Matters and Issues

5. Matter 5-Development Management DPD

5.1

Are the policies clearly worded?

As one of the few residents, rather than an organisation, who submitted comments to the original document I have found it extremely difficult to actually understand the current Development Management DPD. EDM2 seems to have been superseded by EDM3-i.e.EDM3 is a version of EDM2 without the red alterations.
The Development Management DPD now just seems to show Local Variation Policies to the London Plan. It is now a document so stripped down to the bare minimum that it has become almost meaningless. I cannot see in the introduction any overall vision of how development will be managed in Ealing just an outline of how the document was constructed using the London Plan as a basis.

It also has a footnote re formatting and so I have no idea what the actual document will look like. The current format is very difficult to read. An index would have been useful.

I found the UDP to be clearly worded and it used an easily understandable format-(Appendix A.)

However I do understand that a similar format cannot be used in relation to a Core Strategy so I have used the Richmond Development Management Plan (written before the NPPF but approved and adopted) as a comparison and I will use it to also illustrate policies which I think need strengthening or including within Ealing's Development Management Plan. The latter is 36 pages long, the Richmond one-164.

I have attached (Appendix B) of the Foreword to the Richmond document that clearly sets out a vision for the future and how the management plan relates to the Core Strategy. The management plan also has a clear Introduction and Contents page.

Will they be a succinct and easily understood guide to development?

In many ways the policies are too succinct given that in many cases there are currently no SPGs or SPDs as guidance.

For example *Policy 4c. Main Town Centre Uses*

Personally I think the policy is far too vague

e.g. 4C
B-'*Development must not result in over-concentration of a particular use type where this use may erode local amenity by nature of that concentration*'

Not the clearest of sentences.

The Richmond Plan, as should the Ealing Plan, goes much further and outlines where certain change of uses will not be allowed.
(Appendix C)

I am sure there are many similar examples.

<u>Do they need more explanatory text?</u>

I think many of the policies do need more explanatory text and in many cases need to be cross referenced to other policies and the Core Strategy.

For example

Policy 4C
C *'Standards applying to specific use types are set out in the table below*

.......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 future change without resorting to pastiche.'

As heritage assets are mentioned in this policy there should be, for clarity and understanding, some reference to Policy 7C Heritage given that many town centres are in Conservation areas.
Also, for example, Policy 2.5 of the Core Strategy relating to
Regenerate Ealing Town Centre (e).

And not just footnotes. The policy should either be formatted to the left of the page with references to the right as in the UDP or as in the Richmond Plan in a box-Policy Background-National-Regional-Local.

As I will not be able to mention this aspect of heritage assets in 5.4 of Matters and Issues I will include it under explanatory text.
It does relate to my submission re 7C but also it relates to 4C.

In my submission I asked for there to be a policy on shopfronts, not just an SPD (not that Ealing has one).
In Richmond it is a policy (Appendix D) but Richmond also has a 17 page SPD that is referred to. It also has a policy on Advertisements and Hoardings-not just an SPD (Appendix E).

Also various tables have been omitted from EDM3 that appeared in EDM1-London Plan tables- and because certain tables are extremely important e.g. space standards ,they should be included in EDM3.I don't think one should be expected to have to refer to the London Plan to get such information. To use an over worked phrase, the Development Management DPD should be user friendly and not just be accessible to people who have a planning background or to developers.

<u>Do they need to refer to other directly relevant policies in the CS?</u>

I think I have answered this question in my previous answer in that I think relevant policies in the CS should be referred to. However even now some of aims of the Core Strategy are in doubt. It would be helpful if the phrase Core Strategy was used rather than Development Strategy (see Overview and Introduction-Ealing DM DPD).Richmond uses the phrase Core Strategy.

5. Matter 5-Development Management DPD

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

I find this an incredibly difficult question to answer as much of the evidence used in the Core Strategy and therefore the Development Management DPD I questioned at the time of the hearing re the Core Strategy.
Many of the documents in the evidence base can be virtually out of date when they are published, as can be the AMR.

