

Appendix 2 – Examiner's Report



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Report on West Ealing Centre Neighbourhood Plan 2016-2031

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Date of Report: 28 July 2017

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Main Findings - Executive Summary

From my examination of the West Ealing Centre Neighbourhood Plan and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the West Ealing Centre Neighbourhood Forum (WECNF);
- The Plan has been prepared for an area properly designated – West Ealing Centre as illustrated on Pages 8-9 and on Plan B, Page 12;
- The Plan specifies the period to which it is to take effect – 2016-2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to the Referendums on the basis that it has met all the relevant legal requirements.

I have considered whether the referendums' area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

West Ealing Centre Neighbourhood Plan (WECNP) 2016-2031

1.1 The WECNP area was designated by the London Borough (LB) of Ealing Council in October 2012. It is part of a broad Ealing Metropolitan Town Centre and is located west of the main central area. The WECNP area is bisected by the Uxbridge Road/Broadway. This busy east-west road is lined with shops, restaurants and related facilities. St Leonard's Road and Culmington Road, which mark the boundary between postal addresses W13 and W5, form the eastern boundary of the Plan area. The mainline railway, with land off Manor Road which will shortly include a new Crossrail station, forms the northern boundary. Ecclestone Road and Grosvenor Road mark the WECNP area's western border, so that Hanwell Cemetery lies outside the Plan area. Dean Gardens, the Sherwood Close Estate and established housing areas characterise the WECNP area south of the Uxbridge Road.

1.2 Paragraph 2.3 of the Plan indicates that West Ealing has an urban community of some 32,000, but the area covered by the West Ealing Centre includes some 6,400 people (source: WECNF Neighbourhood Plan

Data – based on the 2011 Census), with approximately 3,500 homes and more than 350 businesses. Significant redevelopment is underway on a number of sites, notably at Green Man Lane between Singapore Road and Felix Road.

- 1.3 The WECNF was formally designated by the LB of Ealing in March 2013. From 2013 onwards, the Forum consulted its residents and local businesses, and developed its Neighbourhood Plan, as described in section 3 of this report

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the West Ealing Centre Neighbourhood Plan by the LB of Ealing Council, with the agreement of the West Ealing Centre Neighbourhood Forum.
- 1.5 I am a chartered town planner and former government Planning Inspector, with prior experience examining neighbourhood plans. I am an independent examiner and do not have an interest in any of the land that may be affected by the WECNP.

The Scope of the Examination

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum¹ (or referendums) without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to referendum; or
 - (c) that the neighbourhood plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;

¹ In accordance with paragraphs 12(4) and 15 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), the draft plan relates to a neighbourhood area that has been designated as a business area under section 61H of the 1990 Act. The combined effect of these provisions is that an additional business referendum is required.

- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

- 1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of the LB of Ealing Council, not including documents relating to excluded minerals and waste development, includes the LB of Ealing Development (Core) Strategy adopted in April 2012, the LB of Ealing Development Sites Development Plan Document (DPD) adopted in December 2013, and the LB of Ealing Development Management DPD also adopted in December 2013. There is also the Planning for Schools DPD adopted May 2016. The London Plan with minor alterations adopted in 2016 provides the overall strategic policies for the area.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft WECNP Submission Plan 2016-2031, February 2017;
 - Map on Pages 8-9 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, February 2017;
 - the Basic Conditions Statement, February 2017;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the Screening Statement for the West Ealing Centre, addressing the requirements of Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004, prepared by the LB of Ealing Council, August 2016.

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on Thursday 8 June 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with solely by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The WECNP has been prepared and submitted for examination by WECNF which is a qualifying body - for an area that was designated by the LB of Ealing Council on 29 October 2012.
- 3.2 I note that the proposed referendum area for the Central Ealing Neighbourhood Development Plan 2017-2026 extends beyond the boundary area for that Plan, and incorporates the eastern part of West Ealing Centre. However, the WECNP is the only neighbourhood plan for West Ealing Centre, and does not relate to land outside the designated neighbourhood area. The LB of Ealing Council has not contended that procedural compliance has been breached in this regard and, following my own independent assessment, I agree.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2016 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.4 In September 2013, the Forum produced and performed a play about the history of West Ealing which attracted an audience of 180 people who

were invited to complete forms stating their likes, dislikes and aspirations for West Ealing Centre. 75 responses were received. Also in late 2013, the WECNF ran an information stall at the Soundbite Festival in Dean Gardens. A public meeting was held at which the local police discussed law and order issues, and the Forum discussed heritage assets with residents. WECNF ran a stall at the West Ealing Xmas Fair in December 2013. Additional publicity and consultation events related to an emerging Neighbourhood Plan for West Ealing Centre were held in subsequent years, including a public meeting about Crossrail in 2014, which was attended by more than 200 residents.

