

Central Ealing Neighbourhood Development Plan

Proposed Submission Version

Health Check Report on
Proposed Submission Version of Neighbourhood Plan
Central Ealing Neighbourhood Forum

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Introduction

I have been commissioned by the Neighbourhood Planning Referral Service on behalf of Central Ealing Neighbourhood Forum to undertake a health check assessment of the Submission Version of the Neighbourhood Plan which is to go to a referendum for it to be formally 'made'.

I have decided that, rather than complete the NPIERS Health Check Assessment Matrix, for the sake of greater coherence and clarity it is necessary to follow the format and methodology of the preliminary Health Check conducted by John Slater on the pre-submission version of the document and supplement this where necessary to determine whether the Plan may meet the Basic Conditions Test.

I have concentrated on the latest version of the Submission document that I have been sent (version 3.2 dated 29th June 2016 received via email from Tony Miller) and have not checked for compliance with Local Plan or London Plan strategic policies, which will be undertaken during a separate formal Examination. No site visit or check on the designation process or the constitution of the Neighbourhood Forum as a qualifying body have been undertaken.

A - General Introductory Comment

Submission Document

In seeking to address the observations contained in the initial Health Check conducted on the Pre-Submission version, the Forum have maintained and reinforced the document's clarity and methodical structure. The Submission version maintains the clear, objective based focus of the previous version on directly addressing plainly set out issues facing the area, utilising blue/green boxes maintains separate identity for both development and aspirational policies. The consistent style of the Submission version of the document has also maintained the ease with which its evidence-based, development and land use policies may be understood. Area history, plan background/development, area pressures and challenges over the intended ten-year plan period are all adequately detailed.

Residential V Commercial Tensions

The Plan's clear Vision contains a set of Aspirations now clearly linked to the Objectives set out for each policy, so that the Vision may now be more clearly seen to be seeking enhancement of both the commercial and cultural draw of the town centre whilst still recognising that strong residential population growth requires the infrastructure in place to serve that increasing population.

Matters Previously Omitted from Pre-Submission Version

A section has now been included clearly explaining how the neighbourhood planning process works, covering the various milestones the Plan must achieve, including the essential requirement for formal Examination and public referendum. Consultations undertaken by the Forum, which have led to the plan's proposals have now been outlined. I have not received any copy to consider of the Statement of Community Involvement (which I anticipate will provide the relevant level of further detail on this process) necessary to accompany the Submission document when presented for formal Examination.

The current regulations require that the intended lifespan of the plan coverage period is made clear within the document itself. Although it is still intended to run until 2026 there is no fresh title page or cover yet produced which clearly identifies the Plan as The Central Ealing Neighbourhood Development Plan 2016–2026. It is assumed that this will be addressed as part of the final publication submitted for Examination.

Strategic Environmental Assessment

I have been informed by the Forum that confirmation has been secured from the London Borough of Ealing Planning Officers advising the Local Planning Authority have determined no Strategic Environmental Assessment (SEA) is required. I would recommend that a copy of that Planning Officers opinion is included in the appendices/documentation supporting the Plan.

Referendum Area

The precise extent of the Referendum area (in terms of potential impacts on communities surrounding the Plan area) remains an issue for consideration at formal Examination.

Excluded Development

No policies in relation to excluded development (such as major infrastructure projects) have been included which might otherwise have breached current neighbourhood planning legislation.

B - Submission Plan Policy & Supporting Text Observations

The following section addresses issues previously highlighted by the preceding initial Health Check on the Pre-Submission version of the document in relation to both general text and plan policies. In addition, it also addresses those policies not referred to in that report.

5.0 Detailed Policies

5.1 Ealing's Economy

The preamble to this chapter still mixes up the use of square metres and square feet, without giving the equivalent metric or imperial measurement in brackets to follow the use of each. It would be a simple step to introduce consistency of measurement at this point to enable greater ease of comparison.

