



The Planning Inspectorate

---

# Report to the London Borough of Ealing Council

by Christine Thorby MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 28<sup>th</sup> October 2013

---

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE DEVELOPMENT SITES AND  
DEVELOPMENT MANAGEMENT DEVELOPMENT PLAN DOCUMENTS**

Document submitted for examination on 25 February 2013

Examination hearings held between 4 June 2013 and 11 June 2013

File Ref: PINS/A5270/429/6

## Abbreviations Used in this Report

AMR	Authorities Monitoring Report
CS	Development/Core Strategy
DMDPD	Development Management Development Plan Document
DSDPD	Development Sites Development Plan Document
GLA	Greater London Authority
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LP	London Plan
LSIS	Locally Strategic Industrial Sites
MM	Main Modification
MOL	Metropolitan Open Land
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SCG	Statement of Common Ground
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SINC	Site of Importance for Nature Conservation
SIL	Strategic Industrial Locations
SPG	Supplementary Planning Guidance

## **Non-Technical Summary**

This report concludes that the Development Sites and Development Management Development Plan Documents provide an appropriate basis for the planning of the Borough over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All the necessary modifications were proposed by the Council and all have been the subject of public consultation. I have recommended their inclusion after full consideration of the representations made on them.

The modifications can be summarised as follows:

### **DSDPD**

- Add additional constraints to a number of development sites;
- Make changes to the need for comprehensive development;
- Amend text to identify the need for open space;
- Add a monitoring paragraph;
- Add SIL designation to OIS7;
- Make reference to safeguarding directions;
- Make slight changes to allocated uses.

### **DMDPD**

- Make a range of changes adding to criteria for assessment of development in the interests of completeness and effectiveness;
- Add a presumption in favour of sustainable development to ensure consistency with the NPPF;
- Make a range of changes to the requirements and justification for open space;
- Amend the policy relating to heritage assets to be effective and consistent with the NPPF;
- Make clear how the plan will deal with gypsies and travellers;
- Make additional references to local character;
- Add the policies map.

## Introduction

1. This report contains my assessment of the Development Sites and Development Management Development Plan Documents (DSDPD and DMDPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plans' preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plans are sound and whether they are compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be two sound plans. The basis for my examination is the submitted draft DSDPD and DMDPD (February 2013).
3. My report deals with the main modifications that are needed to make the DSDPD and DMDPD sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plans unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in Appendices A and B.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report. A schedule of Minor Modifications was also published by the Council at the same time as the Main Modifications. These comprise minor corrections, updating and clarification and are not referred to in my report.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. The Development Sites and Development Management Consultation Statements and a written response to my questions lists the organisations, public and private bodies and the consultation that took place at each stage of the DPD preparation.
7. There is continuous engagement between the Mayor of London and London Boroughs about all relevant strategic and substantive issues. The Mayor of London through the Greater London Authority (GLA) was engaged throughout the DPD process for both plans through discussion and consultation to ensure a consistent approach. The Mayor of London has confirmed that the DPDs are in general conformity with the London Plan. Co-operation with the London Enterprise Panel and the All London Green Grid (ALGG) Partnership, (Local Nature Partnership) has been co-ordinated through the GLA. Additionally, the GLA together with the Council and a number of other stakeholders, including

other boroughs are producing Opportunity Area Planning Framework (OAPF) for Southall (emerging) and a revised framework for Park Royal (published) to co-ordinate development within these areas.

8. The Council worked closely with neighbouring local planning authorities through the West London Alliance. Meetings and discussions between Ealing Local Planning Authority and Ealing Primary Care Trust, Network Rail, Transport for London, Crossrail, HS2 Ltd and the train companies took place on a regular basis and the development plans have been produced having regard to the strategic and infrastructure requirements of these organisations. Liaison with English Heritage throughout the process led to changes to the document and the production of a statement of common ground.
9. There were a number of representations from local residents suggesting the duty to co-operate had not been complied with as consultation was on-line, not everybody had access to it, and views which were put forward at various stages of the process were not taken into account. The consultation was in accordance with the Statement of Community Involvement which itself was subject to public consultation. All representations were considered as set out in the Summary of Representations and a balanced view was taken between meeting the needs of the Borough and taking into account local views.
10. I conclude that, on the basis of the above, the duty to co-operate has been met.

## **Assessment of Soundness**

### **Preamble**

11. The DPDs cover the period 2011-2026 and are prepared within the overall framework of the Development (or Core) Strategy (CS), adopted in April 2012. The overarching CS vision for Ealing is to provide a sustainable community built around the enjoyment of health, safety, prosperity, and a high quality of life.
12. CS policy 1.1(a) indicates that by 2026, the aim is to provide 14,000 additional homes, 94,500 square metres (sqm) of new office space and 128,400 sqm of new retail all concentrated along the Uxbridge Road/Crossrail and the A40/Park Royal corridors where growth can be accommodated. Within the two corridors, growth is directed by CS 1.1 (b) towards Ealing's main town centres, (Acton, Ealing, Greenford, Hanwell and Southall), Park Royal Industrial Estate and other accessible areas where there will be increased capacity such as at the new Crossrail stations. Further CS policies set out the strategic housing, retail and office target figures for the corridors dividing these figures into greater detail for spatial areas within the corridors.
13. The DSDPD is based on the approach to the distribution of development set out in the CS. It focuses on key sites within the strategic areas identified in the CS, which are most able to accommodate growth and can provide opportunities to deliver new infrastructure. The division of the document into sections relating to spatial areas of growth within the corridors follows the CS approach. Through area strategies and detailed specifications for the sites, it takes forward and addresses the differing characteristics and needs within the

areas identified in the CS. The DMDPD provides detailed policies to guide planning applications for all development to meet the CS vision.

## **Main Issues**

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified nine main issues upon which the soundness of the Plans depends.

### **Issue 1: Have the plans been positively prepared and based on a sound process?**

15. The NPPF explains that to be positively prepared, a plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. The evidence base and other background papers show that the DPDs are clearly based on a comprehensive and proportionate evidence base which follows on from a recently adopted Core Strategy. The development sites selection process was robust on the testing of feasible and reasonable options to find the most appropriate solutions for the allocation of sites. The development management policies are clearly intended to sit alongside and complement the London Plan and the CS policies and are positively worded to encourage appropriate development. They are based on robust and comprehensive background documents and have evolved taking account of representations, and LP and national policy. I am satisfied that the Council has taken a proactive approach to the identification of development opportunities and can demonstrate that the two plans amount to positively prepared Local Plans based on a sound process.
16. The National Planning Policy Framework Compatibility Self-Assessment Checklists for both plans shows that they have been positively prepared and are based on co-operation with neighbouring authorities and public and private sector organisations. Sustainable growth is at the heart of the London Plan policies and the CS vision for Ealing. The DSDPD and DMDPD are in line with this approach. The DSDPD identifies a wide range of sites promoting sustainable growth to help to meet the needs of the borough. The DMDPD includes policies that guide how the presumption in favour of sustainable development should be applied locally.

### **Issue 2: Are they in conformity with the London Plan?**

17. The DSDPD is based on the strategic aims of the LP and CS and identifies sites which promote and enable development to meet these aims. The DMDPD closely follows the London Plan, using the same topic areas for policies. The GLA was consulted throughout the preferred and options stages of both plans. Comments made by them in relation to those versions of the document have been incorporated within the submission version. The GLA has confirmed that the DSDPD and the DMDPD are in general conformity with the LP.
18. However, conformity was only confirmed for the DSDPD after an amendment had been made relating to strategic industrial land (SIL) and this forms the subject of **MMs 13, 14 and 16**. The modifications in relation to conformity and soundness are discussed in paragraphs 50 and 51 of this report.

19. Transport for London (TfL) has also been consulted throughout the Plan preparation and are generally content with both plans, subject to the changes agreed with the Council.

