

Strategic conflicts

Reference	Comment
4.11	<p>This paragraph should not imply building height as a development output. Similarly, character assessments are the responsibility of the LPA in its Conservation Area documents, the purpose of planning documentation is to document the impacts of the scheme. Revise as follows;</p> <p>“Rather, it will be important that developers and others involved in the planning and development process in Central Ealing make full assessments of the impact of development upon its surroundingsdevelopment potential of a particular site with respect to the heights, bulk, scale and massing of buildings nearby. Potential Applications must show demonstrate that they have taken addressed all such matters into account in the preparation of their proposals, plans, and detailed character assessments will need to be submitted in support of planning applications.”</p>
4.12	<p>This paragraph should not imply building height as a development output. Similarly, the logic developed here, that except for the exceptions the town centre has façade heights within a broad range is unconvincing as a logic for generic approaches to development. Ealing Town Centre has as varied a townscape and skyline as would be expected of an organically developed settlement, and its main constant is variation.</p> <p>This paragraph should be deleted so that there is no confusion of the approach set out in policy.</p>
5.1.7	<p>The requirement that a use must be shown to ‘dominate’ a street or area is highly subjective and arguably represents a reduction in the level of protection to that offered by DM DPD Policy 4C. No indication is given as to Ealing Town Centre should enjoy less protection against over-concentration than other areas of the Borough.</p> <p>“An over-concentration of a particular use occurs when the numbers and size of that type of use begin to dominate a street or area and the consequential effects of their operations, including the numbers of people attracted, begins to have a detrimental effect on the local environment and residential amenity.”</p>

Policy E3	<p>This policy must to be clear that the test for the provision of supporting uses and infrastructure is defined need.</p> <p>“Such development should provide <u>according to demonstrated need...</u>”</p>
HBE1 ii)	<p>This wording appears to imply that differences of scale and massing should be prevented even where this has no material effect on the character and heritage value of the CA. This is unduly restrictive and conflicts with the strategic aims of London Plan Policy 3.4 to optimise development output.</p> <p>This should be revised as follows;</p> <p>“in Conservation Areas, be of the highest design quality, avoid dramatic contrasts in scale and massing with nearby buildings typical of the Conservation Area, and make a positive contribution to the character of the area while conforming to the provisions of the relevant CA.”</p>
HBE2 i)	<p>The use of the wording ‘dominate’ is purely subjective which adds nothing to the clarity of the policy and resorts unnecessarily to negative form of wording. The necessary concept is already articulated in positive terms through the first part of the sentence.</p> <p>This should be revised as follows;</p> <p>“complement the historic grain, character and scale of existing green spaces or streetscapes and not dominate them;</p>
HBE2 ii)	<p>As it stands, this does not function as a views policy and its impact cannot be accurately assessed.</p> <p>A views policy cannot be applied unless it identifies a specific viewing corridor with defined boundaries, features and attributes to</p>

	<p>allow the management of the view. This is essential in order that the corridor is activated as a constraint upon development, and also to enable informed decisions to be made about the impact of development upon the protected view. As it stands, the draft policy currently identifies landmarks without views, views that do not have associated viewing corridors, and viewing corridors that apparently have no landmark on which to focus. The viewing points appear highly arbitrary and some offer little or no view of the identified landmark.</p> <p>LBE does not underestimate the difficulty of producing a views policy for the local sightlines and landmarks within Ealing Town Centre having made exactly this type of survey to support the 2013 Development Management DPD and found that they do not lend themselves to management through viewing corridors. This work led to the conclusion that a views policy was inappropriate in Ealing and did not reflect the value and characteristics of the townscape. Based on this evidence, a Landmarks policy was included in the plan at DM DPD Policy 7.12, which identified many of the same landmarks set out in the draft CENP policy.</p> <p>Many of the buildings identified as the focus of views are statutory listed and as such already enjoy protection against harmful impact upon their setting, so it is questionable what value would be added by a dedicated policy on views even if the practical problems were to be overcome.</p> <p>As its impact cannot be fully assessed the policy must be considered unduely restrictive in an important growth area like Ealing Town Centre, and the policy is unworkable as currently drafted.</p> <p>This entire policy clause needs to be recast as a setting or landmarks policy, or failing this to be deleted.</p>
HBE2 iv)	<p>The specified maximum height is at odds with the need to optimise densities in sustainable locations and as such constitutes a strategic conflict with the Local and London plans. Evaluation of design and heritage impact is complex and must be made on a case by case basis.</p>

