

London Borough of Ealing

Submission Development Management DPD

**1 Statement of Common Ground (15<sup>th</sup> February 2013) between:**

- London Borough of Ealing (LBE); and
- English Heritage

**2 Purpose of this statement:**

The purpose of this document is to inform the Inspector and other parties of the areas of agreement.

The revised wording to Policy 7C Heritage set out below results from the representations received during the DM DPD Publication Version and Further Alterations consultations in June and October 2012 (including those of English Heritage) , and were agreed upon by LBE and English Heritage 21 November 2012.

**3 Background**

This Statement of Common Ground relates to the representations made by English Heritage to LBE's Development Management DPD (June 2012) and Further Alterations (October 2012).

All of the revisions set out in this document have been agreed by both parties.

Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
General	It is noted that the purpose of the local variations is to build upon the relevant London plan policy. However as you will be aware the London Plan policies are in the majority of cases, sub divided into three distinctive components of strategic, planning decision and LDF preparation. However in some cases it is difficult to understand what component the Local Variation refers too. For example are they all related to a variation of the planning decisions element of the London Plan?	Accepted. A note will be added to each policy heading in a style compatible with the layout of the final plan that indicates that all new Ealing text is intended to be a Planning Decisions component of policy.	Change: Amend policy titles to include text 'Planning decisions'	English Heritage welcomes the clarity.
General	A number of the policy variations or new policies consider design issues. This is welcomed as long as the policy is adding value to how developments are managed. In particular it is noted that the phrasing used often is for designs and materials to be complementary to the existing context (e.g. local variation policy 7.4, policy 7B). Unfortunately there are cases where the prevailing design or context is of poor quality and therefore to encourage new developments to be complementary to this could have an undesirable affect.	Accepted. It is noted in the supporting wording to Policy 7B that areas of poor quality or weak character will require positive intervention and change in order to achieve good development and it is intended that this approach be adopted in all policies that take a contextual approach to development. Wording to this effect will be added as appropriate.	Change: Amend the supporting wording of policies 7.4 and 7B to include;  Many of Ealing's built areas exhibit a strong or high-value visual character, and this should be respected and strengthened with particular reference to the elements of local character set out in this policy. Some areas, conversely, may exhibit currently poor environmental quality or weak character and require positive intervention and change in order to achieve good development.	English Heritage welcomes the clarity.
General	We would suggest that the wording of the design policies should be revised so that they describe the need for developments to respond to the positive aspects of the site and its surroundings. However before doing this it is essential that the applicants through their design statements identify and rationalise what elements of the site and surroundings are of positive value to the quality of the local context. Using existing evidence such as CAA's and Management Plans can help provide a useful source in which establish the positive aspects of the local context. This source of information and its value should be highlighted in the Development Management DID	Appropriate reference to the forms of evidence needed in developing schemes should be included in the heritage policy. As the requirement for design statements is broader it is suggested that it is inserted in Policy 7B before the final sentence of of para 6 of the supporting text;  'Development proposals should identify the positive aspects of the site and its surroundings from the outset, using existing evidence such as character appraisals and conservation documents where these exist. Design statements should demonstrate an understanding of these aspects and show clearly how the development responds to them.'	Change - Add following to supporting text of Policy 7B:  'Development proposals should identify the positive aspects of the site and its surroundings from the outset, using existing evidence such as character appraisals and conservation documents where these exist. Design statements should demonstrate an understanding of these aspects and show clearly how the development responds to them.'	English Heritage welcomes the proposed changes to Policy 7B.
1A	We welcome the purpose of this policy, however for it to be compliant with the national policy we would strongly advise that it is expanded so that it takes into the account the requirements of paragraph 128 of the NPPF. This is essential the need for applicants to describe the significance of any heritage assets affected by proposals.  In addition we suggest that paragraph 192 of the NPPF should also be incorporated into this local policy. This is essentially the need to get the	This policy was intended to assist applicants and officers by ensuring appropriate information is provided in planning applications, however, given the confusion it appears to have generated it is considered that it is better to distribute its provisions among the relevant individual policies. Para 128 and 192 are considered to stand by themselves and not to	Change: Delete policy 1A. Incorporate specific information requirements into their respective policies, where appropriate to do so.	English Heritage welcomes the intention to clarify this point. However still need to identify where changes have been made to specific policies.

Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
	<p>right information in order to make good decisions. This includes the need for applicants to discuss what information is needed with local planning authorities and expert bodies (such as English Heritage) as early as possible.</p> <p>We would also suggest in the context of policy 1A that the text highlights the need for applicants to submit robust design statements that demonstrate an understanding of the historic and local context of a site and its surroundings, and then using this information to inform their proposals. This requirement is particularly pertinent for sites identified in the Council's Development Sites DID, where we would expect detailed analysis and modelling to be provided that include detailed conservation and urban design analysis.</p>	<p>require reformulation for local authorities in order that they inform planning applications, in any case they only make explicit the longstanding planning principle of requiring evidence proportionate to decision-making.</p> <p>The suggested text will be included as necessary.</p>		
2.18	<p>Many of the Borough's green and open spaces are of historic interest and form part of or are heritage assets (e.g. conservation area, setting of listed buildings, registered parks and gardens etc.). This approach reflects the London Plan policy 2.18.</p>	<p>Accepted.</p>	<p>Change - Amend clause H to read: 'The coherence of green and open spaces and their integrity in fulfilling the complementary functions of nature conservation, heritage conservation and recreation remain the overriding principles governing their development, extension and use. Only ancillary development will be permitted. The size of development within green and open spaces and its impact upon visual openness must be kept at a minimum.'</p>	<p>English Heritage supports the inclusion of 'heritage conservation' in the wording of policy 2.18.</p>
4.7	<p>Undertaking a local variation of London Plan policy 4.7 provides an opportunity to highlight the local characteristics of Ealing's centres. In particular the current text of the local variation implies the need to sustain the townscape quality of existing centres. This approach is welcomed. However we would suggest that this policy direction could be expanded to include a reference to the heritage conservation of the Borough's existing centres. In particular, the importance of conservation of heritage assets as a basis in which to inform future changes. At present the policy wording is silent on this important issue.</p>	<p>NB as a result of a drafting error in the DM DPD consultation document this representation actually relates to policy 4C Main Town Centre Uses</p> <p>Suggest revise the last sentence of the supporting text as follows;</p> <p>'In addition to standard design concerns it is particularly important that new facades sustain or improve the quality and character of town centres. A good understanding of the built form of Ealing's town centres and their heritage assets can help to inform positive future change without resorting to pastiche.'</p>	<p>Change: Amend the last sentence of the supporting text as follows;</p> <p>'In addition to standard design considerations it is particularly important that new facades sustain or improve the quality and character of town centres. A good understanding of the built form of Ealing's town centres and their heritage assets can help to inform positive future change without resorting to pastiche.'</p>	<p>English Heritage supports the inclusion of the revised wording in the supporting text.</p>
5.11	<p>In general we support the promotion of green roofs. However this strength of the policy should be tempered against the impact it may have upon the significance of heritage assets. For example the introduction of green roofs in a conservation area may undermine the reason for why it has been designated (e.g. due to the character and materials of the roofscape). In these circumstances a balance needs to be struck between the need to introduce climate change measures and conserving the historic environment. This relationship is at present not</p>	<p>It is accepted that the use of green roofs needs to be appropriate in design and conservation terms both to the building in question and its context. The policy wording will be revised to make this context clear particularly in relation to existing buildings such as heritage assets.</p>	<p>Change: Amend policy text as follows: 'Green roofs are strongly encouraged on all development where they would be appropriate in design, contextual and conservation terms. and Green roofs will should be required provided on major development that falls within 100m of a green buffer zone compromising the</p>	<p>English Heritage supports the intention of revised wording for policy 5.11.</p>

Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
	acknowledged in the policy text.		<p>following designations: Green Belt, Metropolitan Open Land, Green Corridor, Public Open Space, Community Open Space and Nature Conservation Area.</p> <p>Green roofs serve two main functions, improving biodiversity and environmental quality, and providing amenity space. Where these functions conflict the first will should take precedence in the defined buffer zones.'</p>	
7.4	<p>On considering the details of the local variation to policy 7.4, it is difficult to understand what is being achieved through the additional wording. If it is to provide further understanding of how to assess the character of a site and its surroundings as part of informing development proposals, then this should be explicitly expressed.</p> <p>In addition extra value could be provided if the Council undertook a Borough-wide characterisation study that highlighted the main local characteristics of Ealing and its component parts. This information could then be used as a tool in which to identify and manage local character. We would suggest that further consideration should be given to the purpose of the local variation to the policy 7.4 and how this additional information would help sustain and enhance the positive aspect of local character.</p>	<p>It is considered necessary to set out the components of the local context that make up local character, particularly the 'pattern and grain' described in the London Plan policy. This clause is of particular value in understanding how local character, which is often seen as an a rather diffuse or alternatively pastiche concept, can be reflected in development proposals, particularly in individual buildings.</p> <p>LBE is unable to commit to a borough-wide character study at this stage, but the policy is designed to work well with the wide range of pre-existing evidence and guidance on local character whether this is in CAAs and CAMPs, or in area-specific guidance such as SPDs, OAPFs and site briefs.</p> <p>It is agreed that the supporting wording could be expanded to explain this approach more clearly.</p>	Change - various changes are proposed. See Schedule of Changes for further detail.	English Heritage notes the Council's comments. We would still encourage the Council to undertake a Borough-wide characterisation study, as the information gathered would help with the implementation of this policy.
7.7	<p>The Local Variation policy should include a reference to the need for tall buildings not to cause harm to the significance of heritage assets. The approach would reflect Ealing's Core Strategy (1.2 (h)) and the NPPF in terms of delivering sustainable development. Essentially this is the need to conserve and enhance the historic environment (section 12 of the NPPF) and the expectation that local planning authorities should deliver net gains for all three dimensions of sustainable development (economic, environment and social), and address the spatial implications of change when plan making (paragraphs 152 and 154). This includes the need to provide clear policies on what will or will not be permitted and where. And only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. Our suggestion of providing a clear statement that ensures the significance of the heritage assets are not harmed would help ensure this policy complies with the NPPF.</p>	<p>Heritage, like sustainability or design, is a recursive factor throughout the DM DPD and it is not considered necessary to repeat the provisions of one policy in another place because all policies must be read together. It is not therefore accepted that there is a soundness requirement for the inclusion of a prohibition against harm to heritage significance in this policy. However, for reasons of clarity and usability LBE is happy to include reference in the supporting wording to the fact the context in this instance includes heritage context and assets.</p>	<p>Change - Amend supporting text as follows:  'Tall buildings have a greater impact on their surroundings and on the borough as a whole than other forms of development, including heritage context and local heritage assets and as such, they must be held to higher standards than other development which will be less visually prominent. If the proposal complies with the spatial guidance of the Development Strategy, then the primary consideration for any scheme is therefore that it makes a positive contribution to the urban environment.'</p>	<p>English Heritage notes the Council's comments, and welcomes the intention of revising the supporting text to the policy. In general we are encouraged by the proposed amended text subject to the following amendment re last sentence:</p> <p>If the proposal complies with the spatial guidance of</p>

Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
				<p>the Development Strategy, then the primary consideration for any scheme is therefore that it makes a positive contribution to the urban <b>and historic</b> environment.</p>
7C	<p>It is acknowledged that the approach taken by Ealing Council is to utilise the policies in the London Plan as a basis for development management, and that where necessary introduce local variations. In addition we acknowledge that any additional policies in the Development Management DID should reflect the Core Strategy. With these points in mind we are concerned that the policy wording with regards to the historic environment in this DID is limited and does not provide a sufficient framework in which to manage developments where they impact upon heritage assets.</p> <p>The Core Strategy (1.2 (g)) clearly sets out a strategy of 'positive conservation and enjoyment of the Ealing's heritage assets and their significance'. In addition policy 7.8 of the London Plan provides robust policies regarding planning decisions (parts C to E). Policy 7.8 also places a responsibility upon Boroughs to develop 'appropriate policies in their LDFs for identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate, and to archaeological assets, memorials and historic and natural landscape character within their area'. When combined together we would advise that the policies currently presented should be amended so that they reflect the unique historic environment of Ealing and the requirements for its management. For example the Borough has a range of heritage assets which are defined in terms of their significance (e.g. CAAs and CAMPs) and which face unique pressures for development (e.g. concentration of development sites in Ealing and Acton). Within this context policies regarding the Borough's heritage, should be developed that set out how these issues will be managed, building upon the unique issues facing management of the historic environment.</p>	<p>Ealing is fully supportive of the approach to heritage in both Core Strategy policy 1.2 (g) and London Plan Policy 7.8. It is noted that the supporting wording to the CS policy states that the primary method for the delivery of Ealing's heritage strategy is by means of area-specific planning documents such as SPDs and AAPs, and that the role of the DM DPD is to ensure that proper consideration is given to heritage matters when determining planning applications. As EH comments, London Plan Policy 7.8 already contains robust policies for use in planning decisions, and in some measure this reduces the number of areas that Ealing's Local Policy needs to cover.</p> <p>The main purpose of the DM heritage policy is, as for all other policies, to set out the key principles governing development in a way that is both watertight and accessible to applicants. It is not intended that the policy constitutes a complete guide to good practice, but rather that it provides the tools to allow the LPA to make all necessary considerations and produce additional guidance where necessary. Where unique pressures upon heritage arise as a result of area-specific policy documents then the correct place to address these pressures within those documents, this will ensure that considerations are properly balanced and made with an understanding of the appropriate level of detail.</p>	<p>Change - Fairly extensive changes are proposed to this policy. These are detailed in the Schedule of Changes.</p>	<p>English Heritage notes the Council's comments.</p> <p>However in light of the comments made, we welcome the Council's proposed Revised Policy 7c Heritage (as expressed in the Further Alterations and in section 5 of this Statement).</p>

Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
7C	<p>In addition issues which are not reflected in the current drafting and which could be incorporated into a more Ealing specific heritage policy includes matters such as the need to:</p> <ul style="list-style-type: none"> <li>· Value and provide appropriate protection for buildings and spaces that make a contribution to the significance of conservation areas.</li> <li>· Identify and utilise the history and cultural value of a place in the development of proposals (e.g. NPPF paragraph 58)</li> <li>· Manage and protect known and yet to be discovered archaeology. This includes scheduled monuments, and areas of archaeological interest.</li> <li>· Detail how climate change measures can be introduced within the historic environment (e.g. how would proposals for micro-regeneration infrastructure be managed within the historic environment?);</li> <li>· Set out a framework for identifying and appropriately protecting locally listed buildings</li> </ul>	<p>The principle of protecting buildings and spaces that contribute to the significance of Conservation Areas is considered to be contained in the reference to heritage assets and their setting. However, LBE is happy to revise the supporting text to ensure that this principle is clearly linked to Conservation Areas.</p> <p>The need for proposals to respond to their context, whether historic or not, is inherent to several DM DPD policies and nearly all of those relating to the urban environment such as 7B and LV 7.4. LBE is happy to insert a reference in the supporting text to highlight that heritage context can be particularly informative to the design of a scheme and should be considered right from the beginning.</p> <p>LBE had considered archaeology to be adequately covered by LP 2011 Policy 7.8 but we are receptive to the inclusion any elements of policy that EH feels have been omitted.</p> <p>It is considered that details on heritage and microgeneration/energy efficiency measures are better reserved to supplementary guidance as it would be difficult to expand on them usefully in the space of a development management policy.</p> <p>LBE had understood from previous correspondence that it was not necessary for LLB listing criteria to be set out in the DM DPD, and a commitment to 'regularly and update our Local List' is already set out in CS Policy 1.2(g). The DM policy as written proposes to protect all assets according to their significance and this would clearly include LLBs, it is unclear what additional coverage is needed.</p>	<p>Change - Fairly extensive changes are proposed to this policy. These are detailed in the Schedule of Changes.</p>	<p>English Heritage notes the Council's comments.</p> <p>However in light of the comments made, we welcome the Council's proposed Revised Policy 7c Heritage (as expressed in the Further Alterations and in section 5 of this Statement).</p>
<b>FURTHER ALTERATIONS</b>				
2.18	<p>We welcome the introduction of section I to the policy and its emphasis upon the visual openness of open and green spaces and the need to materially consider the impact of developments upon views to and from these spaces. However as highlighted in our response dated 24th August 2012 to the Development Management Publication Version (June 2012) we sought a minor change to point H so that it reflected the</p>	<p>Accepted.</p>	<p>Change - Amend clause I as follows: 'Development should not compromise the visual openness or heritage value of open and green spaces particularly with regard to views within and across these areas. The impact of development upon views to</p>	<p>English Heritage welcomes the acceptance of our proposed change in text.</p>

Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
	<p>heritage value of open and green spaces. The same principle could be applied to this point as many of the views may have heritage value, which may contribute to the setting of heritage assets. With this in mind we would suggest that point I could be amended to the following:</p> <p>Development should not compromise the visual openness or heritage value of open and green spaces particularly with regard to views within and across these areas. The impact of development upon views to and from open and green spaces is a material consideration.</p>		and from open and green spaces is a material consideration.'	
7.12	<p>In general we welcome the proposed changes to point J. However it is not clear from the information provided whether the supporting text provided with the policy change will be added to the text provided in the Development Management Publication Version (June 2012). We would suggest that the details provided in the Publication Version are both useful and essential in understanding the implementation of the policy. In terms of the specific wording of the point J we would suggest that the need to apply the principles of the LVMF to the listed locally designated views could be combined with the new proposed wording as follows:</p> <p><u>The principles of the LVMF should be applied to listed designated Views and Landmarks with an emphasis upon conserving and enhancing their existing qualities, through development opportunities.</u></p>	<p>The proposed wording at clause J is intended to replace the previous policy which suggested the application of London View Management Framework (LVMF) principles to designated views in Ealing.</p> <p>The Landmarks policy is designed to reflect the fact that Ealing's views are not suitable for protection using the criteria of the LVMF . All of the views set out in the UDP were surveyed during the summer of 2012 and none but a few offered any identifiable view at all. These few largely offered landscape panoramas of protected openspace in Ealing which had no usefully definable view cones, specific viewpoints, nor individually identifiable elements to allow the application of the LVMF. The approach that had previously been suggested in the Publication Version draft of June 2012 would not therefore be workable and would add no material protection to views or value to the plan. Nor, given the nature of these views over protected openspace, is any development permissible which would affect the designated views.</p> <p>The Landmarks policy, therefore is an acknowledgement that prominent structures in Ealing may have recurring views within and above the broader townscape and are important to the character of the area. Such views are not definable through the mechanism LVMF but may be material to individual applicatons. This policy has since been strengthened in response to representations to include a protection of the Landmarks themselves in respect of those elements that make them significant as landmarks. This policy is considered the most</p>	No change	English Heritage notes the Council's comments.

Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
		appropriate and workable approach for view management in Ealing.		
7C	<p>Additional comments to the Development Management It is noted that changes to the Local Variation Policy 7C has not been proposed. It is appreciated that informal changes have been developed which we would like to amend further.</p> <p>A Development of heritage assets <u>and their settings</u> and <del>designated heritage assets</del> should; a be based on an analysis of their significance and the impact of proposals upon that significance. b <u>conserve</u> <del>respond appropriately</del> to the significance of the asset in question. c <u>protect and</u> where appropriate <del>protect and</del> restore original or historic fabric. d <u>enhance or better reveal the significance of assets.</u></p> <p>B Development within <u>or affect the setting</u> of Conservation Areas should; a retain <u>and enhance</u> characteristic features and detailing and avoid the introduction of design and materials that <u>undermine the significance of the conservation area</u> <del>of the area or out of character with the building or area.</del> b retain elements identified as contributing positively and seek to improve or replace elements identified as detracting from the Conservation Area</p> <p><u>C The significance of heritage assets should be understood and conserved when applying</u> <del>Sustainable and inclusive design principles and measures.</del> <del>should be applied to the asset in such a way that they do not conflict with the above principles.</del></p> <p><u>D Harm to any heritage asset should be avoided. Proposals that seek to cause harm should be exceptional in relation to the significance of the asset, and be clearly and convincingly justified in line with national policy.</u></p> <p><b>Supporting Wording;</b> <u>Heritage assets</u> include locally listed buildings, and, for the purposes of this policy, assets may be identified at any point up to and including the application stage.</p>	This wording has evolved through representations received in the Publication Version round of consultation and discussions between LBE and EH. The proposed revisions are accepted.	Change - Fairly extensive changes are proposed to this policy. These are detailed in the Schedule of Changes.	English Heritage welcomes the Council's proposed Revised Policy 7c Heritage (as expressed here and in section 5 of this Statement).



Policy	Summary of Representation	Council's Response	Council's Proposed Action	English Heritage's Response
	<p><u>Designated heritage assets</u> are defined in the glossary of the NPPF and include Conservation Areas as a whole. Designated heritage assets are subject to various forms of statutory protection and the LPA will make reference to these in determining their significance and the appropriateness of development proposals. All such designations will be recorded as a constraint. Reference will also be made to the Conservation Area Appraisals and Management Plans that Ealing maintains for each of its conservation areas, and relevant design guidance where this exists.</p> <p>Designated heritage assets, especially archaeological remains, and including registered parks and gardens, monuments and memorials are often subject to legal protections that extend beyond local planning powers and which do not require development activity in order to be activated. Ealing will use legal powers to protect assets at risk of harm whether this results from deliberate action or neglect.</p> <p><u>Significance</u> is defined in the glossary of the NPPF and includes an asset's setting as well as its physical presence.</p>			

## **5 Revised Policy 7C Heritage**

To address all of the representations made in respect of Policy 7C Heritage it is necessary to reformulate the policy to ensure that it is comprehensive and workable.

### **POLICY 7C HERITAGE**

#### **Local Policy**

- A Development of heritage assets and their settings should;**
- a be based on an analysis of their significance and the impact of proposals upon that significance.**
  - b conserve the significance of the asset in question.**
  - c protect and where appropriate restore original or historic fabric.**
  - d enhance or better reveal the significance of assets.**

- B Development within or affecting the setting of Conservation Areas should;**
- a retain and enhance characteristic features and detailing and avoid the introduction of design and materials that undermine the significance of the conservation area**
  - b retain elements identified as contributing positively and seek to improve or replace elements identified as detracting from the Conservation Area**

**C The significance of heritage assets should be understood and conserved when applying sustainable and inclusive design principles and measures.**

**D Harm to any heritage asset should be avoided. Proposals that seek to cause harm should be exceptional in relation to the significance of the asset, and be clearly and convincingly justified in line with national policy.**

Heritage assets include locally listed buildings, and, for the purposes of this policy, assets may be identified at any point up to and including the application stage.

Designated heritage assets are defined in the glossary of the NPPF and include Conservation Areas as a whole. Designated heritage assets are subject to various forms of statutory protection and the LPA will make reference to these in determining their significance and the appropriateness of development proposals. All such designations will be recorded as a constraint. Reference will also be made to the Conservation Area Appraisals and Management Plans that Ealing maintains for each of its conservation areas, and relevant design guidance where this exists.

Designated heritage assets, especially archaeological remains, and including registered parks and gardens, monuments and memorials are

often subject to legal protections that extend beyond local planning powers and which do not require development activity in order to be activated. Ealing will use legal powers to protect assets at risk of harm whether this results from deliberate action or neglect.

Significance is defined in the glossary of the NPPF and includes an asset's setting as well as its physical presence.