## **DEVELOPMENT SITES DEVELOPMENT PLAN DOCUMENT**

### **Issue 3: Are the allocations consistent with the Core Strategy? Will they meet its strategy for the distribution of growth and related infrastructure requirements?**

20. The context for the site allocations is set out in the CS which leaves the DSDPD to show where new development will be located in the strategic areas within the two growth corridors. The DSDPD identifies 40 sites that are considered to be available, realistic and with a reasonable prospect of success within the identified areas. It also identifies 8 further sites outside the main town centre locations which are of strategic importance because of their size, location or type of use.
21. *Residential.* The CS indicates that around 74% of new homes will be provided in the growth areas and the DSDPD identifies some 43 sites where residential development is sought or supported. Although in some cases a steer is given on the types of housing, for most sites the density, range and mix (including affordable housing) will be guided by the CS, DMDPD and London Plan policies.
22. The DSDPD deliberately does not specify quantities of housing sought on each site to provide maximum flexibility for developers. However, background capacity studies and trajectories for the sites indicate the desired quantity can be achieved.
23. The LP contains an annual target of 890 net additions, resulting in a five year requirement of 4,450 units. The background housing trajectory anticipates that 5,957 units would be delivered from 2012/13 – 2016/17, exceeding the target by 34%. The five year calculation is based on historical trends for minor completions (some 217 per year) and a detailed analysis of major sites under construction, with planning permission and those within the planning system. The capacity estimates within years 6 – 15 are based on the London SHLAA and provide a realistic yield from individual sites.
24. Progress has already been made on some of the allocated sites. Two sites have been removed from the DPD (pre-submission) as they had received planning permission. Outline planning permission has been granted for the largest strategic allocation, SOU5, which includes 320,000 sqm of housing. Planning permission has been granted for part of the OIS8 site for 149 units. There are pending planning applications for parts of ACT3 and SOU9 for around 180 residential units. OIS8 has two outstanding applications for around 300 units, awaiting completion of legal agreements. The progress in bringing forward these sites, including the substantial SOU5 is encouraging.
25. There is a wide range of suitable sites differing in scale and type, giving plenty of choice to potential developers. I am satisfied that on this basis and subject to monitoring, which is discussed later in this report, the DSDPD will facilitate achievement of the Council's housing targets.

26. *Office*: The LP and CS direct some 90,000 sqm of the target office floor space development towards Ealing Town Centre over the plan period. The DSDPD takes this forward, identifying EAL8, EAL9 and EAL10 for office development within the office quarter of the town centre. The sites promote large floor plate office development within an accessible area. Indeed, planning permission for 2830sqm B1 floor space at part of EAL10 has already been granted. No quantities are defined within the allocations, but, as with residential allocations, capacity studies indicate that the desired amounts can be achieved. Given the range of sites and the locational advantage of Ealing identified in the GLA's London Office Policy Review, they are likely to provide opportunities where office development will make a significant contribution towards meeting CS targets. In addition, the numerous town centre sites allocated for mixed use are flexible and allow for office development throughout the borough according to market needs.
27. *Retail*: The CS encourages the provision of some 130,000 sqm of floorspace during the plan period. In line with the CS identified areas of growth, the majority of the development sites are within town centres where retail would be appropriate. No quantities are given; however, background capacity studies indicate that town centre sites such as ACT2 Acton Gateway, EAL3 Arcadia, HAN6 Wickes and SOU5 Southall West together with the smaller town centre development sites will make a significant contribution to meeting the CS desired retail floor space provision. The DMDPD policies will ensure that in primary and secondary frontages a suitable amount of retail is sought and provided at street level. The Council has made a commitment within the CS to undertake a Retail Needs Study within five years and undertake any necessary policy changes to make sure that retail trends/needs which affect the health of town centres can be responded to appropriately.
28. Progress has already been made with some of the sites as planning permission has been granted for retail uses at part of SOU1 and SOU3, and the large SOU5 – where there is outline permission for some 19,000sqm. There is also additional retail floor space in the pipeline through current planning applications or those awaiting legal agreements (ACT3 – 7000sqm, EAL3, SOU9 and EAL16). On this basis I am confident that development sites will contribute towards CS retail objectives.
29. *Industry*: The approach to industrial land is set out in CS policy 1.2(b). The limited transfer of 14 hectares (ha) of industrial land is expected based on the London Plan management of industrial land for London. The DSDPD identifies, where appropriate, sites which can be released or reconfigured as part of this process. 3.9 hectares of LSIS (SOU10 and ACT 6) and 19.03 hectares of SIL (OIS7, SOU4 and SOU6) will be transferred to other/additional uses specified in detail within the allocations. The transfer is justified through land analysis in the Employment Land Review using criteria set out in the LP SPG Land for Industry which show that the land is no longer of value for long term industrial use. The CS and LP identify an increase of 6.67ha at Park Royal. **MMs 13, 14 and 16** propose 9.47ha of land at OIS7 to be allocated as SIL as it is in active industrial use. The basis for inclusion of part of OIS7 and whether its use is consistent with the CS is addressed at paragraphs 50 and 51 of this report. The approach satisfies the LP aims for reconfiguration and limited transfer of

industrial land.

30. *Infrastructure.* The infrastructure needs are identified in the CS and the IDP, and take account of the potential growth areas. Where allocations are large enough to have separate infrastructure requirements such as open space, medical or community facilities requirements these are identified in within the allocation. For example, outline planning permission for SOU5 includes leisure, hotel, conference facilities, health care, education and sports provision and an energy centre. A separate DPD covering education provision in the borough is under preparation and this will take into account the needs of the predicted residential growth in Ealing including the implications of the development sites in the long term.
31. I conclude that the DSDPD is consistent with the CS. The development sites will assist in achieving the CS aims for sustainable growth within the borough.

**Issue 4: Is there a reasonable prospect that the allocations will be delivered during the Plan's timeframe? Is it flexible enough to cope with changes in circumstances that may arise?**

32. *Delivery.* The plan process included an assessment against paragraph 47 of the NPPF of whether sites put forward were deliverable and developable during the short, medium and long term. The sites chosen range in scale from the very large (SOU5) where delivery will take place during and beyond the plan period to the smaller scale sites where timescales for delivery are shorter to ensure a steady supply. To assist with deliverability, mixed land use designations are proposed for most sites to enable as much flexibility as possible, to encourage a range of desired development to come forward.
33. The Infrastructure Delivery Plan (IDP) provides information on infrastructure needs within the borough having regard to the CS targets for the growth corridors. Statutory undertakers have been consulted and no objections have been received. Thames Water has identified a number of sites with a potential need for improvement to waste water and water supply facilities. The introduction of text relating to this and details of the sites concerned is **MM2**. The information available from Thames Water suggests that the problems are not insurmountable and it would not put implementation of the sites in question at risk. As a result, the allocations are based on a robust assessment of infrastructure requirements and their deliverability.
34. *Viability.* There is no separate viability study for the plan as a whole. However, as part of the site assessment process the deliverability of the sites was looked at in the light of viability and this included engagement with landowners and developers, the viability studies used to support the CS policy on affordable housing and more recent studies for proposed CIL which indicate that the broad range of uses sought by the DSDPD would be viable within the borough. Given that the Plan has been prepared during a period of economic downturn, projections are not over-optimistic. Nevertheless, the flexible nature of the mixed use and town centre allocations will give a number of options for sites. They will come forward based on market needs with viability as a core consideration for proposed uses. This is to be considered in detail at the planning application stage and the GLA raise no concern with the

approach. Based on the evidence, including the levels of recent development and progress in bringing forward planning permissions for some of the sites at a time of economic restraint, delivery of the allocated sites over the plan period is likely to be achieved.

35. *Monitoring.* The target figures for the strategic areas of Acton, Ealing, Greenford, Hanwell and Southall are set out in the CS aligning with the overall targets for the two growth corridors. The Council produces an AMR which sets out key indicators for the assessment of the principal components of the CS for the growth corridors and for the five strategic areas. While the allocations are not set out in detail, the AMR includes the indicators necessary to provide a satisfactory basis for keeping track of the progress of the site allocations. The AMR includes a housing trajectory and a table showing its five year housing delivery. Many of the sites included in the table are sites allocated in the DSDPD. In addition, **MM3** introduces a paragraph on monitoring, setting out how the DPD will be monitored, to assess progress of the site allocations and this will allow for any change in circumstance to be identified and addressed, including the provision of further sites, if necessary, over the plan period.