E1 New Retail frontages

There remains no clarification on the methodology/source for the designation of such streets as primary or secondary. This should be clarified by reference to either the Local Plan or Plan for London or national guidance as it will affect how planning applications are formally considered and determined.

Supporting text setting out the criteria of uses that will be allowed in primary area and those complementary uses considered appropriate to secondary areas has now been clarified to address liberalisation of planning controls contained in the 2015 General Permitted Development Order, enabling limited interchangeability between A1 shops, A2 financial and professional services and A3 cafes and restaurants, without the need for formal planning permission.

E2 Diversity of Retail Provision

The title of this policy has been adjusted to accord with its intent and supporting text has been augmented to provide greater clarity over the appropriate level of diversity being sought and what the Plan considers an inappropriate level of over-concentration for particular uses because of the perceived adverse impacts of same.

E3 Mixed Use Development

Definitions for 'major' and 'strategic' development has now been included in the supporting text sufficient to clarify the references within and aims of the policy.

E4 Encouraging New Business

This sound policy could still be made clearer by incorporating explicit reference as to what is meant by 'affordable' and the level of subsidy required for classification as 'affordable space', together with the anticipated mechanisms for its delivery, subject to viability considerations.

5.2 Heritage and the Built Environment

HBE1 Quality of design

This policy reasonably encompasses all forms and scale of development. It will be at the discretion of the Local Planning Authority to determine the rigidity with which compliance may be required in each case dependent on anticipated visual impact. Positive actions have now been incorporated to endeavour to secure (a) the re-establishment of the Design Review Panel to offer essential independent advice and (b) updating and formal adoption of LPA guidance on shopfront design.

HBE2 Protecting the Townscape

This policy and its supporting text have both been positively augmented to increase its clarity and potential effectiveness.

HBE3 Taller buildings

There is reference throughout the Plan to tall/taller buildings and it would still be helpful if the glossary could include a simple definition of what the Plan considers these to be (and in doing so clarify the degree of concurrence/divergence of interpretation of the terms within the context of the Local Plan, Plan for London and national guidance from such bodies as Historic England). Within the policy itself, the phrase "Taller buildings (ie those taller than their immediate surroundings)" is imprecise (in so far as it does not clarify whether a taller building is considered such even if it exceeds that of its nearest neighbour by the smallest fraction or what area 'immediate surroundings' relates to) and this lack of clarity will prove unhelpful/contentious to all concerned.

HDE4 Public Open Space

The criteria and wording of this policy and its supporting text have been helpfully adjusted and augmented to make the policy more user friendly and robust for development management purposes.

5.3 Transport and Public Realm

T1 Sustainable Transport

The policy usefully includes the caveat "*appropriate to its scale and location*", allowing for those developments unlikely to have any implications for walking, cycling or public transport.

T2 Parking

The policy provides both relevant encouragement and flexibility in the assessment and provision of appropriate levels of business and public parking provision based on the nature of development proposed and the opportunities available. It would be helpful to provide reference in the supporting text to relevant local parking standards as a starting point for consideration and negotiation.

T3 Servicing

The policy is now clearly aimed at major and strategic development schemes.

T4 Cycle Paths

This policy actively encourages development to support cycle path provision and increased highway safety for all road users. It provides sufficient flexibility to encompass both on-site provision and contributions towards off-site works, whilst still seeking to protect residential amenity.

T5 Public Transport

This policy actively encourages public transport infrastructure enhancements. It (like Policy T4) provides sufficient flexibility to encompass both on-site provision and contributions towards off-site works, whilst still seeking to protect public open space.

PR1 Improving Public Realm

This policy has been usefully revised to encompass all heritage assets, regardless of location.

PR2 Landscaping

It is now clear that the policy refers to 'green' landscaping, not hard surfacing.

PR3 Improving Permeability

The policy has been usefully revised to remove undue emphasis on particular categories of provision in the absence of specific justification for such focus.

5.4 Culture and Community

CC1 Social Infrastructure

The text of the policy has been helpfully adjusted to provide a greater degree of clarity whilst still maintaining a flexible approach essential in the negotiation of benefits from such large scale schemes.