- 3.5 Following informal consultation on the draft Plan in March 2016, which generated feedback from seven organisations and individuals, the Regulation 14 statutory consultation was held, initially for 8 weeks to 5 October 2016, and then extended to 31 October 2016. Written responses were received from some 16 persons and parties. The consultation responses were taken into account before the Submission Plan was issued in February 2017. Regulation 16 consultation on the Plan in Spring 2017 elicited only two responses from the LB of Ealing and Transport for London (TfL). The Forum's Consultation Statement observes, whilst *'disappointed not to have encouraged more interest in the project, WECNF is pleased that when local people have engaged, they have understood and supported the Plan'*.
- 3.6 It is clear that the WECNF has worked hard to engage the local residents and businesses in the planning process, and has adopted a range of consultation techniques, for example, email contact with 382 WECNF members and local stakeholders, letters to 290 statutory consultees and landowners, sending a copy of the Plan to the West Ealing Business Improvement District, as well as posters, press releases and a hard copy in the local library. In spite of the small response at the Regulation 16 stage, I consider that due process has been followed. In terms of publicity, consultation and community involvement, regard has been had to the advice in the PPG on plan preparation and the procedure is compliant with the legal requirements.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Basic Conditions Statement February 2017 states that the Plan has had regard for the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, and complies with the Human Rights Act 1998. From my independent assessment, I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The WECNP was screened for SEA by the LB of Ealing Council, which found that it was unnecessary to undertake SEA. Having read the SEA Screening Opinion, August 2016, my independent consideration of this matter supports this conclusion.
- 4.2 Regarding the Habitats Regulation Assessment (HRA), the Neighbourhood Plan area is not in close proximity to a European designated nature site. Natural England has not indicated that HRA is triggered. From my own assessment, I see no reason to disagree with this conclusion.

Main Issues

- 4.3 Having regard for the WECNP, the consultation responses and other evidence and the site visit, I consider there are three main issues relating to the Basic Conditions for this examination. These are:
- Whether the Plan policies for new development and redevelopment are likely to create an attractive and commercially successful centre, with diverse and well-balanced retail and leisure offer, and appropriate growth in housing, which is in general conformity with the strategic policies of the development plan and has regard for national policy;
 - Whether the Plan will maximise the benefits in terms of better accessibility for people and businesses from the forthcoming new Crossrail link and station, and encourage sustainable travel having regard for national planning policy and guidance and strategic policies in the development plan; and
 - Whether the Plan will conserve the character and appearance of the area's distinctive features, including its heritage assets and main public open space at Dean Gardens, in general conformity with the strategic policies of the development plan and having regard for national planning policy and guidance.

Issue 1: The Town Centre

- 4.4 The LB of Ealing's Development (Core) Strategy 2012 sets out a Spatial Vision for Ealing in 2026 in Policy 1.1 to provide 14,000 additional homes, 94,500 sqm of new office floorspace and up to 128,400 sqm of new retail floorspace. Development of new homes, businesses and retail space will be primarily concentrated in two corridors, one of which is the Uxbridge/Crossrail corridor. This includes West Ealing, and Policy 2.1 of the Development Strategy sets out the strands of policy for realising the development potential, following the introduction of Crossrail. This is planned to provide services to Heathrow, the West End and City of London from 2019. Reference is made to municipal housing estates which need regeneration and these can be expected to provide more homes for local families, including the Green Man Lane Estate within the WECNP area.
- 4.5 The vitality and viability of Ealing Borough's town centres, in accordance with the established shopping hierarchy, is to be maintained. West Ealing forms part of the Ealing Metropolitan Centre which Policy 2.15 of the London Plan and its Map 2.6 shows are high up the London hierarchy, serving a wide catchment area. Policy 2.5 of the Ealing Development Strategy seeks to revitalise and strengthen Ealing Metropolitan Centre. The LB's Development Sites DPD adopted in 2013 states that Ealing Broadway is the main retail core, but is complemented by the distinctive value and local convenience goods offer, as well as a range of eating places along the Uxbridge Road Corridor in West Ealing. Intensification of Town Centres is integral to the delivery of the current London Plan.
- 4.6 Policy WEC13 of the WECNP concerns the West Ealing town centre. It aims to extend the town centre boundary, which was defined in the Borough Development Strategy in 2012 and is shown on the LB of Ealing Policies Map to include additional land at Manor Road. The extension is shown in the Neighbourhood Plan on Pages 54-55. In view of the land's proximity to the new Crossrail station, I consider the extension to be in line with the promotion of sustainable development and in general conformity with strategic policies in the London Plan. I note the boundary change is supported by the LB of Ealing Council.
- 4.7 The Council, however, has objected to the remainder of Policy WEC13, pointing out that Policy 4B of Ealing's Development Management DPD expects A1 retail uses at street level to constitute 100% in primary frontages and no less than 40% of units within designated secondary frontages. It also argues that the approach to A2 financial services and hot food takeaways could be unduly restrictive. I note that Policy 4C of Ealing's Development Management DPD seeks to prevent the over concentration of uses which could erode local amenity. In order to achieve general conformity with the Ealing Development Management DPD and having regard to the NPPF on ensuring the vitality of town centres,

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paragraph 23, I consider the Policy WEC13 should be modified as shown in **PM1**.