**Issue 5: Are the development sites in the right place and will they meet CS expectations? Are the detailed requirements for each of the development sites clear and justified?**

36. The Council's introduction clearly sets out the policy context for the DSDPD and explains how the sites fit in with the spatial objectives for growth in Ealing. As previously mentioned the sites are focussed in the main town centres and at stations, with eight additional strategically important sites identified outside these areas. Many of the town centre sites have been allocated for 'town centre uses' and within the introduction to the Plan is a clear description of what this encompasses. Where the allocation is for a mixed use, the types of development sought have generally been indicated. Where residential uses are appropriate this is specifically noted within the proposed allocations. In accordance with the NPPF the mixed use and town centre allocations seek to promote the necessary flexibility to assist in viable schemes coming forward and this is a consideration that runs through the entire document. The Plan acknowledges that a range of uses need to be balanced against each other in order to support sustainable development and that is a matter to be determined at the planning application stage. Within the Plan introduction, **MM1** adds a sentence about the importance of private garden space and how this will be sought for every home in line with the CS vision for Ealing.
37. Information for each development site is comprehensive. Allocated uses and their justification are set out together with an indicative timetable. Other useful information such as site area, ownership, current use, CS policies, PTAL range and planning designations are all listed. In addition to this, the site context and general design principles are described. There were a considerable number of representations about the site context and design principles, including comments about the lack of an overall design strategy for the strategic areas. However, the descriptions are based on an analysis of the

sites by professional staff within the Council, in the light of the overall aims for each strategic area. The design principles are not overly prescriptive leaving the detail for the planning application stage and I am satisfied that they are justified and will be effective.

38. Although representations were received about whether development would take sufficient account of the historic environment, the DSDPD sits within a range of policy documents which a planning application for a site would have to have regard. This includes the NPPF which seeks to protect local distinctiveness and conserve heritage assets, both designated and non-designated.

Strategic Areas:

39. ACTON: Acton is a large district centre to the east of the borough. There are seven allocations within the strategic area (including a Crossrail station) which through their aims for improvements in townscape, accessibility to and from the stations in the area and promotion of a range of mixed uses will help to revitalise Acton town centre in line with the aims CS policy 2.2. The size and range of sites and their mix of uses will contribute to the quantity of development sought for Acton by the CS. ACT3 – Oaks Shopping Centre is a large town centre site. The design principles seek a comprehensive approach to the development of the site to achieve urban design benefits. **MM4** is necessary to make clear that piecemeal development that does not contribute to a cohesive scheme would not be acceptable, in order to achieve the full aims for this site.
40. EALING: Ealing is one of London's twelve Metropolitan town centres. It is a long, linear centre and encompasses Ealing Broadway and West Ealing where there will be two Crossrail stations (EAL2 and EAL12). As expected of a Metropolitan town centre which has developed over time, there is a wide variety of building types from different periods. It includes primary and secondary retail frontages, a cultural quarter and an office quarter, and these are taken into account within the allocated uses and design principles for the sites.
41. Nineteen sites are proposed, ranging considerably in size, type and mix of uses. They are all brown field sites with buildings already on them and two of the sites are large, existing shopping centres (EAL3 and EAL4) in important locations in the town centre. These are complex sites to bring forward, with a variety of stakeholders and for this reason the majority are identified for delivery in the second and third phases of the plan. The Council are actively seeking ways to bring about development of these sites and progress has been made with planning permissions granted, awaiting legal agreements or within the planning system for parts of EAL3 (Arcadia Shopping Centre), EAL10, EAL16 and EAL17.
42. A key site within the town centre is EAL6 – site of the former Ealing Cinema, which has a complex planning history. In order for a coordinated approach to be taken to this site, **MM6** introduces a paragraph indicating that in addition to the design principles set out in the policy, further detailed design guidance will be in a Supplementary Planning Document which is under preparation. For

EAL2 – Ealing Broadway Railway Station, **MM5** is necessary as it adds a requirement seeking the quantum of office floor space to reflect the level of demand in the area, in order to assist in meeting CS aims for office space in Ealing.

43. The DSDPD takes the opportunity to identify large sites within the town centre and seek comprehensive development, looking to improve the appearance, increase the range of uses and revitalise the town centre in line with CS objectives. The flexible mixed use/town centre uses and the number of sites allocated will ensure that they contribute to the quantity and type of development sought by CS for Ealing.
44. GREENFORD and HANWELL: Greenford and Hanwell are two compact district centres with distinct local identities. The two sites within Greenford and the three sites within Hanwell are mostly mixed use allocations which will bring forward a range of uses to assist in meeting CS targets for these centres, whilst retaining their distinct character.
45. SOUTHALL: The London Plan identifies Southall as a major opportunity area in the borough. The DSDPD carries this forward identifying Southall as a significant growth area, benefiting from a new Crossrail station (SOU 4) significant investment from the Mayor's Investment Fund for a range of projects and containing a cluster of major development sites.
46. There are ten sites allocated within Southall. The timescale for delivery of many of these varies between 10 and 15 years due to their complex nature and large scale. As previously stated the largest site (SOU5 – 37.23 hectares) already has outline planning permission for comprehensive development for the whole site. However, it remains as a major site allocation within the DSDPD to guide the detailed planning application and as a significant strategic site within the borough, which will deliver development up until 2031.
47. One of the aims for the SOU4 – Crossrail site is to improve access to and from the station. **MM7** deletes restrictive wording about the function of the public space and the pedestrian bridge. New wording is inserted which includes an important policy aim for the public space to meet the interchange requirements for Crossrail and to integrate the new footbridge. SOU6 is a large 9.2 hectare site where comprehensive development is sought. **MMS8, 9 and 10** add the provision of a public open space which functions as a small local park. This is to be delivered as part of the site development, to meet open space requirements identified in the DMDPD. DMDPD policy 7D provides further guidance on how open space standards will be applied.
48. The scale of the sites and their flexible allocated uses will ensure that they contribute to the quantity and type of development identified in the CS for Southall.
49. OTHER IMPORTANT SITES: There are eight sites within the borough which because of their location, type of use and/or scale will help to meet the strategic aims of the borough for housing and employment, without undermining its strategic aims for the two growth corridors. OIS2 is one of a group of sites along Western Avenue. **MM11** introduces a paragraph to OIS2

setting out a requirement relating to the National Grid and underground cables.

50. OIS7 (Greenford Green) is a large 19.2 hectare site. The Council has identified and assessed this site through a robust process of preparation and consultation for the DPD. This has led to the allocation of the northern part of OIS7 for mixed use with the southern part to be retained in industrial use. This does not follow CS policy 4.2 which promotes regeneration of the OIS7 site for mixed use development. However, it is based on factual information which has been carefully assessed about the land to the north which is mostly vacant office space and the land to the south which is in active industrial use. The Employment Land Review makes it clear that it is important to retain active industrial land to meet demand and I am satisfied that the evidence is sufficient to take a different approach to the CS. OIS7 will promote regeneration of Greenford Green and there is no evidence to the contrary on this point. The DSDPD will, therefore, be consistent with the wider CS regeneration aims for Greenford Green.
51. Greenford Green also falls within a notional area identified in the LP as a SIL. However, the site circumstances at the northern part have led to it being released from the SIL designation as it no longer fulfils the SIL criteria. The southern part of the site meets SIL criteria, and although it had no such designation in the past, because of its strategic location adjacent to existing SIL and its active industrial use **MMs 13, 14 and 16** seek its designation as SIL. As part of the overall consideration of SIL within the borough this enables a critical mass to be retained within the Greenford Green area to support the strategic role of SIL. This is the view pursued by the GLA who recommend its inclusion. On the basis of the evidence, I am satisfied that the land to the south has an important strategic role to play and that designation as SIL contained in the modification is necessary to make the plan sound.
52. **MM15** makes necessary reference to safeguarding requirements at OIS7 arising from HS2. **MM17** adds some commercial uses to the northern part of the site which will support its regeneration.
53. OIS5 – Acton Storm Tanks. **MM12** adds that a safeguarding direction is in force related to the Thames Tideway Tunnel. This site is due to come forward in the latter stages of the plan by which time the outcome of the tunnel will be known and this will affect when and how the site can be developed.
54. I conclude that the requirements are clear, reasonable and justified. They will encourage appropriate development of the right type in the right place to meet the expectations of the CS.

