

ED4. MATTER 5 – DEVELOPMENT MANAGEMENT DPD

Inspector’s Note: The Development Management DPD has changed considerably between the February 2013 version and the modified version, which is document reference EDM2. Further comments received by representors in their hearing statements, taking into account the changes, will form the basis of detailed discussions on many of the policies at the hearing sessions.

5.1 Are the policies clearly worded? Will they be a succinct and easily understood guide to development? Do they need more explanatory text? Do they need to refer to other directly relevant policies in the CS? Do they unnecessarily repeat policies from the London Plan or requirements from other legislation?

5.1a Ealing policies are too brief. The control is spread between the NPPF, the London Plan, the Core Strategy, the Development Sites Schedule and Supplementary Guidance as well as this document. The overall impact is bewildering. Cross references help but fuller policies and explanatory text are needed. The following examples are particularly unclear:

1) Policy 2.18 H- DM 18(7,8,9,10) What is the integrity or coherence of open space?

The Response does not explain; and nature conservation, heritage conservation and recreation may present conflicting options. We welcome the reference to heritage in both H and I. Because the meaning of I is now broadened, Nature Conservation should be included or it could be assumed that development may compromise nature conservation.

2) The alterations to 2.18 exclude development adjacent to open space which is equally important to its enjoyment. Downdraughts and overshadowing make sitting out space unusable. Keeping recreational development to a minimum needs more guidance as does the impact of adjoining development on open space. We are not impressed by Ealing Council’s recent interpretation of minimum at Warren Farm where they have allowed a huge development for QPR on a prominent MOL site (**P/2012/5124**).The argument that it is exceptional circumstances should still ensure the impact is kept to a minimum. Clearer wording is used in the UDP in Policy 3.1-2(1,2 &3), 3.1-4 development adjacent to MOAs should not prejudice their purpose, sense of openness or environmental character and 3.1-5 no development will be allowed in the Brent River Park that detracts from its landscape, nature conservation or hydrological roles. But the landscape strips are also important as laid down in Table 3A point 3. We object to their deletion from policy 7D B

3) Policy 3.4 DM 18(12) is unclear and incomplete. Local Character including heritage assets are essential in determining density and should be referred to. Our town centres have listed buildings and conservation areas which should provide the context for heritage-led regeneration. Local context and morphology may not be relevant where environment is poor so its meaning is ambiguous. In practice density in planning

applications is judged on PTAL which may not be equated with a town centre location.

4) Para 1 P42 Development Management Representations DM18 41 Meaningless jargon has been replaced with improved wording but the Council response that the policy does not deal with local character when they refer to Local Context is even more puzzling.

5.1b . Sites should be listed in the MOL management policy 2.18 with references to the Proposals Map to identify the division shown in the Core Strategy to give a boundary to Horsenden Hill, the Brent River Park etc. It is essential to avoid ambiguity especially as written records take precedent over maps if errors are made. Public Open Space/ Community Open Space are related to these areas in ED5 Table but there is no map which links the BRP to the CS. The Brent River and Canal Society support the inclusion of this.

5.2 Are they justified by an up-to-date, credible and robust evidence base?

5.2a Policy 7D B Lack of supporting text makes identifying the evidence base for a policy difficult. Topics like open space may appear to be supported by the Green Space Strategy but its robustness depended upon work carried out for the UDP, its predecessors and its established use. Where is the evidence for abandoning the 5m on development adjacent to open space in response to DM 16(25) and DM7(32) downgrading the 10 m buffer zone for sites with nature conservation interest.? The Consultation text should be restored.

5.2b The 5m landscape strip together with a detailed list of factors to be taken into account was used in the 1995 /1998 version of the UDP and retained in the 2004 version. This well-tried policy OL2 has proved useful in protecting MOL especially in many routine applications. There is no need to abolish it on the grounds that it is too prescriptive. Flexibility can be provided by inserting “normally” in the policy and that “the landscape strip will depend on the height and design of the development”. It could be more or less than 5m. The 10 m landscape strip was introduced in the DM Doc to clarify OL20 ‘Development will not be permitted unless it can be shown that there would be no damage to the nature conservation value of the defined site’ and OL21 ‘a) avoids shadow, blocking views with high rise buildings or creating wind flow problems’ and ‘d).....while retaining any existing trees and planting on adjoining land’ The same format should be applied.

5.2c Another example where policy does not relate to evidence base is:

Policy 5.12 P128 Flood plain Council Responses DM18 (32) to our objection claims flood risk for the Rver Brent has been successful. The UDP policy covered the flood plain and yet the Council still reduces policy protection to an 8m buffer strip. Flood maps show this is larger than 8 m in some locations and less in others An 8m buffer strip lacks credibility on the basis of the Maps illustrating flood risk areas in Appendix D SW and NW in the 2008 study of Ealing’s SFRA The areas that provide more than 8 m of floodplain act as storage of flood water compensating for narrow sections such as the

constriction at Greenford Depot. We consider an 8 m zone cannot be justified in the Brent Flood plain and the policy should relate to the floodplain.