- 4.8 Within the designated town centre (plus the WEC13 extension), the WECNP identifies eleven sites where there is support for development or redevelopment. This signals a positive approach to promoting and managing a competitive town centre environment, and aligns with Section 2 of the NPPF. Ealing's Development Sites DPD includes Policies EAL11: West Ealing Station Approach; EAL12: West Ealing Crossrail Station; EAL14: Maitland Yard; EAL15: 66-88 Broadway; EAL16: 59-119 Broadway and West Ealing House; EAL17: Chignell Place; EAL18: 130-140 New Broadway and EAL19: 131-141 Western Broadway. These overlap considerably with the sites allocated in the Neighbourhood Plan and show that there is overall general conformity with the Development Sites DPD. However, the content and detailed wording of some of the policies needs to be modified to meet the Basic Conditions for neighbourhood plans, for the reasons given below.
- 4.9 I agree with the LB of Ealing that it would be preferable in most of the policies to use the phrase "Development should" rather than "Development will be supported, provided..." in view of the presumption in favour of sustainable development in the NPPF and the complexity of the planning framework in West Ealing with the WECNP, the Borough's Local Plans/DPDs and the London Plan. Also, Policy WEC1: Royal Mail Building, Manor Road, refers to the "sensitive redevelopment" of the building, which could be misinterpreted to mean that the building could be demolished and replaced. As the building is a local asset on Ealing's Heritage List, it should be retained and conserved if possible, and the policy should refer to a future "Change of use or minor alteration" to the building. I recommend that the policy is modified, as in **PM2**, to reflect national policy and achieve general conformity with the Borough planning policy for conserving and enhancing the historic environment.
- 4.10 Policy WEC2: 1-4 Manor Road meets the Basic Conditions, except in its detailed wording. This should be modified along the lines of the modification proposed to WEC1, and as in **PM3**, to state that "Proposals for development should...".
- 4.11 Both the LB of Ealing and TfL contend that Policy WEC3: 51-57 Manor Road, in that it seeks to retain the existing building line and footprint of the existing buildings, is inflexible and could result in perverse effects at the rear of the site. Policy EAL12 of the Development Sites DPD sets out good design principles, and it is questionable whether Policy WEC3 needs to add to them. However, in order to ensure that the Neighbourhood Plan presents a rounded picture of potential sites, I consider that this policy should be retained, but modified to enable some change where justified to the building footprint. With **PM4** in place, Policy WEC3 should permit

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sustainable development in general conformity with the Ealing Development Sites DPD.

- 4.12 I note that the WECNF modified Policy WEC4: 1-5 Lancing Road, in response to comments from the LB of Ealing at Regulation 14 stage, to “resolve the transition between Thornbury House and the retained terrace to the north”, and see no further need for this to be changed. However, as for Policies WEC1 – 3, I consider that the introductory sentence to the policy should be modified to state that developments “should” rather than “will be supported, provided.....”. **PM5** should be made in the interests of promoting sustainable development.
- 4.13 In view of the existing planning permission at 160 Uxbridge Road, which permits 5 new flats at the rear of the building, Ealing Council suggested that implementation of that consent may make Policy WEC5 undeliverable. I propose that Policy WEC5 should be modified to take account of this factor, and protect the living conditions of future neighbours in accordance with the NPPF (paragraph 17, bullet point 4). **PM6** would secure this.
- 4.14 I note that the Forum has already amended Policy WEC6: Corner of Drayton Green Road and Broadway, in response to comments made by LB of Ealing at Regulation 14 stage. However, the Council expressed additional concerns about the policy at the Regulation 16 consultation stage. I have sympathy with the view that the building on the corner of the two roads has character but note that it is not included on the local heritage list for the Borough, nor shown as a WECNF heritage site in the Heritage Assets document of April 2016. I consider that the policy should be modified to ensure that any new development secures high quality design and does not detract from its position on the main road and opposite the distinctive Nat West Bank building. I consider that the height and massing of any new development need not be stated so specifically until a site-specific assessment has been undertaken. With the reference to the Policies Map in the first sentence, I am satisfied that the location of the site is sufficiently clear. However, **PM7** should be made to secure high-quality design for any new development on the site, in general conformity with Policy 2.15 Town Centres in the London Plan and Policy 1.1 of Ealing’s Development Strategy.
- 4.15 Policies WEC8-11 all relate to sites with frontages along Broadway at the Western end of the WECNP area, around the stretches of primary shopping front in West Ealing. Policy WEC8 comprises part of the site addressed in Policy EAL14: Maitland Yard, in the Ealing Development Sites DPD and offers support for mixed use schemes incorporating community facilities. The policy does not “require” a community facility, but seeks a feature which would widen the range of services available to the local