**Issue 6: Whether there are any other sites that should be allocated in the Plan?**

55. The DSDPD sites have all been subject to full SA and, subject to the main modifications in this report, are all sound and will contribute to the CS strategic aims for the borough. Therefore it is unnecessary to make further allocations.

56. Notwithstanding this, a number of representations were received about the inclusion of other sites in the borough. I agree with the Council that they are not reasonable alternatives for the following reasons: some sites are covered by other designations which have a robust basis (e.g. MOL and SIL) or they have planning permission (38-40 Uxbridge Road, Park Royal north of the A40, 325 Oldfield Lane, UDP site 55 and Westworld). Other are not included because they are not strategically important (Carroll's Yard), they are not deliverable (King Fahad Academy) or did not come forward during the Plan preparation process (Glade Lane, The Green, Park Royal Hotel).
57. I conclude that the site selection process has been properly applied to these sites. There are no other overriding reasons why they should be allocated to make the Plan sound. However, exclusion from the Plan would not preclude a planning application coming forward on the sites which would be considered against local and national planning policy.

## **DEVELOPMENT MANAGEMENT DEVELOPMENT PLAN DOCUMENT**

*Note: The modifications are in contained in Appendix B and the numbering starts again at MM1*

### **Issue 7: Are the policies aimed at positively promoting the CS vision for Ealing?**

58. The development management policies are set out in a topic based format covering places, people, economy, climate change, transport, living places and spaces. It closely follows the format of the LP, introducing local variations (LV) to LP policies to make them locally distinctive. It defines new policies to meet the CS vision (which conforms to the LP) and the range of policies will positively promote these aims. Following on from consultation responses and the hearing sessions many minor changes are proposed to the wording of the policies in the interests of clarity. Although representations were received suggesting that the layout was confusing and the policy structure too complex, the final numbering, layout and format will be up to the Council and is not a matter that goes to the soundness of the plan.

### **Issue 8: Are the policies clear and justified? Will they be effective?**

59. In order to ensure that sustainable development is at the heart of consideration of new development, the model sustainability policy is introduced as **MM14**.
60. *PEOPLE - Policy 3B(A)*. CS policy 1.2(n) addresses the provision for gypsies and traveller needs for the short and medium term. Policy 3B(A) relating to special residential accommodation sets out criteria for, among other things, planning applications for gypsy and traveller sites. **MM4** adds a sentence about consideration to be given to the impacts on amenity from an overconcentration of uses, which I agree may be material and should form part of the policy. **MM2** commits to continuous monitoring of need, and indicates that where land is required for the latter phase (years 11-15) of the plan, further sites will be allocated. This will ensure that the Plan is consistent with and takes account of the national Planning Policy for Traveller Sites.

61. *PEOPLE - Policy LV3.5*. The basis for Policy LV3.5(F) is the LP space standards. Part (G) sets out the requirements for room heights. These come from the London Housing Design Guide. Although this is an interim addition guide, it has been out to consultation and it is reasonable to use the information contained within it as the basis for achieving good quality homes. However, the guide is not planning policy and in order to ensure that the policy is sound **MM3** introduces some flexibility and discretion to the standards.
62. *ECONOMY - Policy 4A*. This policy relates to employment land and sets out criteria where change of use to non-employment uses may be permitted. There were representations made about this policy and how it should be interpreted, and as a result several minor modifications have been made to make its intentions clearer. **MM5** adds a sentence to include in the criteria the viability of refurbishment which is an important consideration and is necessary for the sake of completeness and effectiveness of the policy.
63. *CLIMATE CHANGE – Policy LV5.2*. The requirements for minimising Carbon Dioxide emissions demonstrate that the Council are tackling this issue in a robust way, particularly for major development sites. The evidence base is contained in the Council's document 'Towards Zero Carbon Development in Ealing' and the requirements have been applied successfully in recent years in Ealing. Research by the Building Research Establishment shows that highly sustainable buildings can be produced at little or no additional cost and there would be no effect on viability.
64. The Council propose **MM6** which adds a paragraph to the explanation for the policy seeking post construction monitoring of carbon emissions. However, I consider that this modification is not necessary to make the plan sound as it goes beyond the policy requirements and the policy would be effective without it. I am deleting it from the Main Modifications. However, as it does not form part of the policy, it is not expressed as a requirement and there would be no repercussions if it is not undertaken, its inclusion as an additional minor modification (if the Council wish it) would not render the plan unsound.
65. *LIVING PLACES AND SPACES - Policy LV7.3* relates to designing out crime and **MM7** makes it clear that additional pressure on police resources should be avoided by careful design and layout. This policy sits alongside Local Plan policies protecting character and there would be no conflict in its implementation. *Policy LV7.4 and policy 7B: MM8 and MM9* introduce a sentence to the local character and design amenity policies connecting the policy requirements specifically to characteristics and qualities of the environment within Ealing. **MM10** to *policy 7B* includes consideration of the amenity of residents which will be an important planning matter. These modifications are necessary to ensure that the policies are complete and effective.
66. *Policy 7C* sets out the borough's heritage policy. The policy is broadly consistent with sections 7 and 12 of the NPPF, but in response to concerns raised by English Heritage (EH) the Council has worked with EH to prepare a statement of common ground (SCG). The SCG sets out a number of proposed changes upon which a modified policy (**MM11**) is proposed to replace the previous worded condition in its entirety. Many of the changes are related to

the structure of the policy, but others add criteria to ensure that consideration of heritage assets and their settings is consistent with national policy.

67. *Policy LV7.12* relates to landmarks within Ealing. Although representations were received about other sites/structures, the Council's list is based on their analysis, using reasonable criteria, of structures which are of borough wide importance. **MM12** adds a sentence to the policy to ensure that the intrinsic characteristics are not compromised. Wharncliffe Viaduct meets the Ealing criteria for landmarks and is added to the list. Consideration of important views of other sites and structures not identified as landmarks would be encompassed by DMDPD policies protecting local character.
68. *Policy 7D* sets out the requirements for open space. These have been changed in response to representations and discussions in the hearing sessions. **MM13** includes a number of changes. It adds wording to ensure that all development has regard to the open space standards. The table of qualifying development has been updated, to be consistent with the LP. Explanatory text is added to clarify the approach indicating that the quantity and quality of open space will also be informed by the application of other DMDPD policies.
69. As part of the modification, Table 7D.2 is revised to be consistent with the evidence base, and the source of the standards, which are robust, is identified in the explanatory text. The policy is designed to be flexible and responsive to specific needs/circumstances, including private garden space where appropriate and has to be considered alongside all other policies in the plan including those relating to character and residential amenity. The changes which form the subject of the modification are necessary for the standards to be clear, justified and effective.
70. The development management policies are not over-prescriptive and have been positively prepared. They allow material considerations to be adequately assessed and a balanced overall approach to be taken to development. I am satisfied that subject to the modifications, the development management policies are consistent with the NPPF and will bring about and guide development allocations promoting the strategic vision for Ealing sought by the CS.

Policies map:

71. The policies map, which sets out Local Plan designations, did not form part of the submission DSDPD or the DMDPD; however, consultation had taken place alongside the two DPDs and representations had been made about changes to some of the designations. To give weight to the changes in designations as part of a statutory local plan, **MMs 15, 16 and 17** propose the inclusion of the policies map as annex 2 of the DMDPD. A hearing session took place on this basis. **MM1** adds a paragraph to explain the relationship between the DMDPD and the policies map. The designations shown on the policies map are sufficient to illustrate the application of the DPD's policies.