5.3 Do they rely on standards or requirements set out in untested documents?

5.3a DM DPD lists Tables that come from the LP. It is very difficult to work out the extent of testing and especially where the standards are so different as in the Garden Standard. DM10 (9) states the London Design Guide was published as an interim guide for Homes and Community Agency (HCA) and London housing SPG and has not been subject to examination. The London housing SPG sets a very low minimum standard for private gardens for houses. This is untested and it does not take into account suburban locations like Ealing. In applications where houses are being divided into flats it is necessary to provide access for upper units and ensure privacy for ground floor flats. The UDP Garden standard which is tried and tested should be retained as a normal requirement with the London Housing SPG recommendation as a minima for major developments of flats. We are very concerned that loss of garden space and trees and replacement by balconies terraces will contribute to the London heat island and loss of biodiversity. Google map illustrates the importance of trees in back gardens over much of Ealing except the industrial areas.

5.4 Are the policies relating to employment (4A), retail (4B), density (3.4), living conditions (7A C, 7B), open space (7D) too prescriptive, failing to take into account individual site and development circumstances. Will these policies be effective in encouraging development in Ealing?

Employment 4A DM 18 (17,18) DM7(15) seeks mixed uses in Employment Sites. ECS is very concerned at the abolition of the 21 employment sites which will be quickly converted to residential use because the downturn in the economy may influence the take up of sites and premises for employment uses. A two year period of marketing may be totally inadequate. This should be extended because the demand for warehousing and industry premises is likely to revive and local people need jobs. Local businesses need premises. The future of Heathrow is still in doubt over a third runway or replacement. Decisions on this will strongly influence the local demand for premises and the need of local people for alternative jobs. We share the GLA's general concern (DS59(2) that there may be more than the 19 hectares loss of industrial land 'as the level of release accounted for in site allocations may leave limited scope for further releases that may come through the development process over the plan period.' The loss of smaller sites will have a most unfortunate influence on growth of local small businesses. Stages of growth from home / van to shop premises will no longer have local employment sites because of the rise in value of premises that have freedom to be residential. The Employment sites should be retained in an updated to include those that have minimal impact on surrounding uses and those that are in multi occupation would give problems for mixing industrial and residential uses.

5.4a Mixed uses introduced into employment areas means residential environment suffers from the impact of existing industry and warehouses. These can be controlled to some

extent but usually at the expense of the suitability of the site for the latter. It is not just operating or delivery hours that would suffer but noise, light and pollution issues may be relevant. Add “or create an environment unsuitable for residential use” to the end. Areas that are large enough for transfer to residential use without creating amenity problems should provide land for POS if deficient and school provision

5.4b DM18(17) LP4.4 Contains detailed instructions on LDF preparation under B a-i much of which is relevant to the DM-DPD some of which is needed on a site by site basis e) f) g). The Core Strategy deals with some of the sites and recommends mixed uses but the DM policy does not deal with the problems that mixed uses creates. Mixed development should only be allowed if it does not create problems for existing employment uses.

5.4c DM18 (18) Allowing mixed uses ensures a change of use to housing or perhaps retail if there is plenty of parking space. It becomes a housing area because land for employment is less valuable than that for urban density housing. Drayton Green live work units are not viable and the Employment Site is likely to become residential; in Cambridge Yard Hanwell, small workshops have been replaced by residential but the **sop** to mixed units in some office provision is vacant. We think the plan should propose positive policies to improve the employment areas in public transport amenity and HGV access.

5.4d Retail 4B DM18(19 & 20) The retail frontages should be clarified by listing addresses. Text should be added to update the changed retail situation due to increased on line shopping. A5 and gambling premises should not be located near to schools so we support the table although we are not sure what an over-concentration of night clubs would be. The two together might make policing easier but cause conflict between two sets of customers.

5.4e Density 3A is based on the London Plan table 3.2 which gives enormous flexibility. Great concern was expressed during the Core Strategy hearing about the location of tall buildings and policy 1.2h requires suitable sites to be located in the Development Sites doc and policies for their management included in the Development Management doc. ECS is concerned that the wide range allowed is too flexible and the local character or conservation area assessment could be compromised. We support the inclusion of B defining the status of the Town Centre but object to the lack of reference to the conservation areas in Ealing Metropolitan Centre and Acton and Hanwell town centres.

5.4f Living Conditions 7A C, 7B Development Management Responses

DM18(35,36,37) DM18 (37- 39) There is no indication of how much light, noise, pollution, vibration or privacy is allowable. If this is left to supplementary guidance there will be a long gap without the control that was offered by the UDP; it will only be supplementary and some supplementary guidance promised in the past has not yet appeared. Current levels used at present should be referred to in the text. It is important that householders do not have to resort to taking legal action under right of light legislation.

5.4g . DM18 (39,44) Normally has been inserted in policy 7B c. Without the 21m that has traditionally been regarded as giving reasonable privacy it does not provide guidance as to what good levels of privacy are. Supplementary guidance may take years to produce and many poor developments may be allowed in that time once UDP policies are superseded. Privacy is particularly important if property is to continue to be marketable. Guidelines that are suitable for the CPZ are not necessarily ideal for this borough. The problems of garden sheds used for living accommodation in back gardens need more support for refusal. We object to the insertion of substantially in 7A C. Sealed windows are a health and safety hazard. No habitable room should have all its windows sealed. It is a fire hazard and leads to rooms being too hot.