community. I consider this to be appropriate having regard to NPPF paragraph 23.

- 4.16 Policy WEC9 complements Policy EAL15 in the Ealing Development Sites DPD. The LB of Ealing supports the provision of a new north-south pedestrian route from Broadway to Singapore Road, but objects to the expectation that the development should be similar in size and massing to the surrounding buildings on the site. Policy EAL15 describes the existing built form as “bulky and monotonous” and draws attention to the site’s proximity to low-rise residential as well as taller buildings. It states that new development should minimise the impact on the amenity space of the Hugh Clark House internal courtyard in relation to overshadowing and overlooking. The site is opposite the parade of shops at 25-41 Broadway which are on the LBE Heritage List, and No. 66 occupies an important corner site on Broadway. In this context, point iii of Policy WEC9 should be modified, to be in general conformity with the strategic policies of the Local Plan and paragraph 5.41 should also be amended. **PM8** would achieve this.
- 4.17 The Theatres Trust supported the Plan’s aims to improve cultural facilities, and Policy WEC10 seeks a cultural facility within the development scheme. Whilst the Theatres Trust wished the policy to require its inclusion, the LB of Ealing Council was more critical, arguing that the policy came “dangerously close to a form of land tax on current landowners”. Both parties pointed out that there is limited information as to what type of facility is sought and what its capacity might be. I therefore support the change of wording proposed by the Council to ensure that the policy is encouraging of a new cultural space, but is not too onerous and has regard to national planning policy (NPPF paragraph 173). **PM9** will ensure this.
- 4.18 Policy WEC11 relates to Chignell Place which is fronted by the Victorian building at 116 – 128 Broadway. The Heritage Assets report indicates that the entrance to Chignell Place, with its two matching buildings at 120 – 126 Broadway is on the LBE Heritage List. I consider that Policy WEC11 should acknowledge this fact, to be in general conformity with Policy EAL17, which observes that their retention and enhancement would be merited as part of any redevelopment proposals. **PM10** would secure this, whilst having regard for the NPPF’s requirement for viability and deliverability not to be compromised.
- 4.19 Policies WEC15 and WEC16, which relate to the temporary use of vacant premises and shop fronts improvements, should help to improve the viability and appearance of the shopping frontage along Broadway. I am satisfied that they will contribute to the achievement of sustainable development having regard for national policy. They are in general

conformity with policies for Ealing, for example Policy 4C of the Development Management DPD.

- 4.20 The Spatial Vision for Ealing in the LB's Development Strategy is to provide for 14,000 new homes 2012 – 2026, some 9000 of which should be within the Uxbridge Road/Crossrail corridor. The WECNP does not specify how many new homes might be provided on specific sites, but in view of the ongoing regeneration at the Green Man Lane Estate, and the fact that many of the sites covered by Policies WEC1 – WEC12 envisage mixed use development and are in general conformity with the Ealing Development Sites DPD, I am satisfied that the Plan has regard for national planning policy to boost significantly the supply of housing (NPPF paragraph 47) and thus meets the Basic Conditions.
- 4.21 Provided all the modifications described above are made, I conclude that the WECNP policies should create an attractive and commercially successful town centre, with diverse and well-balanced retail and leisure offer and appropriate growth in housing, which is in general conformity with the strategic policies of the development plan and has regard for national planning policy

Issue 2: Travel and Transport

- 4.22 The vision for West Ealing Centre includes that, by 2031, the area will have an attractive, accessible and commercially successful centre, with appropriate provision for the needs of businesses and residents. Gaps in public transport will be rectified and the maximum potential benefit from the new Crossrail service realised. One of objectives of the WECNP is to increase pedestrian connectivity, especially between Broadway and the new Crossrail station in Manor Road. Policy 6.1 of the London Plan 2016, states that the Mayor will work with all relevant parties to encourage the closer integration of transport and development through a number of schemes including Crossrail, which is described as the Mayor's top priority (Policy 6.4). Policy 1.1 in the LB of Ealing Development Strategy supports sustainable, safe and convenient transport networks through Ealing, with improvements to north-south links between the Uxbridge Road and Crossrail, among other things. Both strategic plans seek to reduce the need to travel and promote healthy travel behaviour using more sustainable modes. I am satisfied that the vision and objectives of the WECNP are in general conformity with these strategic policies in the London Plan and the Ealing Development Strategy.
- 4.23 Policies WEC1, WEC2 and WEC3 all relate to sites on Manor Road, near the prospective Crossrail station, and expect new development to be appropriate to the new public transport facility. Policies WEC4, WEC5 and WEC6 concern sites on Drayton Green Road and references are made to the fact that they are on the route from the Crossrail station to the