**Issue 9: Are the changes to designations within the policies map justified and are the boundaries correct?**

72. **MM18** relates to the St Margaret's Road site, amending MOL, community space and SINC designations following recent completed development. **MMs19 and 20** add a heritage land designation denoting the inclusion of two cemeteries in Hanwell on EH's register of Historic Parks and Gardens. Following on from the Retail Needs Study Update and the borough wide survey of retail parades in 2012, **MM21** is proposed to add a new secondary retail frontage in Higham Mews Northolt. These changes are necessary to make the DPD sound.
73. Representations were received to include the Brent River Park within a Nature Conservation Management boundary. However, the site is covered by a number of designations and biodiversity would be considered during any planning process. The area of waste ground at Brentham Club, 38 – 40 Uxbridge Road and land to the north of the A40 known as the Guinness Open Space, generally all meet the LP tests for MOL and there is no justification to remove these sites. MOL at the Grove Estate no longer satisfies the LP tests and its removal from the policies map from that designation is justified.
74. I conclude that the changes to designations are justified and the boundaries are correct.

## Assessment of Legal Compliance

75. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The DPDs are identified within the approved LDS February 2013 which sets out an expected adoption date of October 2013. The DPDs content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2013 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (February 2011) sets out why AA is not necessary.
National Policy	The DPDs comply with national policy except where indicated and modifications are recommended.
London Plan (LP)	The DPDs are in general conformity with the LP.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The DPDs comply with the Act and the Regulations.

## Overall Conclusion and Recommendation

76. **The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.**
  
77. **The Council has requested that I recommend main modifications to make the Plans sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendices A and B, the DPDs satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework.**

*Christine Thorby*

Inspector

This report is accompanied by Appendix A containing the Main Modifications to the DSDPD and Appendix B containing the Main Modifications to the DMDPD.

## APPENDIX A Development Sites DPD

### Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	5	Development Sites/The Sites/New 3 <sup>rd</sup> paragraph	<p><u>Provision of garden space is a key component of residential development, and every home should have access to suitable private and/or communal garden space as set out in the Development Management DPD. The fundamental design considerations for garden space relate to its quality and usability; in flatted schemes this will generally be achieved through provision of a consolidated area of communal garden space in addition to balconies. For the purposes of the Development Sites DPD, the requirement for children's play space to Mayoral standards is included within reference to communal garden space.</u></p>
MM2	5, 128	Development Sites/The Sites/New 4 <sup>th</sup> paragraph/New Appendix B	<p><u>Thames Water has identified a potential need to improve water supply capability and waste water services in relation to several of the identified development sites, as listed in Appendix E. As part of the planning application process for those sites included in Appendix E, a water supply and/or drainage strategy will need to be produced by the developer in liaison with Thames Water to ensure the appropriate upgrades are in place ahead of occupation of the development.</u></p> <p><i>Below text and appended table to form New Appendix B: Appendix B Sites with Potential Need to Improve Water Supply Capability and Waste Water Services</i></p> <p><u>For the sites included in the table below, Thames Water have concerns regarding water supply services and waste water services in relation to the site. Specifically, the water supply and sewerage network capacity in the area is unlikely to be able to support the demand anticipated from the development and it may be necessary for the developer to fund investigations into the impact of the development. Developers will be required to demonstrate that there is adequate water supply and waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In the event of an upgrade to Thames Water assets being required, up to three years lead in time will be necessary.</u></p> <p><i>[table as appended to this schedule]</i></p> <p><u>For those development sites not included in the table, on</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>the information available to date Thames Water do not envisage infrastructure concerns regarding water supply or waste water capability.</u>
MM3	5	Development Sites/The Sites/New 5 <sup>th</sup> paragraph	<u>The delivery of the site allocations will be monitored on an annual basis through the Authorities' Monitoring Report to assess progress on implementation, which will in turn assist with the future review of the Local Plan and related documents. This will be carried out alongside the Council's housing trajectory and the requirement to demonstrate an adequate supply of land for housing to meet Ealing's target, as set out in the London Plan and the borough's Development Strategy DPD.</u>
MM4	15	ACT3/Design Principles/1 <sup>st</sup> paragraph	Development of the site must support the urban design objectives for the site as a whole, requiring a comprehensive masterplan that realises the full potential of the site. A piecemeal approach to development <u>that does not contribute to delivery of a cohesive scheme for the site as a whole is not acceptable.</u>
MM5	29	EAL1/Design Principles/New final paragraph	<u>The quantum of replacement office floorspace should reflect the level of demand for small offices in this area of the town centre, based on lettings at a reasonable market rate.</u>
MM6	39	EAL6/Design Principles/1 <sup>st</sup> paragraph	<del>Development of 59-63 New Broadway should be carried out in accordance with the extant planning permission (P/2003/5043 and related permissions) for a multiscreen cinema and ancillary A3/A4 uses, which retains the façade. The remainder of the site should introduce complementary town centre uses, with active ground floor retail, restaurant and leisure uses. The inclusion of additional arts and cultural uses, studios/flexible office space and community uses would be welcomed.</del> <u>The Ealing Cinema Supplementary Planning Document (SPD) sets out the design principles for the site in full Change on this site may be achieved through comprehensive or incremental development; any proposals brought forward must be based on a masterplan for the site as a whole that address the urban design objectives and realises the full potential of the site.</u> <u>Development on this site should deliver a multiscreen cinema, and introduce additional complementary town centre uses, with active ground floor retail, restaurant and leisure uses. The inclusion of additional arts and cultural uses, studios/flexible office space and community uses would be welcomed.</u>
MM7	87	SOU4/Design Principles/2 <sup>nd</sup> paragraph	<del>Development west of the existing pedestrian footbridge will be expected to contribute to an improved sense of place and arrival experience through delivery of a high density, high quality mixed use development centred around a new hard landscaped public space hard landscaped public spaces. This public space must be of sufficient size and quality to accommodate Southall's many public festivals and events, particularly those</del>

Ref	Page	Policy/ Paragraph	Main Modification
			<del>associated with the Gurdwara Sri Guru Singh Saba, and successfully integrate the entry/exit of the pedestrian footbridge. New public spaces should have a clearly defined purpose and be of sufficient scale to provide for the arrival/interchange requirements of the new Crossrail station, and successfully integrate the footbridge into the wider area as a key pedestrian/cycle route.</del>
MM8	90	SOU6/ Allocation	Mixed use development including flexible employment floorspace (B1), <del>and residential and public open space,</del> with ancillary commercial and community uses.
MM9	91	SOU6/Design Principles/4 <sup>th</sup> paragraph	The layout should provide for two new onsite public spaces: the first a small hard landscaped area at the entry/exit point for the pedestrian/cycle bridge over the railway, and the second a <del>substantial</del> soft landscaped Public <u>Open Space which functions as a small local park</u> to serve the wider development and enhance the overall provision of and access to open space in Southall.
MM10	92	SOU6/Design Principles/(2) Middlesex Business Centre/1 <sup>st</sup> paragraph	Proposals for the Middlesex Business Centre should provide a mix of residential dwelling types and sizes, organised around a substantial soft landscaped public <u>open space</u> that improves connection to the canal spur and Glade Lane Canalside Park to the east. The provision of ancillary commercial and community uses adjacent to the pedestrian/cycle footbridge would be supported to animate the new public space. Consideration should also be given to the provision of employment floorspace across the site, particularly at the eastern edge of the site as an appropriate transition between the adjacent industrial area.
MM11	104	OIS2/Design Principles/New final paragraph	<u>National Grid has underground electricity transmission cables situated under Allen Way. Proposals must accord with National Grid requirements relating to the electricity transmission network, further details of which can be obtained from National Grid's Plant Protection Team. No trees or shrubs should be planted either directly above or within three metres of the existing underground cable as the roots may cause damage to the cable.</u>
MM12	107	OIS5/Design Principles/New 2 <sup>nd</sup> paragraph	<u>The site is subject to a Safeguarding Direction which remains in force until 30 April 2022, and prevents the grant of planning permission in respect of development on any land to which the Direction relates otherwise than to give effect to any recommendations of Thames Water, as set out in paragraph seven of the Direction.</u>
MM13	111	OIS8/Planning Designations	<u>SIL (Part – North of Rockware Avenue to Grand Union Canal)</u> Adjacent to Westway Cross/Rockware Neighbourhood Centre Canalside Conservation Area Grade II Listed Glaxo Building Green Corridor Grand Union Canal SINC Adjacent to Horsenden Hill MOL