	<p>This entire policy clause should be deleted.</p>
<p>HBE3</p>	<p>The six storey threshold for setback is arbitrary and does not relate to an informed assessment of the impact of development on heritage or townscape. This is unduly restrictive and conflicts with the aims strategic of London Plan Policy 3.4 to optimise development output.</p> <p>This should be deleted as follows;</p> <p>‘Within or adjoining a Conservation Area, any new building taller than six storeys should be set back from the frontage and should not be dominant when viewed from street level.’</p>
<p>HBE 3</p>	<p>The clause about the character of Walpole Park sits poorly in a policy about building height and appears to suggest that any visibility from the park should be prevented. This is unduly restrictive and conflicts with the strategic aims of London Plan Policy 3.4 to optimise development output.</p> <p>This should be revised as follows;</p> <p>‘Development visible from Walpole Park should observe the need to enhance or preserve the park’s character.’</p>
<p>5.2.18</p>	<p>This paragraph should not imply building height as a development output, and nor is the effect on the ‘visual impact’ of existing buildings the measure of appropriate development. The centre’s distinctive character is set out in a number of places as well as documents outside the current plan.</p> <p>Paragraph should be revised as follows;</p> <p>In this context, ‘substantially’ or ‘significantly’ mean likely to overshadow, dominate or otherwise diminish the visual impact of neighbouring buildings, taking into account bulk and design as well as height. As noted in paragraph 5.2.11 above and illustrated in map 9, Central Ealing’s Conservation Areas are</p>

	<p>characterised by consistently low building heights, not exceeding six storeys on street frontages. Even away from the street this has not been exceeded other than in the Dickens Yard development, where heights have been permitted up to 13 storeys adjoining the railway.—The challenge in Central Ealing is to recognise its distinctive characteristics (as described in Section 2 of this Plan)—and to understand that its historic environment and heritage assets are inseparable from these special qualities. Any redevelopment, particularly which incorporates buildings taller than their immediate surroundings, must respect those qualities.</p>
5.2.19	<p>This paragraph should not imply building height as a development output and does not effectively amplify and clarify the policy wording, serving principally to imply additional geographical limits on building height without reference to the specific circumstances of the case.</p> <p>This paragraph should be deleted.</p>
HBE 4 ii)	<p>There is no justification as to why the character or status of Haven Green should in any way restrict the development of land outside its boundary. The supporting wording to DM DPD 7D states that ‘where appropriate and necessary’ and guided ‘by the particular circumstances of the case’ a buffer may be implemented with reference to both the nature of the open space and of any proposed development. This is quite different from setting in policy an arbitrary buffer of 6.6m with no examination of the green space or of any proposed development. This is unduly restrictive and conflicts with the strategic aims of London Plan Policy 3.4 to optimise development output.</p> <p>The designation of the site as Local Green Space is also poorly and inaccurately justified. The site is already subject to a Public Open Space designation and nothing will be added by layering superfluous additional designations. The use of LGS, which the NPPG describes as providing ‘protection consistent with that of Green Belt’, could easily have perverse effects by applying a landscape scale designation and set of management criteria to the more intricate scale of an urban park.</p> <p>Should an officer applying the policy, for example allow development that could be regarded as ‘limited infilling’ given that this would be compatible with guidance on green belt? In addition, Green Belt policy by its nature allows the consideration of very special circumstances in which a departure from the plan would be</p>

	<p>supported. This would constitute a considerable and unjustified erosion of the current policy protection for public open space under DM DPD 2.18 which is clear that only development ancillary to the open space use will be permitted.</p> <p>NPPG (Paragraph: 01 Reference ID: 37-011-20140306) is quite clear that 'different types of designation are intended to achieve different purposes', and the application of green belt criteria to this urban site will do nothing to improve its management.</p> <p>The whole of clause ii should be deleted.</p>
CC1	<p>This policy must to be clear that the test for the provision of supporting uses and infrastructure is defined need;</p> <p>'As provided in Policy E3, major or strategic development will be expected to allow space for social infrastructure <u>according to demonstrated need.</u>'</p>
CC2	<p>The policy clause on loss is not deliverable through planning powers as facilities may lose funding, become unviable or be replaced through co-location in a manner that is not strictly 'equivalent'.</p> <p>The policy should be revised as follows;</p> <p>'Loss of space used or allocated for community or cultural purposes <u>will only be supported should be avoided except where an equivalent</u> replacement or alternative provision is made.'</p>
CC3	<p>Food and drink uses should not be seen as inherently conflicting with the cultural component of the quarter, quite the reverse, these can complement each other as in the Filmworks development.</p> <p>The policy should be revised as follows;</p> <p>'Applications for new development or change of use will be carefully considered to ensure the number and nature of <u>Other</u></p>