For instance
 re retail EB33 Joint West London Retail Needs Study Update May 2010.

It is now 2013 and Westfield has recently announced an expansion which will include a John Lewis.
Will the so called high quality retail promised at Dickens Yard (perhaps 2016/7), and Ealing Broadway in general, now go to Westfield?

BS2 Housing Strategy 2009-2014 Mar 2010.EB28 Affordable Housing Viability Study –Oct 2010

How will the recent housing benefit changes alter the housing supply? If the Council continue to use the Wandsworth model will there be an underestimate of child yield? Are we going to build the most appropriate sized homes in the most appropriate places?

BS14 Ealing Metropolitan Town Centre Spatial Development Framework.Tibbalds 2010 (much quoted but now out of date)

EB30 Infrastructure Delivery Plan and Schedule. Version- 2 July 2011

Just this week Ealing council estimates that by 2016, the Borough will be short of 585 Secondary School places, 196 of which will be in Ealing and Hanwell alone.
By 2019 the secondary figures will rocket to 1,142 borough wide, with the largest shortfall of 401 in just Ealing and Hanwell (Council representative at a proposed free school meeting-Site 33)

The government plans to close the A&E at Ealing Hospital and there are rumours that the hospital will be re-built on a smaller scale therefore freeing up yet more land for development.

In recent years various so-called educational establishments were closed by the Borders Agency therefore freeing up the odd office block. Some police stations are to be sold off-more office space or?

The creative industries have already de-camped to Chiswick Park, the Great West Road and Old Street. An opportunity lost.

There is much mention of the coming of Crossrail (now 2018/2019) but by that time Ealing will be back to being a suburb and basically a dormitory town with too many people and very little infrastructure because it failed to attract the businesses and retail outlets that already have decided to go elsewhere.

<u>Matters and Issues</u>

<u>5.Matter 5-Development Management DPD</u>

<u>5.4/5.5-open space/affordable housing/viability</u>

but also incorporates 2.1-conform to London Plan? / 2.3 Will they provide for an appropriate housing mix including affordable housing? And site 01S8 (St.Bernard's Hospital)

I found this matter quite difficult to answer as by answering it I seem to be going back to matters discussed re the Core Strategy.
At the time my views were dismissed as they were said to apply to developments from the past or developments that were then current i.e. developments relating to the UDP.

So in answering various Matters and Issues I am using the example of Site 01S8 (St.Bernard's Hospital) as an example. The applications for various developments on this site were recently passed by the Planning Committee but it is due to go before the Mayor for consideration. Both the Core Strategy and the Draft DM DPD were quoted in the documentation. The applications that I am going to comment on are P/2012/5040 & PP/2012/4008. I did not comment on the application before the Committee meeting because there is just too much documentation to peruse.

The site document (01S8) states that-'The revised layout of the site and any new building will be expected to be high quality'.

However the GLA has concerns about the layout of Block 3 in P/2012/5040 and the Council's own words re P/2012/4008 are that the layout is acceptable i.e. acceptable rather than high quality.

There is a section in the site document after affordable housing re residential units (I think this section should have been put with layout) re north facing single aspect units. From the plans I would say some of the units are north facing single aspect.

<u>Affordable Housing-3A and viability</u>

Basically my belief is that because, in a majority of cases, development is developer led, new developments will never have 50% provision of affordable housing. I believe the BNP PARABIS report for LBE in 2010 also said it was an ambitious target for all sites.
To repeat what I said re the Core Strategy.
I only heard about the 3 Dragons Toolkit during the Arcadia Inquiry and this time re the St Bernard's site viability is related to the historic nature of the site rather than in the case of Arcadia-rafting over the railway.

In P/2012/5040 the affordable housing element is <u>27.6 %.(</u> Council figures)

The GLA response was-*'The level of affordable housing has not yet been shown to be the maximum reasonable that can be suggested & hence compliance with the London Plan has not yet been demonstrated'.*

The GLA then goes on to say that in fact-'the net level of affordable housing is therefore only 37 units (13.5%) which is considered a low level of provision.