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Broadway. Improvements to the public realm are sought as part of future developments. Policy WEC9: 66-88 Broadway seeks a new pedestrian route between Singapore Road and Broadway, which should assist walking north-south from the railway bridge at Jacob's Ladder or the Green Man Lane Estate to the shopping centre on Broadway and the market opposite Leeland Road.

- 4.24 Policy WEC10 seeks to protect the public car parking spaces adjoining 57 – 119 Broadway and West Ealing House. However, the LB of Ealing does not support this position, as Crossrail is expected to result in improved public transport accessibility levels (PTAL) for the area. As written, it is claimed the policy could prohibit otherwise acceptable development of the site. The Neighbourhood Forum, however, argues that shopper parking can be key to the success of the high street and restricted parking can be a major concern for business trades. I note that TfL adopted a similar line to the Council, also stating that the approach to car parking must be in general conformity with the London Plan and LB of Ealing's Local Plan as the increased use of cars could exacerbate traffic congestion. On balance, I consider that Policy WEC10 is not in general conformity with the strategic policies of the development plan for the area and is contrary to the pursuit of sustainable development. **PM 9** should be made to remove the last sentence from the policy as well as paragraphs 5.43 and 5.44.
- 4.25 The LB of Ealing and TfL both express some dissatisfaction with Policy WEC11 and the proposal to form a new courtyard and pedestrian route through Chignell Place. I agree that Policy EAL17 of the Ealing Development Sites DPD already deals with the issue of north-south accessibility, as it refers to a pedestrian priority link between the Broadway and the redeveloped Green Man Lane Estate. Policy WEC11, in my view, conflicts with paragraph 173 of the NPPF, which cautions that sites should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. I recommend that Policy WEC11 and the supporting text be modified as shown in **PM10**, to remove the references to a new courtyard and pedestrian route.
- 4.26 Policy WEC12: Jacobs Ladder, supports proposals for the redevelopment of land and buildings at 42-44 Felix Road, at the southern end of the footbridge across the railway line. The policy seeks help from the development towards improvements to the public realm and route from the bridge to Felix Road. Paragraph 6.4 of the WECNP identifies projects for investment from future Community Infrastructure Levy funding. The first potential project is enhancing, maintaining or replacing Jacob's Ladder. I consider the ambitions of the Plan to be in general conformity with the strategic policies in the London Plan and LB of Ealing Development Strategy for improved pedestrian access especially on north-south routes. However, the Council contends that the proposal does not

seem realistic or deliverable given the limited development potential on the site. From my site visit, I agree that there appears to be limited potential for increased massing of buildings on the land. The Council also advises that enhancements to the route between Jacobs Ladder and West Ealing Centre are already being delivered by regeneration of the Green Man Lane Estate.

- 4.27 I accept that a policy which acknowledges the importance of this railway bridge as a point of entry to West Ealing Centre should be retained. However, the expectations for any redevelopment of 42-44 Felix Road should be less specific and potentially less onerous, having regard for national planning policy and the achievement of sustainable development. Policy WEC12 and the supporting text in paragraph 5.53 should be modified as shown in **PM11**.
- 4.28 Policy WEC17 seeks to safeguard public car parking in the town centre and increase provision, where possible. It also supports proposals that will improve the amount and accessibility of residential parking. The supporting text confirms that the local community is concerned about the perceived lack, and disappearance of available parking space near Broadway. TfL, however, consider the policy to be misconceived. Ealing Council contends that the Forum's position is informed only by anecdotal evidence, whereas a recent survey in Southall indicated a higher overall retail spend per month by people using the train, bus or feet to shop than those travelling by car. Ealing Council has a Corporate Plan from 2014-2018 to make the Borough healthier, and considers that for health and air quality reasons there should be a modal shift away from the car. Restricting parking provision is part of its detailed Local Improvement Plan. Promoting healthy travel behaviour and reducing the need to travel are included in Policy 1.1 (f) of the Ealing Development Strategy.
- 4.29 I consider that West Ealing Centre is an intensively developed area, with homes and shops closely located to each other and very good transport provision (PTAL 3-5), where car use can reasonably be limited. I conclude that Policy WEC17 is contrary to the promotion of sustainable development and out of conformity with the Ealing Development Strategy. Policy WEC17 and the supporting text should be deleted as in **PM12**. As long as the modifications in PM9 – PM12 are made I conclude that the Plan should maximise the benefits in terms of better accessibility for people and businesses from the forthcoming new Crossrail link and station, and encourage sustainable travel having regard for national planning policy and strategic policies in the development plan. The Basic Conditions will therefore be met in relation to transport and travel policy.

