see all members of the Committee at once was a further cause for concern as the public had no idea which members of the Committee were present through the discussion. Some members lost their broadband connection during the meeting, which called into question their eligibility to vote (e.g. Councillor Conlan during the "Wiltern" development application report and Q&A, Councillors Millican and Woodroffe before the Buckingham Avenue application vote).

5. Procedural breaches with individual applications

There were procedural breaches with each of the individual applications voted on by the Planning Committee. We provide some examples below, but please note these are indicative and non-exhaustive and do not preclude individual objectors from raising further concerns:

- With regard to "The Wiltern" development in Perivale (Application Number 200534FUL), the developer, Amro, was allowed to submit what amounted to a 3-minute prerecorded promotional video. In contrast Cormac Gilmore, who spoke against the application, was told that he would be presenting by video to the Committee, but was only allowed to do so by phone, thus preventing him from being visually present, and diluting his personal impact, in stark contrast to the developer. This discriminatory imbalance in the handling of representations and the fact that the developer was not available to answer questions from Committee members is unacceptable and should have been, but was not, challenged by the LB Ealing legal officer present at the meeting.
- With regard to the Rear of Greenend Road, Car park at South End, Warple Way, Acton (Application Number 193680FUL) the meeting revealed a failure to consult with the Environment Agency, which their Sustainable Places Planning Advisor had confirmed in an email dated 19 March 2020 to be a statutory requirement in this case, and a failure to adhere to Public Sector Equality Duty, admitted and acknowledged by the legal office present at the meeting.
- With regard to the development at 80 Goodhall Street in North Acton (Application Number 191885FUL) Committee members were not made aware of clear errors in the Planning Officer's advice. The use of an addendum note by the same Officer on the day of meeting was highly irregular and the Island Triangle Residents' Association's barrister was not granted a right of reply. There were also attempts to introduce evidence during the meeting itself, which several Committee members objected to. Again, this was unacceptable and should have been, but was not, challenged by the LB Ealing legal officer present at the meeting.

Our complaints above aside, we make another final observation. Objection speakers are LB Ealing residents, voters and Council taxpayers representing the communities which Councillors are meant to represent. Without being paid, they put in hours of work on behalf of their communities drafting statements that take great care to stick to their three-minute allocation.

It is incredibly disheartening therefore that some members of the Committee ignore all that these residents say. Without explaining why, they just vote in favour of developers as directed by you or by Planning Officers. This is often despite missing or erroneous information in a developer's application or in the face of blatant departures from the London and Ealing Local Plans. The virtual nature of the Planning Meeting only emphasised this lack of interest. It has reduced the democratic accountability of the Committee more than ever.

Yours sincerely

Kay Garmeson

on behalf of Ealing Matters

Cormac Gilmore

Objector to 200534FUL: Land to the rear of Tesco Superstore, The Old Hoover Building, Western Avenue, Perivale UB6 8DW

Don Tanswell and Councillor Andrew Steed, Liberal Democrat Member for Southfield Ward
Objectors to 193680FUL: Rear of Greenend Road, Car park at South End, Warple Way, Acton W3 0RG

Mark Walker

Objector to 195346OPDFUL: 80 Goodhall Street, Park Royal NW10 6TS

Rina Bimbh

Objector to 200471FUL: Land South of 80-92 High Street, Southall UB1 3DG

Vlod Barchuk and Jan Gayle-Farlow, Chair CANForum

Objectors to 191885FUL: Land forming part of Acton Goods Yard, 305 Horn Lane, Acton W3 0BP

Tony O'Farrell, Chair Buckingham Avenue RA

Objector to 200486FUL: Buckingham Avenue, Perivale, UB6 7RA

cc Peter Mason, LB Ealing Cabinet Member for Housing, Planning and Transformation
Planning Committee, LB Ealing
David Scourfield, LB Ealing Chief Planning Officer
Paul Najsarek, LB Ealing Chief Executive
LB Ealing Democratic Services