	<p><u>uses with the Quarter including A4 & A5 food and drink outlets, licensed drinking establishments</u> and amusement arcades <u>should enhance its cultural character and focus and avoid remain subsidiary to the main cultural activities of the quarter and do not result in the</u> excessive concentrations of uses such as takeaway food restaurants <u>which would damage amenity.</u></p>
<p>CENP 2</p>	<p>This allocation directly conflicts with development site EAL3 (erroneously identified as EAL5) and incorrectly states that this allocation no longer applies due to the application for 9-42 Broadway. EAL3 is still the adopted area specific guidance for this site and the design principles set out still have great relevance to the development of this key site in the town centre. LBE sees no need for additional guidance or allocations on this site which is already abundantly provided for in policy.</p> <p>This allocation is for a use that is technically undeliverable and which TfL has stated it does not support and has no interest in pursuing. Despite the contention of the policy that this is a limited proposal for some bus stops or stands, it is clearly intended to support the aim of Recommended Action 6b i) of entirely removing existing bus stops from Haven Green.</p> <p>In effect, the intention is to reopen the issues examined by the Ealing Broadway Interchange Study despite the fact that there is a costed and funded scheme in place that is in the process of implementation. The closest options outlined in the study, Options 3c & 15, required a much larger land take than envisaged in this allocation, including unfunded over-track development, and would directly conflict with the other objectives of the plan in relation to Haven Green.</p> <p>The site faces complicated viability issues arising from its location adjacent to the railway and the artificial structure of the ground which makes uneconomic the delivery of a low development value use like a bus station. It is also on long term lease in its current use as a carpark which, notwithstanding other problems, would alone be likely prevent its realisation within the lifetime of the plan.</p> <p>The setback proposed is not supported and, as set out in detail in the response to HBE4 ii), not justified. This is unduly restrictive and conflicts with the strategic aims of London Plan Policy 3.4 to</p>

	<p>optimise development output.</p> <p>The allocation as conceived is economically, practically and technically undeliverable and unsupported by the kind of comprehensive assessment needed to weigh its broader impacts on the delivery of transport interchange at the crucial hub of Ealing Broadway station. It should be deleted.</p>
CENP 3	<p>The setting of a binding office floorspace requirement for this site is unduly restrictive and may well prove undeliverable. LBE is unclear what its floorspace requirements will be and the figure given is not endorsed by the council or supported by evidence. Similarly, the location of a library is currently planned as part of the site but this must depend on the operational requirements of the library service and not inflexibly set in policy. The site is a crucial opportunity to exemplify mixed town centre development in line with Local and London Plan policies and the allocation should reflect the need for intensification supported by compatible town centre uses.</p> <p>The current building line to Longfield Avenue is defined by current vehicular access arrangements and dysfunctional in urban design terms. It should certainly not be maintained.</p> <p>A large part of this allocation appears to imply arbitrary constraints of height or development yield despite the absence of any detailed design or viability work, and these would constitute a strategic conflict with the Local and London Plans. The significance and location of 'viewing points to the north' is unexplained and seems tenuous given the lack of significant public space in this area.</p> <p>Minimising impacts on residential amenity is not the case of a 'fully designed and costed scheme'. This must be integral to the overall development scheme for the site.</p> <p>The allocation should be revised as follows;</p> <p>'Perceval House & Car Park (site EAL7).</p> <p>Development of this combined site <u>should allow residential development to facilitate the retention and re-provision of at least 20,000 sq m for office use and for of the local authority headquarters and</u> customer service functions, plus <u>appropriate</u></p>