5.4h Open Space 7D Requirements for open space have to be prescriptive if they are to be achieved. The planning application recently approved by the Planning Committee allows a huge number of dwellings on the attractive grounds of St Bernards Hospital. with Section 106 money required to compensate for lack of open space. It could be provided if fewer houses were built and more of the existing trees and open space preserved. ECS think this readiness to allow housing rather than require open space is too flexible. Section 106 should only be required where open space cannot be provided on site. Table 7D.1 notes include ‘whilst these standards have been calculated separately, they should not be applied in isolation.’ What does the latter mean.

5.4i DM18 (56,58,59)The requirements of a garden for small houses and flats in table 7D.2 is so limited it would not accommodate the space needed between the dwellings for privacy or provide anywhere for children to play. A 3 bed house should be provided with the standard required in the UDP. The footnote which relates to this table says that the other factors to be taken into account result in a 3 bed semi requiring 50 sq m. As the minima is only 6sqm this could result in much negotiation using officers time or even an increase in the cost of appeals. It is unsound to have a potential loss of so much garden space which has so much recreation, biodiversity and micro-climate importance. The NPPF requires new development to be sustainable.

5.5 Do the policies relating to affordable housing (3A), carbon dioxide emissions (5.2), green roofs (5.11) and open space (7D) place an unreasonable burden on development, affecting their viability in the current economic climate. Will these policies be effective in encouraging development in Ealing over the next five years and throughout the plan period?

Policy 3A Affordable housing does place a burden on development but given this is one of the few ways of providing housing for the less well off proportion of the population it is essential until an alternative method of provision is found. ECS is very concerned at the low levels of affordable housing being achieved through planning applications and although mixed private/ affordable schemes are being built on former Council housing sites by housing associations they do not seem to increase the amount with affordable

rents (see DM18 (14))

Policy 5.11 P127 Green Roofs Council Responses DM 18 (29 & 30) Any large building with a green roof will improve biodiversity of an area outside a 100m radius of an open space. Birds and insects fly more than 100m and urban ruderal vegetation and gardens act as reservoirs of a wide range of species which can be spread by birds. Major developments are defined differently from large buildings and the success of this policy in Germany on both residential and industrial buildings cannot be overestimated with about 10 million sq m built annually. This and the LP justify more green roofs in Ealing's Industrial Areas as well as on roof terraces for offices and flats. The LP under policy 5.11 lists more advantages of green roofs that are not just related to biodiversity. The extra cost of providing the green roof is compensated for in the longer term by energy saving. The reduction in temperature in the London heat island will only be beneficial if there are large areas that are not absorbing energy from the sun. Policy 5.10 in the LP Urban Greening stresses the importance of identifying where LDF can mitigate the urban heat island through greening. Natural England in its representation DS5(2) encourages taking advantage of biodiversity and the natural environment not just for wildlife but for health, recreation, contributing to climate change adaptation and improving the quality of life. The Council should make this explicit in their plans with policies helping to ensure the borough's green infrastructure is designed to deliver multiple functions. The Council response refers only to biodiversity so we press for green roofs to be required on buildings that are suitable not just locations next to open space.

Proposed change –“ Green or brown roofs should be provided on all major developments within 100m of a green buffer zone comprisingNature Conservation Areas.” Elsewhere they should make a significant contribution to greening roofs where appropriate, irrespective of location. See Appendix 5.1 on Green Roofs

Open Space 7D

We object strongly to local policy A in that Section 106 should not be accepted on a site that is large enough to provide a local park. We recommend after 'appropriate contribution' inserting 'including land for POS.'

Section B has been subject to alterations and we object to the deletion of the buffer strips of 5m and 10m which is unsound in relation to the Green Space Strategy.” Consultation on the draft highlighted the concern residents and community based organisations share about the impact of high rise high density development adjacent to green spaces. Many residents and green space users value open space for the way in which it contributes to the urban form and punctuates built development. There was concern over new development increasing overshadowing green spaces and affecting green space quality and viability. The Council understands these concerns and will seek to protect green space from such development where feasible through the planning policy process’.

Appendix 5.1

Advantages of Green Roofs to the future users of the building and environment:

- 1) Environment Canada showed there was a 26% reduction in summer cooling needs and a 26% decrease in winter heat loss in buildings protected by green roofs.
- 2) A concentration of green roofs can reduce a city's average temperature during

summer

3) Storm water run off is held in the soil and used by plants which will transpire it into the atmosphere and run off will be delayed avoiding excessive strain on surface water drains.

4) Plants filter pollutants and use CO₂ in the air .

5) Modern roofing materials have their life extended by protection of light and frost.

6) They provide undisturbed habitats for a range of species.

7) Roof gardens can provide a place to sit in the sun and grow vegetables and flowers.

8) Children's play is not really viable because of safety and noise issues.

3102 words of which 228 words are Inspectors.