With regard to the other application for the site PP/2012/4008 the GLA also raised concerns with regard to the level of affordable housing and residential mix.

Protection and enhancement of Grade II Listed Heritage Assets were cited in the viability assessment.

The Council has asked for there to be a provision of affordable housing to be provided through a registered provider. What this actually means I don't really know-various registered landlords, housing associations, where? No mention of an actual financial contribution.

I would therefore ask- will 50% ever be managed on any of the sites?
I did inquire at the Core Strategy hearing that given the numerous 9 unit developments that have appeared in the borough, would it be possible for smaller developments to give a financial contribution to affordable housing. I was told-no. However Richmond has such a scheme (Appendix A).

Open space using the St Bernard's applications as examples

I used examples in my Core Strategy submissions from recent developments with regard to lack of open space but these recent applications also demonstrate the underprovision of private usable amenity space and playspace. These two applications represent over 500 units and although there are some communal areas the residents are expected to use the public open space (across a busy road) where supposedly the £60,000 of S106 money will be invested. The underprovision of playspace amounts to a contribution of £75,000. But where will the playspace be? It should be on site.

My problem with Policy 7D is that developers can justify a shortfall by paying a financial contribution.

Cycling & Parking on this site

This has not been raised in Matters and Issues as a specific policy query but I will also put it under 5.2.

I still maintain that Ealing should have a local policy with regard to cycling and parking, at least Richmond admits that people own cars.
I have already mentioned in an earlier submission (not accepted) that cycle provision standards are extremely high. There are going to be 842 cycle racks on this site.

I don't think that such statements such as *'The Travel Plan should include measures to discourage car ownership'* are going to be very effective and as the Transport department points out-'*The proposed reduction in parking provision may create*

displacement issues.' The approach to the latter seems to be to set up a local CPZ-not ideal.

General points on this site which I will later quote under other headings.

Affordable and key worker housing

These applications sum up what will be the weaknesses of the Core Strategy combined with the DM DPD and the Sites document.
The developer, not the Council, has decided the residential mix and what constitutes amenity space/open space and community space (the ballroom becomes a gym).

The site document states that both affordable housing in addition to key worker housing should be provided in both the new and converted buildings. When the whole site was a mental hospital (early 80s) many of the staff lived on site and staff accommodation for the adjacent hospital (Ealing Hospital) was also nearby and I don't quite see why the whole site could not be a combination of keyworker housing, affordable housing and community facilities given that many of the staff in the hospitals are some of the lowest paid people in the borough. There are also many schools nearby and I believe that teachers are eligible for key worker housing.

The timescale for building on the St Bernard's site

This was a question to the Council from the Inspector with regard to monitoring.

Not only do the applications have to be accepted by The Mayor but there are also 74 conditions, in all, attached to both applications.

Other sites

What does the Council do if development is slow? The Southall Gas Works scheme-3750 homes- from 2008, it was turned down by the Council, approved by The Mayor in 2010 and in 2012 a development partnership was needed. 2013?

It took 4 years from demolition to build a Premier Inn in the Uxbridge Road and by that time a Travel Lodge had opened almost opposite.

The only cinema in Ealing showed its last film in 2008 and Ealing still does not have a cinema ,just a demolition site.

