

**Old Oak and Park Royal Local Plan examination**  
Agenda 2 for Modifications Hearings: Conformity with London Plan  
policy D9 on Tall Buildings  
**2pm Tuesday 11<sup>th</sup> January 2022<sup>1</sup>**

**Participants:** Inspector, Corporation, Old Oak Neighbourhood Forum & St Quintin and Woodlands Neighbourhood Forum.

Representations from: Amanda Souter, Andrew Slaughter MP, Robin Brown (Grand Union Alliance), Henry Peterson (OONF & STQ&WNF).

**Summary of issues (OONF & STQ&WNF submission on the need for hearings)**

OONF/StQW arguments on this point are set out at OONF/StQW representations 117/28 and in more detail at 117/43 and 117/111. The unanticipated intervention and Direction Statement from the Secretary of State on London Plan Policy D9, in December 2020, post-dated much of the work undertaken by OPDC in preparing modifications.

In its response to OONF/StQW representation 117/4, 117/115 and elsewhere, OPDC points out that the Mayor has confirmed the Local Plan is in general conformity with the London Plan in respect of its approach to tall buildings. See comment reference 82/15.

OONF/StQW do not see this as being the end of the story on this issue. In the period since the 2021 London Plan was adopted, with its new Policy D9, there have been a number of questions and potential challenges raised across London over the interpretation by GLA officers and the GLA Planning Delivery Unit on the modified Policy D9. This includes occasions when Mayoral Stage 2 decisions are made on individual applications. Many amenity and resident groups have concerns that the interpretation by GLA officers of 2021 London Plan Policy D9 does not properly reflect the intent of the SoS Direction, nor the plain wording of the modified and strengthened policy.

OONF/StQW await the outcome of the application made by LB Hillingdon against the Mayor's decision on the application at the former Master Brewer site, Freezeland Way. To OONF/StQW knowledge, this case (due to be heard in November 2021) will be the first occasion when the modified text of London Plan Policy D9 is tested in the courts.

The case will have implications for Local Plans and decision-making on applications across London. Depending on the judgment, it may prove possible for the PSMDLP to achieve conformity with the London Plan via further modifications to policies, maps and other development documents relating to Tall Buildings.

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<sup>1</sup> This session will commence at 2pm unless the morning session overruns.

The New London Plan was formally adopted on March 2nd 2021. Policy D9 of the NLP addresses 'tall buildings'. It states materially as follows:

*Policy D9 Tall buildings*

*Definition*

*A Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.*

*Locations*

*B*

*1) Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the Plan. This process should include engagement with neighbouring boroughs that may be affected by tall building developments in identified locations.*

*2) Any such locations and appropriate tall building heights should be identified on maps in Development Plans.*

*3) Tall buildings should only be developed in locations that are identified as suitable in Development Plans.*

The covering letter from the Secretary of State sent with the Direction states:

*I am issuing a new Direction regarding Policy D9 (Tall Buildings). There is clearly a place for tall buildings in London, especially where there are existing clusters. However, there are some areas where tall buildings don't reflect the local character. I believe boroughs should be empowered to choose where tall buildings are built within their communities. Your draft policy goes some way to dealing with this concern. In my view we should go further and I am issuing a further Direction to strengthen the policy to ensure such developments are only brought forward in appropriate and clearly defined areas, as determined by the boroughs whilst still enabling gentle density across London. I am sure that you share my concern about such proposals and will make the required change which will ensure tall buildings do not come forward in inappropriate areas of the capital.*

Firstly, OONF/StQW see no sign that the PSMDLP material (Draft Local Plan and supporting documents relevant to Tall Buildings) paid adequate heed to this Direction, and to its acceptance by the Mayor of London as a modification to the 2021 London Plan. GLA officer comments in PDU reports subsequent to the March 2021 adoption of the new London Plan imply a GLA assumption (incorrect in our view) that little has changed as a result of modified London Plan Policy D9. We think this is an incorrect interpretation. Our concern is shared by amenity bodies and residents associations across London, including the London Forum.

The PSMDLP includes maps which identify, reasonably specifically, locations for tall buildings in for example Scrubs Lane. Planning consents for such buildings have already been issued. OONF/StQW consider that the PSMDLP as of now fails to conform with the 2021 New London Plan. Further locations for tall buildings (e.g. Channel Gate and North Acton) are identified only as broad areas or 'Places' with little or no specificity on sites.

Secondly, 'appropriate heights' are not defined in the PSMDLP, other than in some references to 6-8 storeys along the Grand Union Canal and in very generic (and opaque) terms in a 2021 Tall Buildings Statement Update as a supporting document. The public are given no indication in the PSMDLP, to alert them of past decisions on building heights by OPDC (or LB Ealing on its behalf). These decisions have found heights of 55 storeys for residential towers to be an acceptable outcome. The language used by OPDC in its 'Place' policies, of 'a variety of building heights' is inadequate to meet London Plan Policy D9.

The intention of the Secretary of State in his December 2020 Direction Statement was very clear. In this new context, we do not see that it is acceptable for this Direction to be subverted by a Local Plan which has consistently and deliberately avoided giving the public clear information on the housing densities and building heights likely to flow from its policies.

The pending JR application of LB Hillingdon v the Mayor of London should provide greater certainty on the interpretation of 2021 London Plan Policy D9, prior to the conclusion of the examination of the PSMDLP. Hence we flag up this issue 3 with the Inspector as a new factual context that has emerged since his interim findings. It is one, at present, less relevant to the need for further hearings.

### **Matters for discussion**

- 1 Has the Court case referred to by OONF/StQW reached a conclusion?
- 2 To what extent does London Plan policy D9 B require specific or generalised locations to be defined in a local development plan (as opposed to any supplementary planning document)?
- 3 Do the Modified allocations adequately specify locations for tall buildings?
- 4 To what extent do tall building heights require specification in a local development plan (as opposed to any supplementary planning document) in order to comply with London Plan policy D9 B?
- 5 Do the Modifications adequately specify appropriate tall building heights?

*P. W. Clark*

Inspector

17.11.21