Issue 3: Character and Appearance of the Area, including Heritage Assets and Dean Gardens

4.30 West Ealing Centre has a strong urban character. The south-eastern part of the Plan area forms part of the Ealing Green Conservation Area and contains St. John's Church, which is a grade II listed building. Paragraphs 2.18 – 2.20 of the WECNP describe the town centre as having an eclectic mix of Victorian, Edwardian and Art Deco buildings, which present an imposing line of buildings along the Broadway/Uxbridge Road, and remind the observer of the area's history. The Forum's Heritage Assets document, April 2016, identifies 22 sites which are not designated listed buildings, but have been assessed using English Heritage guidelines and been found to have local value. Twelve of these sites are already included in the 2014 Register of Local Heritage Assets maintained by the LB of Ealing. Policy WEC14 of the WECNP aims to protect the 22 assets, and paragraph 5.61 indicates that all the sites will be added to the Register.

4.31 The LB of Ealing points out that the Register of Local Heritage Assets is a separate document from the Local Plan, which the Neighbourhood Plan cannot modify or amend. Even though the Council would be happy to include the suggested sites in its next review of the Register, they should not be included in a policy in the current Plan. The NPPF sees protecting and enhancing the historic environment as an important component in the drive to achieve sustainable development. Appropriate conservation of heritage assets forms one of its Core Principles (paragraph 17). Paragraphs 126 – 141 (supported by the PPG ID: 18a-003-20140306) set out the approach to conserving and enhancing the historic environment. Paragraph 132 explains that the weight to be given to conserving a heritage asset should be dependent upon its significance. Substantial harm to, or loss of, designated heritage assets such as grade II listed buildings, parks or gardens should be "exceptional"; substantial harm to higher ranked assets, such as scheduled monuments, grade I and II* listed buildings should be "wholly exceptional". Paragraph 135 explains that the effect of a proposed development on the significance of a non-designated heritage asset should be taken into account when applications are determined. A balanced judgement will be required having regard to the scale of any harm or loss, and the significance of the heritage asset when weighed against the benefits of development.

4.32 Having regard for the above, I consider that Policy WEC14 should be modified so that it refers only to the sites included in Ealing's Register of Local Heritage Assets. The additional sites, which I appreciate from my site visit, contribute to local character and appearance and serve as reminders of the area's history, should be referenced as potential but non-designated and non-registered heritage assets in the supporting text. Policy WEC14 and paragraphs 5.60-5.61 should be modified as set out in **PM13**, having regard to national planning policy, the pursuit of

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sustainable development and general conformity with the Ealing Development Strategy (Policy 1.1(h) and Policy 2.5(e)) and Development Management DPD (Policy 7C).

- 4.33 Dean Gardens is shown on the LB of Ealing Council's Policies Map as public open space. Policy 1.1 (i) of the Borough's Development Strategy is to protect and enhance the pattern of green spaces and green corridors, identify and safeguard quiet areas and spaces of tranquillity and ensure that new development improves and adds to green space. As the introduction to the WECNP states, the Neighbourhood Area has a strong urban character with a mixed and busy high street, and is undergoing development across a number of sites which will increase the local population. Dean Gardens is a rare area of open green space, and at my site visit, I saw it was well used by joggers, cyclists, people with small children and dogs, and other adult pedestrians. The LB of Ealing has expressed its objection to the proposed development of part of the site for mixed use, as set out in WEC7 of the Plan.
- 4.34 I have seen no evidence to support the supposition that a new development, providing better surveillance of the remaining open space, would resolve problems with crime and anti-social behaviour in the area and provide a safe environment for future occupiers of the new homes. The Council observed that the park is exceptionally well funded from s.106 obligations already, because there are few other areas of public open space in which to invest. In these circumstances, improvements to the space with the provision of additional recreational or sport facilities to meet the community's needs may be possible, without the major new development. In view of Dean Gardens' modest size and the attractiveness of its southern edge with trees and pathways, I agree with the Council that the policy should either be deleted or re-cast. Paragraph 5.35 of the Plan, mistakenly in my opinion, suggests that Policy WEC7 would provide protection for the remaining part of Dean Gardens because it would designate it as Local Green Space. In reality, the policy makes no mention of such a designation.
- 4.35 I consider that Policy WEC7 has insufficient regard for the NPPF, paragraph 74, which states that existing open space should only be built upon where it is surplus to requirements, would be replaced by equivalent or better provision elsewhere, or the development is for alternative sports and recreational purposes, the need for which clearly outweighs the loss. The mixed-use development, as put forward in Policy WEC7, does not meet these conditions. Furthermore, Policy WEC7 as it currently stands is not in general conformity with Policy 5.5 of the Ealing Development Strategy, which seeks to promote parks and local green space and address open space deficiencies, as well as protecting open space of local value required for informal recreation. I consider that the policy should be modified so that it emphasises the need to protect this valuable area of