Ref	Page	Policy/ Paragraph	Main Modification
MM14	111	OIS8/Proposed Allocation	High density mixed-use development south of <del>Rockware</del> <u>Rockware</u> Avenue at Greenford Station, consolidation and intensification of industrial (B1c, B2, B8) and ancillary uses <u>within the SIL</u> between Rockware Avenue and the Grand Union Canal, and employment-led redevelopment with the introduction of residential and community/leisure uses north of the Grand Union Canal.
MM15	112	OIS8/Design Principles/(1) South of Rockware Avenue/1 <sup>st</sup> paragraph	(1) South of Rockware Avenue As key nodal point within the area, and a focus for north-south links, Greenford Station has the potential to support high density development in the immediate vicinity. The vacant land south of Rockware Avenue is suitable for mixed-use development, including residential and commercial, <u>subject to safeguarding requirements arising from High Speed 2</u> . New development must include active frontages at ground floor level, and provide legible, attractive and well-overlooked pedestrian routes to Westway Cross and Greenford Station. Due to the proximity of the railway line and <del>A40</del> <u>road</u> , a convincing case would need to be presented that proposals for residential accommodation would have a satisfactory level of amenity.
MM16	112	OIS8/Design Principles/(2) North of Rockware Avenue to the Grand Union Canal/1 <sup>st</sup> paragraph	(2) North of Rockware Avenue to the Grand Union Canal <del>The area between Rockware Avenue and the Grand Union Canal has a functional relationship with the Strategic Industrial Location to the west, and will continue to be protected for industrial uses (B1c, B2 and B8)</del> <u>The area between Rockware Avenue and the Grand Union Canal has a functional relationship with the existing SIL to the west and forms part of a strategically important area of industrial and warehousing capacity. It will continue to be protected for industrial uses (B1c, B2 and B8) through its designation as a Strategic Industrial Location (SIL), as appropriate to its importance to industrial capacity at regional level.</u>
MM17	113	OIS8/Design Principles/(3) North of the Grand Union Canal/1 <sup>st</sup> paragraph	(3) North of the Grand Union Canal North of the Grand Union Canal, there is a substantial potential for revitalisation of the employment role of the site to provide high quality office/ <del>research and development</del> <u>managed workspace and education</u> facilities, supported by the introduction of residential, community and leisure uses. <u>There may also be potential to introduce limited commercial uses to the site, such as local convenience retail or a café, to serve the new residential population and support the overall contribution of the site to the local area. Any commercial uses proposed must make clear contribution to achievement of the wider objectives for the site and not harm the vitality and viability of the nearby neighbourhood centres and local shopping parades.</u> The retention of employment uses on this site is considered fundamental to the successful realisation of the full development potential of this area; the introduction of

Ref	Page	Policy/ Paragraph	Main Modification
			residential and associated uses is supported so long as these do not displace higher priority employment uses.

Table to be inserted as part of MM2

**APPENDIX B Sites with Potential Need to Improve Water Supply Capability and Waste Water Services/New Table**

<u>Reference</u>	<u>Name</u>	<u>Water Supply Concerns</u>	<u>Waste Water Services Concerns</u>
<u>ACT2</u>	<u>Acton Gateway</u>	<u>Yes</u>	<u>Yes</u>
<u>ACT3</u>	<u>Oaks Shopping Centre and Churchfield Road Car Park</u>	<u>Yes</u>	<u>Yes</u>
<u>ACT5</u>	<u>Acton Central Station Yard</u>	<u>Yes</u>	<u>Yes</u>
<u>ACT6</u>	<u>Acton Crossrail Station</u>	<u>Yes</u>	<u>Yes</u>
<u>EAL2</u>	<u>Ealing Broadway Crossrail Station</u>	<u>Yes</u>	<u>Yes</u>
<u>EAL3</u>	<u>Arcadia</u>	<u>Yes</u>	<u>Yes</u>
<u>SOU1</u>	<u>Southall Market</u>	<u>Yes</u>	<u>Yes</u>
<u>SOU5</u>	<u>Southall West</u>	<u>Yes</u>	<u>Yes</u>
<u>SOU6</u>	<u>Southall East</u>	<u>Yes</u>	<u>Yes</u>
<u>SOU8</u>	<u>The Green</u>	<u>Yes</u>	<u>Yes</u>
<u>OIS1</u>	<u>Park Royal Southern Gateway</u>	<u>Yes</u>	<u>Yes</u>

## APPENDIX B Development Management DPD

### Main Modifications

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

Ref	Page	Policy/ Paragraph	Main Modification
MM1		Overview and Introduction	<p><i>A new paragraph is proposed to be inserted at the end of the introduction to explain the relationship between the Development Management DPD and the Policies Map as follows:</i></p> <p><u>The policies in this DPD and others are given spatial expression through the Policies Map. When using the policies in this DPD reference will need to be made to the Policies Map to understand</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>the geographical application of these policies. The table set out in appendix one, identifies those policies in this and other DPDs which give effect to the designations on the map. Appendix two comprises the main policies map itself. The main map sheet is also supplemented by a separate map booklet, comprising schedules of all sites/designations, and accompanying map sheets which are set out in appendix three. For the purpose of this consultation exercise an atlas is provided at appendix four which illustrates the changes/differences which arise as a result of the preparation of this DPD, from the current Policies Map adopted through the Core Strategy in April 2012.</u>
MM2		3A	<i>Add new 3rd Para as follows:</i>  <u>Identified needs will be determined by the local planning authority and set out in published evidence base documents according to local needs and statutory requirements. As the permission of this type of use is related to identify demand it may be appropriate to grant temporary permissions where the future of this need is limited or uncertain. If the evidence base documents indicate that additional sites are required to accommodate gypsies and travellers, these will be allocated in a Local Plan to meet any identified need.</u>
MM3		LV 3.5 Supporting Text	<i>Add new 3<sup>rd</sup> Para as follows:</i>  <u>Detailed furnished floor plans should be submitted with all relevant applications according to the form set out in the London Housing Design Guide. Where ceiling heights below 2.5m are proposed, these floor plans must demonstrate that spaces remain usable for their proposed purpose.</u>
MM4		3B Supporting Text	<i>Add new 2<sup>nd</sup> Para as follows:</i> <u>Development of special residential accommodation should have particular regard to any impacts on amenity that may result from an overconcentration of uses in a particular area.</u>
MM5		4A Supporting Text	<i>Amend 2nd Para as follows:</i>  A site is not viable for re-occupation as an employment use where it is not lettable at a reasonable market rate for a period of two years or more, as advised by the London Industrial Capacity SPG, or where necessary refurbishment can be shown <u>to be uneconomic.</u>
MM7		LV 7.3 Supporting Text	<i>Amend 2<sup>nd</sup> paragraph as follows:</i>  <u>Development should not place additional pressure on police resources where this could be avoided through changes to design and layout.</u> Residential conversions may result in unsuitable

