



**Niall Bolger
Chief Executive**

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Barbara Stryjak
OWGRA (Osterley & Wyke Green
Residents' Association)

via email: info@owgra.org.uk

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Our ref: CEX-21-006

Date: 22nd April 2021

Dear Ms Stryjak,

I write in response to your letter dated 15 April 2021 sent on behalf of the Osterley and Wyke Green Residents' Association.

You raise a number of concerns with how the planning applications for the Homebase and Tesco sites (ref: P/2020/3099 and P/2020/3100) were handled at planning committee on 8 April 2021. I will deal with each point in turn.

The Format of the Meeting and Problems Encountered During the Meeting

You raise the following issues:

- Sequence of presentations
- Format of the Meeting
- Level of Participation
- Level of Control and Interference
- Muting Problems and Fair Access During Presentation
- Presentation - Sound Problems
- Presentation - Screen Problems
- Second Group of Objectors
- Speakers Names
- Summing Up
- Planning Conditions

Response:

I am aware officers have written to you previously outlining the need for virtual planning committees to take place, I trust given the circumstances you appreciate why this was the case.

There is no legal obligation for Councils to allow public speaking at a planning committee. Hounslow Council made the decision to allow residents to speak at committee and have developed a protocol for interested parties to make representations to members of the committee. This protocol is included within the Planning Committee agenda. In this case significantly more time was allowed for objecting parties to make representations to members due to the scale of the proposals and therefore I do not agree with your concerns over the level of participation.

It is extremely important that a disciplined approach to the consideration of planning applications is maintained and this includes ensuring that members, officers and interested parties do not speak out of turn or seek to disrupt any other person when it is their turn to speak. As such IT staff ensured that external parties, both applicants and objectors were muted until it was their turn to speak. This is the same protocol as an in-person meeting, where views from objectors are not accepted outside of their allotted time to address members. I am aware of muting issues, but this ultimately did not prevent speakers from making their presentations and any audio and video issues you may have experienced did not prevent members making a fully informed decision based on all the relevant information and presentations. Indeed, I observed that the Chair patiently waited for any technical issues to be resolved and the full-time allocation for each participant was made available. I would also observe that the Council provided digital and IT support for speakers at the Committee.

In terms of sequence of presentations objectors will generally speak first, this is for the benefit of members who will often like to form questions to officers or applicants around concerns raised by members of the public. It is at the chair's discretion when they choose to hear an officer's presentation and on this occasion the understanding was that there would be a very brief overview by officers prior to a substantive presentation after speakers. The chair did not invite this initial presentation, but given everyone in the meeting will have been fully aware of the proposal in front of them this was not considered to be to the detriment of the consideration of the scheme.

It is not the role of the Chair to act as a judge in court. Summing up of schemes is neither a common or necessary aspect of a planning committee and planning conditions are stated within the officers' reports. The Planning Committee does not set aside a specific part of the meeting to discuss planning conditions and there is no need to do so. The suggestion that Members may not have been present while the meeting was taking place is, with respect, simply speculation. You will note that members clarified they had been present for the entire meeting when voting on the scheme.

We respectfully disagree that the meeting was handled badly by the Chair. There was an unusually large number of Committee Members sitting for these applications given the local interest and more speakers than usual. Our view is that the Chair handled the meeting very well given the circumstances and was at pains to be balanced and proportionate in managing the meeting, including being very accommodating given the unfamiliarity of some participants with the technology.

In conclusion I believe the meeting was held in a fair and transparent manner with objectors given every opportunity to present their views to members and that an informed decision was made. There is no evidence to suggest that objectors were

disadvantaged in their ability to present their views. I therefore do not uphold your complaint on this matter.

Leaking of OWGRA Speaker names prior to the meeting

The names of those who intended to speak at the meeting were provided to the Chair, officers, and the applicant's advisors in advance of the Committee Meeting. No personal information was provided. In view of the fact that all speakers are required to identify themselves by name to the meeting before speaking there is no issue with providing the names of speakers on the day of the meeting. There is no breach of GDPR or data protection requirements.

Problems with the Planning Officers reports

I disagree that the officer's reports were not balanced. Objectors comments were included, the standard format could not be followed due to the number of representations received but were covered within the content of the report. Setting out a summary of the objections received in a table is appropriate for the majority of planning applications but is not so for large applications such as those considered at the meeting on 8 April.

The views of Design Review Panel were integral to the report as comments from internal consultees always are. The comments made by Transport for London (TfL) were set out in detail on pages 38-41 and 211 – 213 for "Homebase" and "Tesco, Osterley" respectively. In addition, the Design Review Panel's comments were set out clearly on pages 79-80 and pages 252-253 for "Homebase" and "Tesco, Osterley" respectively. Neither the comments of TfL nor those of the Design Review Panel were played down in any way.

I acknowledge the issue of pagination and we will look to address this in the future.

Imbalance of Evidence Required on Controversial Points

Letters of objection were reported and detailed within the officer's report for the applications. It was clear to Committee Members that there were a large number of objections to the schemes.

Lack of Evidence to Support Claims by the Planning and Transport Officers

You have provided limited information here, but insofar as funds being available to improvements to roads and public transport, I would refer you to the S106 and CIL obligations attached to this scheme.

Circulation of Documentation Sent to LBH

Insofar as the sharing of sensitive information is concerned, I have no reason to believe there was a breach in GDPR. The documents received were not passed on to the developer by planning officers or the planning committee administrator.

Conflict of Interest

Members are required to declare any conflicts of interest at the start of the committee meeting. No members of the planning committee were involved with the decision to purchase affordable homes on the Homebase site.

It is entirely normal that the Council (as a registered housing provider) may purchase a number of the affordable housing units built as part of a residential scheme. Insofar as these applications are concerned, they were considered on their planning merits alone, there is no reason to believe that this non planning issue influenced members decision. The provision of affordable housing is a material consideration, the presenting officer was right to point that out, the provider of the units, be it the Council or a Registered Social Landlord is not.

As such there was no reason to believe a conflict of interest has taken place.

Probity in planning

Regarding the sequential test to which you refer, a Sequential Approach to Site Selection for the Homebase site is included in the document titled 'Retail Town Centre Use' published on the online case file on 24 September 2020.

In conclusion I believe the planning committee was well managed in difficult circumstances, that all parties were given fair chance to make representations on the scheme and that members were able to make a lawful and informed decision on the night. I see no action that needs to be taken.

The Council recognises that the members of OWGRA are disappointed with the decisions taken by the Planning Committee on 8 April and continue to feel strongly about the relevant issues. While we do not agree with the criticisms set out in your letter of 15 April for the reasons given above, we would like to thank you for your views and for the constructive manner in which these were expressed in relation to both applications. We continue to value your input to the planning process.

Yours sincerely,



Niall Bolger
Chief Executive
London Borough of Hounslow