public open space, supporting enhancement to its quiet, green character. **PM14** should be made so that the Basic Conditions are met. As long as all the above modifications to the Plan are made, I conclude that it should conserve the character and appearance of the area's distinctive features including its heritage assets, and main area of public open space at Dean Gardens, in general conformity with the strategic policies of the development plan and having regard for national planning policy.

5. Conclusions

Summary

- 5.1 The WECNP has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendums and the Area

- 5.3 I have considered whether or not the referendums' area should be extended beyond the designated area to which the Plan relates. The WECNP as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendums to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendums on the Plan should be the boundary of the designated neighbourhood plan area.
- 5.4 I appreciate that the Neighbourhood Plan has engaged a large number of members of the local community, working on a voluntary basis, over a number of years. The Forum has used a number of innovative measures to draw people's attention to the history, recent change and future development of West Ealing beginning with the play in 2013. I also understand that the Forum has sought to work with the local authority and has responded to its suggestions for amendments to the emerging plan. I consider that the end-product should be a distinctive plan for West Ealing Centre which will help prospective developers and assist the Borough Council with development management, whilst respecting the community's wishes.

Jill Kingaby

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 46	<p>Policy WEC13: Town Centre</p> <p>The Neighbourhood Plan modifies the town centre boundaryas shown on the Policies Map.</p> <p>Delete 2nd and 3rd paragraphs and substitute:</p> <p><i>Premises at the ground floor level in the primary shopping frontage of the town centre as defined on the Policies Map should be for A1 retail use.</i></p> <p><i>Proposals for development or a change of use at ground floor level in the secondary shopping frontage as defined on the Policies Map should result in no less than 40% of units in that frontage being in A1 retail use. Development must not result in over-concentration of a particular use type which would erode local amenity.</i></p> <p>Paragraph 5.54, second sentence, should be modified to read:</p> <p>This policy complements 4b <i>and 4c</i> of the Ealing Local Retail Policy and reflects concern of increase in A2 <i>financial services</i> and A5 <i>hot food takeaways</i> disturbing the character of the high street.</p>
PM2	Page 31	<p>Policy WEC1: Royal Mail Building, Manor Road</p> <p>Proposals <i>for a change of use or minor alteration to</i> the Royal Mail Building, as shown on the Policies Map, <i>should:</i></p> <p><i>i. retain and conserve where possible the building and its setting;</i></p> <p><i>ii. respond</i> appropriately to the new Crossrail station; and</p> <p><i>iii. comprise</i> either commercial, retail</p>

		and/or residential uses.
PM3	Page 32	Policy WEC2: 1-4 Manor Road Proposals for the redevelopment of the shops oppositePolicies Map, should: i. retain.... ii. comprise....
PM4	Page 33	Policy WEC3: 51-57 Manor Road In addition, the policies map; proposals for development should: i. ensure that the pavement along this part of Manor Road remains wide enough for the increased footfall from Crossrail; ii. respond appropriately iii. continue to accommodate
PM5	Page 34	Policy WEC4: 1-5 Lancing Road Proposals Policies Map, should: i. comprise either residential ii. be designed to have regard for the location of the site
PM6	Page 35	Policy WEC5: Land to the rear of 162 Uxbridge Road Proposals for the redevelopment Policies Map, should: i. create an appropriate connection and improved public realm between the station and the Broadway; ii. comprise uses that respect the living conditions of neighbouring residential properties; and iii the building height and massing should be appropriate tosetting.
PM 7	Page 36	Policy WE6: Corner of Drayton Green Road and Broadway Proposals forPolicies Map, should: i. create an appropriate connection