Ref	Page	Policy/ Paragraph	Main Modification
			lines of access or insecure placement of doors etc. These schemes will particularly benefit from the advice of the CPDA.
MM8		LV 7.4 Supporting Text	<p><i>Add new 1st paragraph as follows:</i></p> <p><u>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.</u></p>
MM9		7B Supporting Text	<p><i>Amend 1st paragraph as follows:</i></p> <p>High quality design is essential to all development and offers the opportunity to overcome constraints that would otherwise prevent the implementation of a development scheme. <u>Many of Ealing's built areas exhibit a strong or high-value visual character, and where this is the case this should be respected and strengthened. Some areas, conversely, may exhibit currently poor environmental quality or weak character and require positive intervention and change in order to achieve good development.</u></p>
MM10		7B Supporting Text	<p><i>Amend 7th paragraph as follows:</i></p> <p>Residential Uses</p> <p>The London Plan 2011 encourages consideration of the home as a place of retreat, and residential uses have particular need for privacy and quiet. This obligation is reciprocal both to new development which will impact upon adjacent residential uses and to new residential developments themselves. Applications for residential use will be subject to particular scrutiny of their quality of amenity. Consideration will be given to use of residential buildings at night as this use is unusual in being occupied chiefly at that time. <u>Residential development and development impacting on existing residential areas should demonstrate that it maintains or improves the amenity of residents.</u></p>
MM11		7C	<p><i>Amend whole policy and supporting text as follows:</i></p> <p><del>Development that affects Ealing's heritage assets or their A settings must seek to preserve and enhance these assets according to their significance.</del></p> <p><del>Proposals affecting Designated Heritage Assets will be B determined according to their statutory protections</del></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><del>Appropriate evidence is essential to the development of schemes that are suitable to their heritage context and setting. All proposals should therefore describe the heritage assets that they affect in sufficient detail to determine their historic, archaeological, architectural and artistic interest to a level proportionate with their importance. At minimum this should be by reference to Historic Environment Record or by a desktop analysis and reference to appropriate information such as local Conservation Area Assessments and Management Plans.</del></p> <p><del>The setting of any heritage asset is essential to its value and the ability to understand and appreciate that value. Development proposals that affect the setting of a heritage asset are expected to understand and respond appropriately to their heritage context.</del></p> <p><del>When assessing proposals for works to, or otherwise affecting, a statutory listed building substantial weight will be given to the preservation of the building or its setting and to including any features of special architectural or historic interest which it possesses.</del></p> <p><del>When assessing proposals affecting conservation areas substantial weight will be given to the preservation or enhancement of the character or appearance of the areas.</del></p> <p><del>Heritage assets of local significance will be weighed particularly according to their local significance, especially their specific importance to the Borough and the degree to which they exemplify local character.</del></p> <p><u>A Development of heritage assets and their settings should:</u></p> <p><u>a be based on an analysis of their significance and the impact of proposals upon that significance.</u></p> <p><u>b conserve the significance of the asset in question.</u></p> <p><u>c protect and where appropriate restore original or historic fabric.</u></p> <p><u>d enhance or better reveal the significance of assets.</u></p> <p><u>B Development within or affecting the setting of Conservation Areas should:</u></p> <p><u>a retain and enhance characteristic features and detailing and avoid the introduction of design and materials that undermine the significance of the conservation area</u></p> <p><u>b retain elements identified as contributing positively and seek to improve or replace elements identified as detracting from the Conservation Area</u></p> <p><u>C The significance of heritage assets should be understood and</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>conserved when applying sustainable and inclusive design principles and measures.</u></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><u>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>Significance is defined in the glossary of the NPPF and includes an asset's setting as well as its physical presence.</u></p>
MM12		LV 7.12 & Supporting Text	<p><i>Insert new clause as follows:</i></p> <p>J Development proposals should consider opportunities to facilitate and enhance views of the Landmarks designated below.</p> <p><u>K Proposals for the development of designated Landmarks should not compromise or detract from those elements that make them important as landmarks.</u></p> <p><i>Amend list to include new addition and renumber thereafter as follows:</i></p> <ol style="list-style-type: none"> <li>1. Earthen mounds, Northala Fields, Western Avenue UB5</li> <li>2. The Metropolitan Centre <u>Tower</u>, Bristol Road, Greenford UB6</li> <li>3. St Mary's Church, Church Road, Hanwell W7</li> </ol> <p><u>3.4. Wharncliffe Viaduct</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM13		7D	<i>See appendix one below. The majority of these changes were made post publication in response to the representations. Some further changes are now proposed following consideration of representors' further statements and in response to discussions at the hearing. The main changes include revisions to the size thresholds for Housing/Flatted development to be consistent with those defined in the London Plan, and revisions to standards relating to Private Garden Space and Active Recreation. Some further minor changes are also proposed to the accompanying text to clarify the approach to implementing this policy and the appropriate use of financial contributions. The policy is provided in full at appendix one, with changes tracked. To aid the reader, the policy is also repeated at appendix two, without changes tracked.</i>
MM14		New Policy	<p><u>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u></p> <p><u>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</u></p> <p><u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</u></p> <ul style="list-style-type: none"> <li>• <u>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u></li> <li>• <u>Specific policies in that Framework indicate that development should be restricted.</u></li> </ul>
MM15		New Appendix	<i>Insert new appendix two – 'Submission Policies Map' (EPM2). The physical document will sit as a stand-alone document.</i>
MM16		New Appendix	<i>Insert new appendix three – 'Submission Policies Map Booklet' (EPM5). The physical document will sit as a stand-alone document.</i>
MM17		New Appendix	<i>Insert new appendix four – 'Atlas of Map Changes' (EPM6). It should be noted that this document is inserted here for the</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<i>purpose of consultation on the main modifications, although is intended to be removed from the adopted document. Please note that the changes proposed with regard to St Margaret's Road Open Space, as detailed in EPM6 'Atlas Map 4' have been revisited again following the hearing sessions. The changes now proposed as detailed in MM18 and appendix three differ from those previously proposed. Accordingly the map at appendix three of this main modifications schedule supersedes Atlas Map 4 in EPM6.</i>
<b>Policies Map</b>			
The new changes below should also be read alongside those detailed in EPM6			
MM18		Main Map Sheet & Booklet – maps 1 & 4 and Schedules 2, 4 & 5	<i>St Margaret's Road site – Removal of Development Site designation. Amend Metropolitan Open Land boundaries to exclude extent of area covered by recently completed residential development at 1-6 Saddleback Lane, and rear domestic gardens of 110 &amp; 112 St Margaret's Road. Community Open Space designation retained (reflecting extent of area currently used for community growing), with boundary extended to include access off St Margaret's Road. Amend SINC boundary to exclude extent of area covered by recently completed residential development at 1-6 Saddleback Lane. Update site area for 'Fitzherbert Walk &amp; east of R. Brent' (7.767), 'St Margaret's Road Community Open Space' (0.3008) in schedules 2 and 4 of the Policies Map Booklet respectively. A revised inset map is set out at appendix three below. This map supersedes Atlas Map 4 in EPM6. These changes will also be reflected on the main Adopted Policies Map (EPM2) and in map sheets 1 and 4 of the Policies Map Booklet (EPM5).</i>
MM19		Main Map Sheet & Booklet – map 1 and new schedule	<i>Royal Borough of Kensington &amp; Chelsea Cemetery, Hanwell – Add Heritage Land designation. This site is recorded on English Heritage's Register of Historic Parks and Gardens. This is illustrated at appendix four below.</i>
MM20		Main Map Sheet & Booklet – map 1 and new schedule	<i>City of Westminster Cemetery, Hanwell – Add Heritage Land designation. This site is recorded on English Heritage's Register of Historic Parks and Gardens. This is illustrated at appendix four below</i>
MM21		Main Map Sheet & Booklet – map 7 and Schedule 9	<i>New secondary frontage proposed – 5, 6, 7, 7a and 7b Higham Mews, Northolt.</i>

## Appendix One

### Revised Policy 7D – with changes tracked

#### POLICY 7D OPEN SPACE

##### Local Policy

**A** All developments that increase demand for open space will be expected to make an appropriate contribution towards meeting this additional demand, having regard to the standards detailed in table 7D.2 below.

**B** Any development adjacent to or neighbouring existing open space should seek to enhance and not compromise the character of that open space or its function. ~~A buffer strip of 5m around existing or proposed open spaces, or 10m in the case of SINC/SMI sites, will be protected from built development.~~

The provision of open space and facilities for sports & recreation underpin people’s quality of life. The Council views such provision as being important to individual health and wellbeing, and to the promotion of sustainable communities. Where new development occurs it is important that sufficient open space, sport and recreation provision is made in order that the scheme is acceptable ~~in land use planning terms.~~ ‘Contribution’ can include actual space provision or a monetary contribution. Financial contributions will be sought in accordance with the tests identified in the NPPF.

The ~~recreation open space~~ needs generated will depend on the type of development being considered. The table below details those uses which generate demand for different categories of open space, sports and recreation space, and for which space provision/financial contributions will be required.