CC2 Community and Cultural Facilities

The wording confirms the items listed are all priority requirements for the area and revision to the final sentence of the policy adequately clarifies the term 'allocated' by adding the words 'or used' to ensure a wider interpretation may be encompassed.

CC3 Cultural Quarter

This question this policy raises in relation to assessment of 'subsidiary' and 'excessive concentration' has been addressed in the changes earlier in the Plan to Policy E2 Diversity of Retail Provision.

5.5 Site Specific Policy Application

This new section has been introduced into the Plan since its Pre-Submission version in an effort to address specific sites considered by the Forum to be of the highest priority, requiring focussed/individual policy attention.

CENF1 Carmelita House, 21-22 The Mall, W5 2PJ

This policy and supporting text clearly identifies the site as an opportunity waiting to be realised by referencing the identified harm the form and character of the existing building has on the Conservation Area and the Eastern Gateway to Ealing Town Centre. The policy also provides concise caveats in relation to the Plan's desire to support the positive redevelopment of the site which accord with other policies in this Plan and the Local Plan. The assessment, justification and wording appear robust.

CENF2 Land off Haven Green/Springbridge Road, W5 2AA

This policy and supporting text clearly identifies the site as one which notwithstanding inclusion in the area of previous comprehensive development proposals has more recently been excluded from such proposals. The site is perceived as an opportunity to resolve a number of issues relevant to noise and amenity by accommodating the relocation of existing transport facilities. The policy also provides concise caveats in relation to the Plan's desire to support the positive redevelopment of the site in accord with other policies in this and the Local Plan and protects the visual qualities of the immediate area and adjacent public open space. The assessment, justification and wording appear robust.

CENF3 Perceval House and car park (site EAL7).

This policy and supporting text clearly identifies the site as one which has the most potential for the largest and most intensive form of redevelopment compared to those addressed by the two preceding site specific policies. The policy also provides concise caveats in relation to the Plan's desire to support the positive redevelopment of the site which accord with other policies in this Plan and the Local Plan and protects the visual qualities of the immediate area and adjacent public open space. The assessment and justification for the policy appear robust. However, the wording of the policy has a number of flaws which detract from the potential efficacy of the policy.

In the policy's second paragraph the phrase 'do no harm to' is used when such phrasing is not only insufficiently robust but actually, because the reference is made in relation to the impact upon a designated Conservation Area and Listed Buildings, is also out of step with the legitimate test for impact on heritage assets (i.e. 'preserve or enhance') and so should be skewed to the positive. A better phrasing for the sentence could be as follows: "Development should respect and enhance the setting of the adjacent Conservation Area, Statutorily Listed and locally listed buildings (particularly the town hall), in terms of height, scale, massing, design and use of external materials and finishes."

In addition, there is some duplication and separation of references to facilities

for access, servicing and parking which may be addressed by deleting the last sentence of the first paragraph and combining its references with the first sentence of the final paragraph as follows: "Vehicular access and servicing should be solely from Longfield Avenue with car parking provided below ground."

6. Delivery Plan

This is a useful indication of those bodies/partners likely to be responsible for implementation and the Forum has clearly indicated its preferences on how the percentage of CIL monies available for local determination should be spent.

C - Concluding Remarks

This is a robustly framed and phrased plan that raises no flags of concern which might reasonably be expected to inhibit its passing formal examination, subject to addressing the points highlighted above.

The concerns raised in relation to drafting and development type focus of policies referred to in the Initial Health Check Report on the Pre-Submission document have all been fully assessed, with further comment and suggestions provided as appropriate in an effort to provide the clarity and greater certainty required to enable future development to accord more easily with the Plan's policy objectives.

I trust that this further Health Check will be of genuine assistance in helping the Plan pass Examination and Referendum stages to achieve 'made' status, once such issues as production of the necessary amended mapping for inclusion in the finished document have been resolved.

Martin S. Lee

Independent Neighbourhood Plan Examiner