	<p>supporting town centre uses community/other public space such as library and/or health centre, with residential over. Car parking should be below ground and entered from Longfield Avenue.</p> <p>Development should respect and enhance the setting of the adjacent Conservation Area and Listed Buildings, particularly the Town Hall, in terms of height, scale, massing, design and use of external materials and finishes. <u>Development should optimise delivery in this sustainable town centre location based on an intelligent understanding of context, and design and heritage impacts, especially upon the existing lower scale buildings to the west of the site.</u> The building line to Longfield Avenue should be maintained to avoid a 'canyon-like' impact. In accordance with Policies HBE2 and HBE3, the frontage to Uxbridge Road should continue the 'boulevard concept' of the Office Corridor and be of a height consistent with the buildings opposite or adjacent to the site. Buildings abutting and close to houses in Craven Avenue should be kept to a scale in character with their 2-3 storey height. Redevelopment elsewhere within the site should be of a height and scale that is not intrusive, dominant or overbearing when viewed from neighbouring residential buildings or from locations within and beyond the town centre, including viewpoints to the North where areas are on rising ground.</p> <p>Vehicular access and servicing should be from Longfield Avenue. The eastern (cul-de-sac) end of Craven Avenue should not be utilized to gain access to the site other than in accordance with Ealing Plan site EAL7 (possible use by pedestrians and cyclists) or if necessary to provide restricted service access to a relocated electricity sub-station. Proposals should be accompanied by a fully designed and costed scheme to mitigate the potential adverse impact of such proposals on residential amenity, to be completed prior to commencement of the development.'</p>
Para 5.5.18	<p>This paragraph amplifies the points objected to in the policy above. In addition it makes assertions about the provision of office space without reference to the impacts of these on the design and financial viability of a mixed use scheme, and despite substantial changes to the outer London office market subsequent to the development of the Local Plan policy and evidence base. It should be revised as follows;</p> <p>'Maintenance of the <u>a significant present</u> quantum of office space</p>

	<p>on the total this site with provision for 2,000 jobs is highly desirable <u>to the health of the town centre and the Office Corridor, and any scheme should seek to optimise this yield including, where appropriate, shared and managed workspace.</u> In the light of the Ealing Plan Policy 2.5 (a) for an increase in office employment in the town centre, any net loss of such space served by good transport will be resisted. The footprint of the present building uses ground space relatively inefficiently, so greater density can be achieved without any significant increase in height and the impact of massing reduced by rebuilding on the present site in two or more blocks.'</p>
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Other comments

Reference	Comment
Para 1.14	LBE's understanding is that the portion of CIL assigned to the NP is fixed at 25%. Delete at least
Policy E1	This policy is repetitive of the existing approach set out in DM DPD 4B, and the draft wording replicates much of the existing policy. With a view to implementation it would be useful if it were expressed in terms of the changes that it makes to the existing planning framework for retail uses.
Policy E2	The term 'money lenders' is not a clear description of these use types. Suggest the term 'easy credit' establishments is used instead.
Para 5.1.9	The term 'money lenders' is not a clear description of these use types. Suggest the term 'easy credit' establishments is used instead.
Para 5.1.11	<p>There is little evidence of successful centres 'moving away' from retail uses and this is not in fact what is proposed by the policy or the rest of the paragraph.</p> <p>This should be revised as follows;</p> <p>'...Successful towns will move away from a reliance upon retail to the provision of include a broader mix of commercial and employment uses, community services, leisure and residential.'</p>

Para 5.1.14	<p>The suggestion is not that the value of these functions lies in their being 'alternative' but rather that they are appropriate and necessary to the town centre.</p> <p>This should be revised as follows;</p> <p>'The town centre needs to be rebalanced to provide a broader range of alternative functions, including employment, commercial, leisure, community, residential, healthcare and education.'</p>
Policy E4	<p>This policy is supported and reflects a growing demand in Ealing for workspace of this kind.</p>
HBE1 i)	<p>The current wording comes too close to suggesting a stylistic requirement for development. This is incompatible with NPPF para 60. This can be remedied by deleting 'historic architecture', making clear that it is the character and design interest of the area that is to be complemented.</p> <p>As follows;</p> <p>'complement the special character and design interest of the area's historic architecture and achieve the highest standard of sustainable urban design and construction;'</p>
HBE2	<p>Suggest that the wording 'Development should' is adopted for reasons of clarity and consistency.</p>
HBE2 iv)	<p>It is not clear what the concept of 'zone of influence' adds to the assessment of impact. Impact is assessed wherever it is present according to the merits of the scheme and its surroundings. This clause seems likely only to cause confusion without adding to the quality or coverage of policy.</p>
Para 5.2.8	<p>This paragraph should be revised in line with the revisions to the policy set out above. In addition it is not accepted that the town centre is characterised by consistent building heights. This may be the case in individual parades but outside these the centre has a</p>