**Table 7D.1 Qualifying development**

	<b>Garden Space Private &amp; Communal Garden Space</b>	<b>Amenity Space****</b>	<b>Public Open Space</b>	<b>Children’s Play Space*****</b>	<b>Allotments</b>	<b>Active Recreation (Outdoor)</b>
Housing/Flats 1-9 units	Y	NA	Y*N	Y	Y*** <del>(contribution only)</del>	NA

Housing/Flats 10-149299 units	Y	<u>NA</u>	<u>NY*</u>	Y	Y*** (contribution only)	<u>NA</u>
Housing/Flats 300150+ units	Y	<u>NA</u>	Y**	Y	Y**	Y
Student Accommodation (Major)	<u>NA</u>	Y	Y	<u>NA</u>	<u>NA</u>	Y
Active Elderly	Y	<u>NA</u>	<u>NA</u>	<u>NA</u>	Y	<u>NA</u>
Less Active Elderly	Y	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
Commercial (Major)	<u>NA</u>	Y	<u>NA</u> Y	<u>NA</u>	<u>NA</u>	Y

Key:

\* Financial contribution may be sought

\*\* Space or financial contribution sought

\*\*\* Financial contribution only

\*\*\*\* This provision requirement is primarily intended to satisfy the needs of none C3 and commercial uses, including although not limited to B1a and A1 uses. Where appropriate this will be substituted with a financial contribution to Public Open Space improvement. Whilst it is recognised that some amenity/ancillary space may be proposed in residential schemes, and is welcomed, no specific space standards are set. Priority instead is placed on achieving genuine private/communal garden space.

\*\*\*\*\*A contribution for child play space will be required where the child occupancy rate is calculated as having 10 or more children.

Where development triggers a need for open space, the amount of provision should be calculated using the following ~~minimum baseline~~ standards. These standards have been developed based on a range of evidence, including the Council's Green Space Strategy... informed by local evidence including such as the Council's Green Space Strategy and also build on the standards set out in the London Plan and associated Supplementary Planning Guidance. It should be noted that whilst these standards are set out ~~have been calculated~~ separately below, they ~~should~~ are not intended to be applied in isolation, or necessarily calculated in addition to one another. In fact the successful implementation of these standards will be dependent on maximising the multi-functional potential of open space. For example if public open space or garden space is genuinely playable this may substitute the need for additional child play space. This interaction between standards is key to ensuring that proposals respond to their context and the spatial priorities in relation to open space provision. In an area of public open space deficiency for example, the policy is designed to prioritise the provision of new public open space over additional garden space provision. It is also designed to prioritise financial contributions over space provision, where for example the existing quantity of provision is sufficient, but is of low quality, and would therefore benefit from further investment. Where space constraints, context or Council priorities necessitate financial contributions in place of space provision, these

standards provide a measure to calculate shortfall which can be converted to a financial contribution to offset the difference.

**Table 7D.2 Space Provision Requirements**

<b>Provision Type</b>	<b>Area Requirement</b>
Private Garden Space (House)	5 sq. m. per 1-2 person unit, plus 1 sq. m. for each additional occupant* <del>50/75 sq. m. per unit</del>
Private Garden Space (Flat)	5 sq. m. per 1-2 person unit, plus 1 sq. m. for each additional occupant** <del>15 sq. m. per unit</del>
Amenity Space	50 sq. m per 1,000 sq. m of floorspace
Public Open Space	19.5 sq. m. per person***
Children's Play Space	10 sq. m. per child****
Allotments	1.7 sq. m per person
Active Recreation (outdoor)	7.3 sq. m. per person*****

Key:

~~These space standards should be read as minima.~~

\* This minimum baseline requirement derives from the Mayor's Housing SPG, and in most circumstances will need to be supplemented by additional private garden space to satisfy other policy requirements/design considerations. The amount and form of provision should respond to the physical context, respecting the established local character and pattern of building, public space, landscape & topography. This provision should therefore seek to preserve the established urban grain, and by providing a relationship between the proposed development and neighbouring buildings and spaces, safeguard the privacy and amenity of existing and future occupants. Typically this would equate to an area of 50 sq. m of private garden space per house. This space must be fit for purpose, genuinely private, screened from roads and not permanently overshadowed. Narrow, unusable areas and leftover strips adjacent to parking areas should not count towards this provision requirement. In respect of strategic development some of this additional provision may be substituted by Public Open Space provision.

\*\* This minimum baseline requirement derives from the Mayor's Housing SPG. This will typically take the form of private balcony areas for upper floor units and private garden areas for ground floor units. In addition communal provision should also be provided of a sufficient size to accommodate the need for recreation and landscaping. The amount and form of provision should respond to the physical context, respecting the established local character and pattern of building, public space, landscape & topography. This provision should therefore seek to preserve the established urban grain, and by providing a relationship between the proposed development and neighbouring buildings and spaces, safeguard the privacy and amenity of existing and future occupants. Typically this would equate to an area of 15 sq. m per flat. This space must be fit for purpose, genuinely private, screened from roads and not permanently overshadowed. Narrow, unusable areas and leftover strips adjacent to parking areas should not count towards this provision requirement. For smaller schemes such provision may also offset the need for additional child play space. Roof space should where possible also be maximised.

\*\*\* This standard derives from the Council's Green Space Strategy. Public Open Space provision should be determined, having regard to the borough target of 19.5 sq. m. per person, and by the amount of Private and Communal garden space proposed beyond the baseline standard, and the overall site area. Typically, for those developments, which make a high level of provision of private/communal garden space beyond the baseline standards, additional Public Open Space provision may not be required. Where planned garden space provision is low, provision will be sought on site where space allows, or via a financial contribution where space is constrained. Onsite provision will be prioritised in areas of deficiency. Reference in this regard should be made to the deficiency mapping provided in the Policies Map Booklet. In addition where existing Public Open Space exists in an area, but is already intensively used exceeding its capacity, the creation of new space may be preferable to securing further contributions. Typically strategic developments will have greatest potential to accommodate new Public Open Space onsite.

\*\*\*\* This standard derives from the London Plan and SPG. This provision standard should also be informed by the amount of Private and Communal garden space proposed, and the form/arrangement of this space. Where the upper level of provision is achieved in respect of private gardens for each individual house, or in respect of communal space for flatted development, separate child play space provision may not be required. In respect of larger developments separate provision onsite may be desirable, although this may substitute any enhanced private/communal garden space provision beyond the baseline standard. Occupancy levels should be calculated based on the methodology outlined in the London Housing Design Guide and the Mayor's SPG 'Draft Shaping Neighbourhoods: Children & Young People's Play and Informal Recreation (February 2012).

\*\*\*\*\* This standard derives from the Council's 'Sports Facility Strategy 2012 to 2021', and in light of further revisions to this, supersedes the requirement in policy 5.6 of the Development (or Core) Strategy. In some instances the provision of outdoor space for sports may be accommodated within any new public open space provision.

~~Occupancy levels should be calculated based on the methodology outlined in the London Housing Design Guide and the Mayor's SPG 'Draft Shaping Neighbourhoods: Children & Young People's Play and Informal Recreation (February 2012).~~

~~Quality requirements will be specified in a forthcoming Supplementary Planning Document.~~

~~The deficiency mapping completed as part of the Council's Green Space Strategy, will assist in determining whether provision should be on-site/off-site or via a contribution.~~

---

In addition to securing adequate open space provision to meet the demands of new occupants/users, careful consideration should be given to ensure that new development on land adjoining existing designated open space is carefully sited/designed to enhance and minimise any impact on the function/character of the open space. Particular consideration in this regard should be given to the siting, scale, massing of buildings and the choice of boundary treatment. In assessing such proposals the Council will place particular attention on minimising the impact in terms of shadowing, the loss of views too and across the open space, and the creation of wind flow problems. To achieve this policy objective, where appropriate and necessary, the Council will expect a buffer strip around existing or proposed open spaces to be provided/retained, which is protected from built development. The depth of this strip will be guided by the particular circumstances of the case, including the existence of existing buildings. More sensitive treatment may be warranted where the open space is recognised for its nature conservation or heritage value. Typically, a buffer strip in the region of 5-10m should be provided/retained.