Matters & Issues 5.1. Appendix A

The Council will continue to encourage new tree planting, and seek to preserve individual trees and groups of trees that contribute to the quality of the urban environment by:

(i)   Planting and maintaining trees on land in its ownership and along public highways;
(ii)   Making tree preservation orders as above;
(iii)   Undertaking promotional campaigns with local residents, firms and other interested groups on tree planting and protection; and
(iv)   Giving advice on the planting and care of trees, especially in areas where green environment is lacking and in the Green Corridors defined on the proposals map, where appropriate.   4.5-J10

The Council will also expect that consideration be given to the London Borough of Ealing's Biodiversity Action Plans. These plans have been devised to inform, protect, and set objectives for important habitats/areas and species within the Borough, and as a result any relevant Biodiversity issues should be integrated within proposed landscaping schemes.   4.5-J11

Planting schemes should be designed to minimise opportunities for graffiti as in SPG 8 'Safer Ealing' e.g. planting shrubs and climbers against walls and fences.   4.5-J12

4.6 Statutory Listed Buildings

1.   **The Council will protect and enhance the character of Statutory Listed Buildings by:**

2.

    (i)   **Only permitting the change of use if this would not harm the character or appearance and if a change of use would ensure the care and maintenance of a building;**

    (ii)   **Refusing demolition unless in exceptional circumstances;**

    (iii) **Not permitting any external or internal alterations to a Listed Building unless there would be no adverse effect on its architectural or historic character.**

3.   **The Council will seek to preserve and enhance the settings of Listed Buildings by: assessing the design of development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features within the setting of Listed Buildings and/or adjacent land.**

2004 Plan
See Sites and Areas Schedule
10.9 and Map Sheet 7

SPG/SPD
SPD4 Residential Extensions

Govt Documents
PPG15: Planning and the
Historic Environment

The London Plan 2008
4B11-13

Within the Borough there are buildings and structures of national importance, and these are protected by inclusion in the Statutory List of Buildings of Special Architectural or Historic Interest. These Listed Buildings need to be preserved, as they are part of Ealing's heritage and history and are important landmarks making up the character of the borough.   4.6-J1

The Council recognises that Listed Buildings are valuable cultural assets that need to be kept in good repair. The Council will therefore encourage the maintenance, repair and restoration of listed buildings, provided that the appearance and character of both the building and its setting is not adversely affected.   4.6-J2

Matters & Issues

5.1. Appendix B

1 Foreword

The Development Management Plan (DMP) takes forward the Core Strategy's three inter-related themes of 'A Sustainable Future', 'Protecting Local Character' and 'Meeting People's Needs', with more detailed policies for the control of development.

The DMP has been subject to extensive public consultation and I believe the Plan has successfully addressed the key issues raised by local residents and businesses.

Firstly, the Plan addresses the challenges of climate change. There are many innovative policies which seek to tackle climate change through sustainable construction, energy efficiency, use of renewable energy and retrofitting. The policies also recognise the need to adapt to climate change and in view of the presence of the River Thames a key aspect of this is ensuring that development is planned to avoid the risks of flooding. They also begin to address the need to cool buildings without resorting to air conditioning systems. Finally there are policies to address the protection of water resources and provision for water and sewage.

Secondly, the policies seek to protect local character and they again build on the Core Strategy protecting green belt, metropolitan open land, public open space, sport, recreation and children's play facilities and allotments. They also protect the Borough's conservation areas and the historic buildings and landscapes. Many new areas have been defined as 'other open land of townscape importance' where built development will not be allowed, including some important swathes of back garden land. The design policies ensure that new development will first and foremost be compatible with local character and that it is based on traditional design and materials. Policies generally preclude taller buildings but within Twickenham Station area and Richmond Station, where taller buildings may be appropriate, height limits are firmly set.

In terms of meeting peoples needs, the policies require the retention of existing housing and there are strict new policies to ensure that infill development reflects local character. There is a presumption against back garden development. The emphasis is on building houses suitable for families rather than more flats, and for the first time the policies require standards of internal and external space. All sites are expected either directly or indirectly to provide affordable housing, but the policies also recognise that financial viability will mean that the level will vary from site to site. The policies also recognise the additional pressures new development generates for infrastructure such as schools and health facilities and they are expected to contribute towards new or improved facilities. Policies encourage the improvement of town and local centres and the retention of employment land with the aims of providing accessible shops and services and employment opportunities for residents.