	<p>varied scale and skyline as one would expect from a centre that developed organically from the Victorian period onwards.</p> <p>“Outside the Office Corridor (see Glossary), the character of Ealing’s historic centre is marked by its largely consistent building heights and scale, particularly within the retail core (Map 7). This character <u>of Ealing Town Centre</u> is reinforced further through the legacy of many Victorian and Edwardian buildings and which, although not displaying a specific style, imbue Central Ealing with a more ‘traditional’ townscape stronger character than is evident in some of the other important London town centres. This rich history and its architectural heritage mean it has many special places and buildings, ie ‘heritage assets’, which this Plan aims to conserve and enhance.</p>
Para 5.2.9	This paragraph should be revised or deleted in line with the revisions to the policy set out above. In particular, it is impossible to apply the LVMF criteria to views which are undefined.
Para 5.2.10	This paragraph should distinguish between designated and undesignated heritage assets in line with the NPPF.
Para 5.2.12	<p>This paragraph should be revised in line with the revisions to the policy set out above;</p> <p>‘Buildings higher than 4 – 6 storeys may be acceptable away from street frontages, but it will be essential for Development proposals for all such developments to should preserve or enhance the prevailing character and appearance <u>of the Conervation Area.</u></p>
HBE 4	The term ‘Public Open Space’ refers to only one form of green infrastructure in Ealing’s Local Plan and would therefore be confusing even if not capitalised. If this is intended to refer to all open spaces then it is suggested that the form ‘green and open spaces’ is used.
HBE4 i)	This clause conflates encroachment on Public Open Space with visual intrusion from tall buildings and further implies that only tall

	buildings are capable of causing such encroachment. This is ambiguous but potentially implies a reduction of the protection from that of DM DPD Policy 2.18 which protects all views to, from and within all green and open spaces in the borough.
HBE 4 iii)	DM DPD policy 2.18 is quite clear that its protections relate to both openness and heritage value so it is unclear why the heritage value of Walpole Park should require additional policy protection. Why the lack of a Common Land designation, which primarily relates to forms of public use access should necessitate additional management and development restrictions also remains unclear. This is unduly restrictive and it is difficult to see what it adds to the management of this space or understanding of its urban or architectural significance.
Para 5.2.8	This para advises that Haven Green was previously designated as MOL, which is not the understanding of the Council. This should be deleted.
Para 5.2.26	The considerations attributed to Haven Green are not a function of its common land designation as implied. This paragraph is misleading and should be deleted.
Para 5.2.27-5.2.32	These paragraphs amplify policy clauses that should be deleted for the reasons given above. These supporting paragraphs should also therefore be deleted.
Recommended Action 6 b)	The actions listed in this RA are incompatible with the adopted, funded and currently implemented scheme for transport interchange at Haven Green. This clause should be deleted.
Recommended Action 7	The actions listed in this RA are incompatible with the adopted, funded and currently implemented scheme for transport interchange at Haven Green. This RA should be deleted.
Recommended Action 9	<p>Providing EV points at a ratio of 1:50 is excessive at this time. The Council is considering a strategy for the effective implementation of EV points that would sustain growth of EVs into the future without significant negative impact on other vehicles.</p> <p>The Council has no powers to require other existing car parks to implement EV points.</p>

T2	<p>Car parks on the edges of town centres are historically underused placing this policy approach in doubt. The NP evidence base needs to justify any changes to Ealing and London parking standards.</p> <p>The reference to the CA is unclear in the context of a parking policy.</p>
Recommended Action 10	<p>Stop and shop bays encourage car use and are very difficult to enforce since recent enforcement laws came into place. They should be avoided where possible, and other modes promoted for quick trips.</p> <p>In local/regional town centres such as Ealing, most visitors are regulars who have their preferred car parks (usually the one with the shortest walk). Real time signs have a low impact on queues.</p>
T3	<p>This approach is overly prescriptive and will not be possible in all circumstances.</p>
PR3	<p>The Uxbridge Road will never be traffic free. This policy should focus on reducing the impact of traffic and enhancing the pedestrian experience.</p>
CC2	<p>Several reports have been produced regarding the demand for a performance space and the inclusion of an arts centre in the CIL. The proposal acknowledges that this would not be reliant on public subsidy from the local authority. The aspiration for the physical space is acknowledged, however this will need to be supported by a sound business plan in addition to any capital cost implications.</p>
CC3	<p>Consolidation of the Ealing Cultural Quarter is supported. Anchor organisations such as Pitzhanger Manor, Cinema, Questors, Ealing Studios etc. afford the opportunity to create a hub for creative and cultural businesses, practitioners and audiences and the positive wider impact on the area.</p>
Recommended Action 16	<p>This could be broadened to refer to art in the public realm including the development of site specific art and participative activities such as festivals and animators in the public space adding to the vibrancy of the arts and culture in Central Ealing. This also includes infrastructure necessary to support art and cultural activity and popup opportunities within the public realm (cabling, water supply etc.).</p>