		residential above, and; <i>ii. secure high quality development which respects the height and massing of adjoining buildings, the prominent location on a corner site on Broadway, and proximity to the old Nat West Bank building.</i>
PM8	Page 41	Policy WEC9: 66 to 88 Broadway Modify the third bullet to read: <i>iii. The development scheme should be sympathetic to the height, bulk and massing, as well as the character and usage of buildings which surround the site.</i> Delete the last two sentences in paragraph 5.41 beginning “However, in one respect the policy replaces ...”
PM9	Page 42	Policy WEC10: 57 to 119 Broadway & West Ealing House In addition to Policies Map, <i>provision of a new cultural facility as part of the mixed use scheme will be supported.</i> In addition to deleting the final sentence of Policy WEC10, paragraphs 5.43 and 5.44 should be deleted.
PM10	Page 43	Policy WEC11: Chignell Place <i>In accordance with</i> the provisions of Policy EAL17 Policies Map, proposals should <i>conserve and enhance the Victorian facades of the buildings at 120 and 122-126 The Broadway, unless it is demonstrably unviable to do so.</i> Paragraphs 5.45 to 5.47 should be modified to read: 5.45 This policy supplements Policy EAL17 of the LBE Development Sites document, and aims to exploit the full potential of a redevelopment scheme in this location. The site currently

		<p>comprises a mix of shops, flats above the shops and the West London Islamic Centre to the rear. The Centre has consent for a larger facility on its site.</p> <p>5.46 People have been afraida no-go area in our town centre. A radical redevelopment should deter crime and remove the fear of crime from this area.</p> <p>5.47 Delete existing text and substitute: <i>120-126 Broadway located at the entrance to Chignell Place comprise two matching buildings constructed in Victorian times. These are included on the Borough's local heritage list, and their frontages should be retained and conserved as part of the redevelopment of the full site, unless it would be demonstrably unfeasible to do so.</i></p>
PM 11	Page 45	<p>Policy WEC12: Jacob's Ladder</p> <p><i>Proposals for development or redevelopment of residential and commercial buildings on land at 42-44 Felix Road, as shown on the Policies Map, should:</i></p> <p><i>i. include retail and/or café uses on the ground floor with residential use the upper floors;</i></p> <p><i>ii. maintain the public realm and route from Felix Road to the Jacob's Ladder pedestrian railway bridge;</i></p> <p><i>iii. subject to viability, help finance improvements to the public realm and route from Felix Road to the Jacob's Ladder pedestrian railway bridge;</i></p> <p><i>iv. be sympathetic in terms of size and</i></p>

		<p><i>massing to the surrounding area; and</i></p> <p><i>v. respect the amenity of neighbouring residents.</i></p> <p>5.53 The aim of the policyattractive street frontage. <i>Any development scheme should help meet the costs of public realm and Jacob's Ladder improvements, unless it can be demonstrated that this would render the development unviable. The detailed design of the scheme should demonstrate how any potential problems, such as harm to residential amenity from a café, could be resolved.</i></p>
PM12	Page 52	<p>Policy WEC17: Car Parking</p> <p>Paragraphs 5.65 to 5.67</p> <p>This policy text should be deleted.</p>
PM 13	Pages 48-49	<p>Policy WEC14: Local Heritage Assets</p> <p><i>The LB of Ealing's Register of Local Heritage Assets</i> identifies buildings and structures that have local heritage significance by way of their local historical and/or architectural value to the local community. Proposals that will result will be resisted. The following buildings or structures are included in the Register:</p> <p>1), 2), 4), 5), 11), 12), 14), 17), 18), 20), 21), 22).</p> <p>5.60 This policy identifiespara 135 of the NPPF.</p> <p>5.61 Delete the existing text and replace with:</p> <p><i>In addition, the WECNF has carried out an assessment of Heritage Assets, April 2016, and has identified additional buildings and structures which it considers have local value and should be maintained as heritage assets. The WECNF will seek their inclusion in any future review of the Register of Local Heritage Assets by LBE's heritage</i></p>

		<p><i>officers. These are:</i></p> <ul style="list-style-type: none"> • <i>St James’s Church</i> • <i>Former Woolworths building</i> • <i>Former Morrisons/Blockbusters building</i> • <i>Farah Hair & Beauty building</i> • <i>Flynns Bar and Dinner</i> • <i>Timber and Buildings Merchant building, Uxbridge Road</i> • <i>48-58 Broadway</i> • <i>Ashby Staines Brewery/PH</i> • <i>Natwest Bank building</i> • <i>Building corner of Ecclestone Road and Broadway</i>
PM 14	Pages 37-39	<p>Policy WEC7: Dean Gardens</p> <p>Delete the existing text and replace with:</p> <p><i>Proposals within Dean Gardens that enhance its social, cultural, recreational and leisure uses, especially if they would be effective in reducing antisocial behaviour, will be supported. Development should be small in scale and have minimal visual impact, in order to maintain the integrity of the Gardens in their open space use. Development which results in improved access to the park and enhanced pedestrian permeability from the south via Tawny Close will be supported.</i></p> <p>Delete paragraphs 5.30 – 5.37, and the Illustrative Context Plan on Page 38.</p>