

Mr Pat Hayes
Executive Director of Regeneration and Housing
Ealing Council
Perceval House
14-16 Uxbridge Road
London W5 2HL

Our ref: P00494810
Your ref: PP2015/3479
Telephone 02079733488
Fax

19 February 2016

Dear Pat

Re: 9-42 The Broadway and 1-4 Haven Place Ealing

It is with some reluctance that I feel compelled to write to you to raise substantial concerns about the committee report for the above application which I have just read. It is of course a challenge with a proposal as complex and substantial as this one to produce a report that is both accessible and not overwhelming. However, it is clear that this report fails to actively engage with the notion of special character, the significance of heritage assets or to clearly and effectively apply identified policy on the protection of the historic environment, which is a core planning principle within the National Planning Policy Framework (NPPF).

I am also concerned that the report does not constructively respond to our expert advice, but that the officer assessment seeks to imply that our views are unjustified or somehow based on a misunderstanding of policy (page 4). This is even more disappointing in light of the apparent lack of engagement with any internal specialist historic environment expertise.

Throughout the report there is both repeated downplaying of significance (repeated reference to the fact that the site does not contain listed buildings) and continual reference to less than substantial harm without explanation that **any** harm has to be **convincingly** outweighed by public benefits (Para 132 NPPF). This is fundamental if the objective of sustainable development, i.e. protection of our built and historic environment is to be achieved (Para 7 NPPF). The approach followed by the report appears to suggest that less than substantial harm equates to a less than substantial planning objection, which was precisely the error that led to the Barnwell Manor decision being quashed. The report also uses terms such as “negligible to moderate” or “residual harm” in a not very subtle attempt to underplay impact.



I have looked in vain in the section of the report on impact of the proposals on the historic environment (pages 77-82) for a clear, succinct explanation of the special character and appearance of Ealing Town Centre conservation area, setting out its significance and enabling your councillors to have a clear understanding of the impact of the proposals on the character of the **area** (my emphasis).

The report states clearly that your officers disagree with Historic England assessment of substantial harm and asserts “Historic England appear to have conflated demolition of existing buildings with substantial harm where none of the buildings on site are listed nationally or locally and where most are considered to have a neutral or negative impact”. I therefore draw your attention to the National Planning Practice Guidance p81 “What about harm to conservation Areas?” which states *inter alia*

“An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building and, unlike in relation to a Grade II listed park or garden, if its loss amounts to substantial harm it does not need exceptional justification (i.e. under para 132 of the NPPF). **If the building is of a type that makes the conservation area worthy of designation then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 133 of the NPPF and the statutory duty in Section 72 or the Planning (Listed Buildings and Conservation Areas) Act 1990....(my emphasis)**”

In this case **5** out of 8 buildings (page 78 of the report) identified as making a positive contribution to the character and appearance of this part of the conservation area are to be demolished and we have taken pains to ensure that we have a good understanding of what makes the conservation area special i.e. its significance. Therefore our assessment of substantial harm to this designated asset (the CA) is entirely in line with statutory requirements, national policy and national guidance. The fact that the buildings concerned are not listed is irrelevant.

The public benefits that are set out in the report to justify these demolitions consist mainly of standard policy requirements, which any development proposal should be expected to meet. The specific justification set out for the demolition of 25-29 The Broadway rests on perceived incompatibility with the proposed design and the desire to establish a strong urban edge. There is no reference in the report to the importance of good design to which the Government attaches great importance (Section 7 NPPF) but an urban design approach that fails to respond to local character and history (NPPF para 58) and does not promote or reinforce local distinctiveness (NPPF Para 60) will fail to integrate successfully.

The justification for the demolition of 35 Broadway rests on the desire to achieve a remodelled signal junction layout, pedestrian crossings and contra cycle lane. Whilst these may well be desirable, their delivery cannot be at the expense of the demolition of “irreplaceable heritage assets” and their proposed delivery clearly does not preserve the conservation area from harm. If this approach were to be followed across the borough, and indeed London, no heritage asset would be safe from a desire to improve traffic and pedestrian flows with disastrous consequences for established character and identity.



Historic England, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST
Telephone 020 7973 3700 Facsimile 020 7973 3001
HistoricEngland.org.uk



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I have similarly not found any statement of the significance of the Grade II* Church or other listed buildings. There is no assessment of how the current setting of the listed buildings contributes to understanding or appreciating their significance and therefore no possibility of your council as decision maker being able to demonstrate that it has addressed the statutory tests set out in the Planning (Listed Building and Conservation Areas Act)1990.

There is a *Good Practice Advice in Planning* publication on “The Setting of Heritage Assets” which is not referenced at all and the approach set out in the report clearly does not demonstrate an understanding of how to address this important issue. As an example there is an unfortunate conflation in the report of setting and views – most obviously in page 5 “visibility/setting” and page 41 “views/setting” and the report also is inconsistent in its assessment of impact. It appears at one stage to suggest that whilst the ability to appreciate the spire of the church is reduced, because this is an improvement on the previous proposals rejected on appeal and the harm is less than substantial it is acceptable. (see comments above) I can find no justification in the report for this harm and no explanation of what benefits can only be delivered by causing this harm.

Finally, the report states it is noteworthy that no objection was raised by the then English Heritage to proposals for the site in 2007/9, which is almost a decade ago and of course before substantial policy changes including the introduction of the NPPF. I am not clear on why this is regarded as relevant or noteworthy given our clear pre-application advice and the conclusions of the Inspector on the previous scheme.

I also note that in the same paragraph on page 4 it is stated that EH/HE raised no objections to the Sites DPD EAL3 or the draft Arcadia SPD both of which state that change may be achieved through comprehensive **or** (my emphasis) incremental development. This is simply incorrect and I refer you to our letters of 30th November 2010 and 24th August 2012 in which we raised great concerns about a lack of recognition of the centres heritage assets and the wider historic environment in terms of contribution to the existing character and its potential to inform future change, contrary to (then) national policy. In fact we made specific reference in our letter of 2012 to EAL3 and our concerns about the lack of recognition of the significance of the conservation area in the drafting of the design principles for each site. It is a matter of great regret that I have to point out this misrepresentation of our position and suggestion of inconsistency on the part of Historic England.

I am disappointed that I have to make representations at this late stage raising issues of basic approach and understanding, particularly as we have worked very effectively with your council over a number of years on major heritage projects which have demonstrated that regeneration and the historic environment go hand in hand. Ealing town centre has suffered from poorly conceived major interventions in the past and there is a significant risk of this happening again.

I suggest a simple test of how this proposal responds to the existing and special interest of Ealing as a suburban town centre of Victorian and Edwardian character is to look at the experience a visitor coming out of the station will encounter should this proposal go ahead.



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On any reasonable assessment it will be of new, significantly taller and visually dominating development that has embedded within it the facades of previous buildings which will have lost their integrity and meaning. It will be appreciated as a comprehensive redevelopment of an entire urban block, if not actually a clean slate then one with minimal survival of earlier layers of history.

I would appreciate this representation being put before the Committee to ensure that they are fully informed of our concerns.

Yours sincerely

A handwritten signature in black ink that reads "Nigel Barker". The signature is written in a cursive style and is underlined with a long, sweeping horizontal line that extends to the right.

Nigel Barker
Planning Director London
E-mail: nigel.barker@HistoricEngland.org.uk

cc Aileen Jones,
Lucy Taylor, Director of Regeneration and Planning



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