Finally, the Plan recognises that residents of new developments are likely to own cars and it moves away from the approach based solely on setting 'maximum' standards towards one where developments will be expected to provide sufficient parking to meet residents' needs.

I strongly believe that the new policies will provide protection for our valued building and natural environment while providing for the needs of residents and businesses and I endorse the Plan to you.

Councillor Virginia Morris, Cabinet Member for the Environment

Masters & Issues
5.1 Appendix C

There are areas of the borough where certain changes of use will no longer be allowed due to existing concentrations. These include, but are not limited to:

Class to be restricted*	Location of zone
A3 and A4	112-196 (Even) High Street, Teddington
A3	90 - 112 (Even) Kew Road, Richmond
A3	27 - 32 (Consecutive) The Quadrant, Richmond
A3 and A4	Richmond Riverside -Thameside, south from Richmond Bridge as far as Buccleugh Gardens.
A4 and A5	1 - 59 (Odd) and 2-40 (Even) York Street, Twickenham
A4 and A5	1 - 65 (Odd) and 2-50 (Even) London Road, Twickenham
A5	148 - 182 (Even) 191 - 213 (Odd) Upper Richmond Road West, East Sheen

* Restaurants and cafes (A3), Drinking establishments (A4), Hot food take aways (A5)

These areas will be kept under review, looking at other changes of use that have occurred.

E. Changes of use in non-designated frontages where policy DM TC 4 does not apply

The Council will generally consider favourably applications for change of use to any non-shop use compatible with the retail function of the centre.

4.2.21   The frontages policy acts to highlight and emphasise the locations in the town centres where retail uses would best be located. In doing this it also serves to protect the existing retail uses from inappropriate or insensitive development. This policy builds on the vision of the Core Strategy to maintain, reinforce and strengthen the town centres, and reflects the guidance contained within the London Plan and PPS 4.

4.2.22   The shopping frontages are defined in 'Appendix Three - List of Key and Secondary Shopping Frontages' and shown on the Proposals Map and identified in line with PPS 4 (Planning for Sustainable Economic Growth). Key Shopping Frontages are located in the most central areas, where retail is already predominant. Secondary Shopping Frontages are located towards the edge of the shopping area. They support the Key Shopping Frontages and are also areas where some degree of diversification would be permitted, whilst still retaining their primarily retail function.

4.2.23   In this policy the word "retail" should be read as referring to class A1 of the Use Classes Order as amended. Examples are: shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners and funeral directors. Where the policy indicates that A1

6.1.33   With existing properties the addition of such features is often problematic as they very often cause overlooking or unreasonable disturbance to neighbouring properties, in these cases Policy DM DC 5 'Neighbourliness, Sunlighting and Daylighting' should also apply.

Policy Background	National: PPS 1: Delivering Sustainable Development (2005) Regional: The London Plan (2011) London Housing Design Guide (2010) Local: Core Strategy CP7
Targets and Indicators	N/A

Policy DM DC 7

Shop fronts and shop signs

The Council will resist the removal of shop fronts of architectural or historic interest.

The Council will expect proposals for new shop fronts or alterations to existing shop fronts to demonstrate a high quality of design, which complements the original design, proportions, materials and detailing of the shop front, surrounding streetscene and the building of which it forms part.

Blinds, canopies or shutters where acceptable in principle must be appropriate to the character of the shop-front and its setting; external security grilles will not normally be permitted; in sensitive areas, rigid and gloss finish blinds will generally be unacceptable;

Signage and illumination to shop fronts must demonstrate a high quality of design, which complements the character and materials of the shop front and surrounding streetscene, and does not compromise public safety. Large illuminated fascias will not normally be permitted, even if these are in the "house style" of a particular store.

New shop fronts must be designed to allow equal access for all users, and can incorporate flood protection measures where appropriate. Proposals should take account of the Councils SPD on Shop fronts and Shop Signs.

The Council will welcome proposals from groups of shops to add character to the street scene by the use of harmonious high quality design, colours and materials for their shop fronts.

