



Chief Executive
Ealing Council
Perceval House
14/16 Uxbridge Road
Ealing
London W5 2HL

23 February 2021

Dear Mr Najsarek

**Re: Planning Committee, Wednesday, 17 February 2021
Item 7: 203275FULR3 – Perceval House, 14-16 Uxbridge Road, Ealing W5 2HL**

We, the undersigned, are writing to complain about the way in which the above planning application was dealt with at Planning Committee. Our issues are itemised as follows:

1. Number of public speakers:

Permission for members of the public to speak at Planning Committee is at the Chair's discretion. However, Ealing Council's own protocol regarding public speaking at planning meetings¹ states that:

For large planning applications the Chair of the Planning Committee may allow more than one public speaker.

This was the largest planning application in Central Ealing for many years, and if it was not appropriate for two members of the public to speak here, then where would it be appropriate?

Save Ealing's Centre asked in good time for a second local resident to be allowed to speak, specifically a person who would be directly affected by overshadowing from the new development, but this request was refused, and overshadowing was never mentioned during the meeting.

2. Bias in the planning officer's introductory presentation of the scheme

At no point in the proceedings was Gregory Gray introduced as the case officer for this scheme, and there was nothing in his presentation to identify him as such. His presentation was so selective in the information presented that it was not at all clear whether he was speaking on behalf of the Council as the applicant or as the planning officer who was supposed to be weighing up the merits of the development. He went so far as to include in his presentation the fly-through video, which the applicants had commissioned to promote their scheme. Considering the Council's clear conflict of interest in this case, this was entirely inappropriate.

¹ Ealing Council, *Public Speaking at Planning Meetings – A Protocol*, January 2011

3. Gross imbalance in time allowed for arguments in favour vs. against

The planning officer took around three-quarters of an hour to argue in favour of the development via a 77-slide PowerPoint presentation, followed by the fly-through. The applicant had a further three minutes to make her case.

Objectors were limited to a total of 13 minutes (five minutes each for the local MP and ward councillor and three minutes from the one local resident allowed to speak).

4. Distraction of the onscreen countdown clock during speaker contributions

The onscreen clock dominated the screen while speakers (apart from the officer) made their case. The speakers themselves, who did not have chart presentations, were only visible as a small image in the corner of the frame. We believe that this was intimidating for the speakers and distracting for councillors and members of the public trying to listen to their arguments.

5. Inability of members of the public to see members of the Planning Committee during the meeting

Leaving aside the Chair, of the 12 members of the Planning Committee present, a maximum of three were visible on screen at any one time, and for much of the meeting this reduced to one. The Council's own code of conduct on planning matters² states that:

If you are a member of the Planning Committee you must not take part or vote on any planning matter if you have not been present throughout consideration of the matter at that meeting.

The public cannot have confidence that this rule was observed when they were unable to see most of the members for most of the meeting, and some not at all.

6. Inability of members of the public to see the online Chat column during the meeting

The Local Government Association's Probity in Planning Guidance³ states that:

Messages should never be passed to individual committee members, either from other councillors or from the public.

It was evident from comments made by the Chair (at 1 hour 48 mins 08 seconds into the meeting) and Councillor Anand (at 1 hour 50 mins 18 seconds) that written exchanges were taking place using the video conferencing Chat function. It had not been made clear by the Chair at the outset of the meeting that this was going on, nor were these exchanges or those engaging in them visible to members of the public.

7. Inability of members of the public to witness the deferral vote

It is critical for members of the public to be able to witness any vote by Planning Committee members, particularly for a planning application as large and as controversial as this with almost 1,400 objections and 128 members of the public in attendance at the meeting.

² Ealing Council, *Code of Conduct for Members in Relation to Planning Matters*, para 22, 2019

³ Local Government Association, *Probity in Planning: Advice for councillors and officers making planning decisions, Guidance, Chapter 10. Public speaking at planning committees*, December 2019

At this meeting, as with several other types of Council meeting recently, voting was attempted using a virtual show of hands⁴. Not only were members of the public unable to see how members were voting, but it was unclear to the Chair himself using this method whether individual councillors had voted, and, if so, who and how. In the end, and after some confusion, the Chair reverted to voting by roll call.

In summary, the way in which this Planning Committee meeting was conducted fell far short in terms of transparency and impartiality of the standard that the general public has a right to expect from its representatives. For a scheme in which the Council is both the applicant and the planning authority, it was imperative that the conduct of the Planning Committee be seen to be beyond reproach. The points outlined above demonstrate that this was not the case. We are writing to place on the record our deep dissatisfaction with the way the Planning Committee has handled this application and anticipate a response to our complaints at your earliest convenience.

Yours sincerely
Kay Garmeson

on behalf of the following residents' groups:

Save Ealing's Centre
Ealing Civic Society
Central Ealing Residents' Association
Gordon Road and Surrounding Streets (GRASS)
Stop the Towers
Draytons Community Association
Save Gurnell
West Ealing Neighbours
Kingsdown Residents' Association
Hanwell Village Green CA Residents' Association

Cc Shital Manro, Chair of the Planning Committee, London Borough of Ealing
Katie Sullivan, Democratic Services Officer, London Borough of Ealing
Helen Harris, Director of Legal and Democratic Services, London Borough of Ealing
Rupa Huq MP
James Murray MP
Virendra Sharma MP
Cllr Joanna Dabrowska, Chair of Scrutiny Review Panel 3 – Agile Scrutiny:
Transparency in the Planning Process, London Borough of Ealing

⁴ When virtual Planning Committee meetings were first introduced due to Covid-19, voting was by roll call, which was transparent for all those taking part and actually better than a show of hands in a face to face meeting, which has had its own problems in the past. We refer to the Perfume Factory (North) application, which was heard by Planning Committee on 21 February 2018. Despite the meeting being face to face, the then Chair miscounted the show of hands, which, had the vote not been visible to all, would have made the difference between the application being (correctly) rejected or passed.