6.1.34   Shop fronts of architectural or historic interest make an important contribution to the character and appearance of the borough. The design of new shopfronts and alterations to existing shopfronts is important both to the appearance of the individual property and to the maintenance of the character and appearance of commercial areas. The use of crafted woodwork and metalwork will be encouraged.

6.1.35   Poorly sited or badly designed shop signs, including projecting signs, and illumination can have a detrimental effect on the character and appearance of areas and may raise issues of public safety.

Adopted Development Management Plan

6.1.36   Any change should improve accessibility and take into account the objectives of the Disability Discrimination Act 2005. Where areas have been identified (e.g. in the Borough's Strategic Flood Risk Assessment) as being susceptible to flooding particularly from surface water, appropriately designed measures (which do not compromise accessibility) to prevent inundation via shop doorways, will be encouraged.

6.1.37   The Council will pay due regard to the Supplementary Planning Document on Shopfronts when assessing proposals concerning shop fronts and shop signs.

Policy Background	National: PPS 1: Delivering Sustainable Development (2005) Regional: The London Plan (2011); policies 7.4, 7.6 Local: Core Strategy CP7 Shop Fronts SPD (2010)
Targets and Monitoring	N/A

Policy DM DC 8

Advertisements and Hoardings

The Council will exercise strict control over the design and siting of advertisement hoardings and other advertisements to ensure that the character of individual buildings and streets is not demonstrably harmed, having regard to the interests of amenity and public safety, including for disabled people, and highway safety.

Powers will be used to remove any advertisement or hoarding erected without permission and where appropriate and practical, to challenge existing hoardings and advertisements that cause substantial injury to visual amenity and public safety, including for disabled people.

6.1.38   Advertising is closely associated with urban life and can be one of the most dominant elements of the environment. It can enhance the appearance and vitality of a street but can also cause considerable damage to visual amenity by cluttering the built environment and detracting from the quality of the area. Advertisements (defined under Advertisement Regulations) include not only hoardings, but blinds and canopies with lettering, flags with logos, balloons etc. In considering proposals for an advertising hoarding or other advertisement, including blinds and canopies where relevant, or in deciding whether to take action to remove an existing advertisement, the Council will have regard to the following criteria:

1.   hoardings should be of good design and in scale with their surroundings;
2.   any advertisement display must not have an adverse effect upon road traffic conditions, public safety including for disabled people, or highway safety;
3.   advertising displays will not be permitted where they would have an adverse effect upon:

    •   a Conservation Area;
    •   Listed Buildings or Buildings of Townscape Merit;

Policy DM HO 6

Delivering Affordable Housing

The Council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to the strategic borough-wide target and the individual circumstances of the site, in accordance with Policy CP15.

On sites capable of less than 10 units gross, a financial contribution to the Affordable Housing Fund commensurate with the scale of development will be required:

No of units	% Affordable Housing	AH Homes
9 units	45%	4.05
8 units	40%	3.20
7 units	35%	2.45
6 units	30%	1.8
5 units	25%	1.25
4 units	20%	0.8
3 units	15%	0.45
2 units	10%	0.20
1 unit	5%	0.05

The level of the contribution required will be based on the difference between the gross development value of the whole scheme as a market scheme and the equivalent as an affordable housing scheme, divided by the number of homes in the scheme, to give the subsidy per home, that will be multiplied by the number of AH Homes relating to the size of the scheme as set out above.

As outlined in Core Strategy Section 7.2 Costs and Viability, in considering proposals or financial contributions, the Council will have regard to:

- economic viability;
- individual site costs;
- the availability of public subsidy; and
- the overall mix of uses and other planning benefits.

5.1.39   In considering the maximum amount that can be achieved on site, the Council will have regard to the Core Strategy CP15, the suitability of the site for different forms of provision and the economics of site development. Particularly in the current uncertain economic climate, an assessment of economic viability is important which is sensitive to location and the nature