

TECHNICAL NOTE



TO

John Lewis Partnership

CC

FROM

Montagu Evans LLP

DATE

15 May 2025

SUBJECT

Examination of the Ealing Local Plan 2024-2039 (Plan) Matters, Issues and Questions:
Response to Matter 3 Questions b) and c)

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1. Montagu Evans LLP has been instructed by John Lewis Partnership to prepare this technical note which responds to the Inspectors' Matters, Issues and Questions in relation to the examination of the draft Ealing Local Plan 2024-2039.

Matter 3: Question b)

2. The draft Plan includes a Site Allocation for the Appeal Site. Specifically, Site Allocation 15EA (Waitrose, West Ealing) in the Ealing's Local Plan Final Proposals (Regulation 19) identifies that the Appeal Site is suitable for tall building development of up to 13 storeys.
3. The height range identified for the Site was critiqued by John Lewis Partnership in detailed representations at Regulation 18 and 19 Stage of the plan making process. Notably, the findings relevant to this matter can be summarised as follows:
4. First, the design analysis referred to in the *Tall Building Strategy* (December 2023), and which informed the proposed heights, is not comprehensive. The heights proposed there were not subject to comprehensive environmental testing and the evidence appears that a lower threshold to the quoted 13 storeys in the site allocation has been considered, but not a taller option. There is no indication of why greater height was considered and ruled out. Specifically, London Plan Policy D9 C requires decision makers to consider "Impacts" which comprise environmental assessment including visual impacts. The evidence base is insufficient to consider those impacts, the sort of which were found to be acceptable in the 51-56 Manor Road Planning Permission (PINS reference: APP/A5270/W/21/3268157). Accordingly, and as set out in our submission to the local Plan, the adoption of these policies restricting height would represent a disproportionate and unjustified restriction on site capacity. They are contrary to policies in the London Plan, specifically D3 and D9, and also contrary to framework policies comprising efficient use of land in sustainable locations, which the Site is.
5. Second, the Tall Building Study does not appropriately reflect the emerging scale of development in West Ealing "cluster". The 51-56 Manor Road Planning Permission comprises a development with a G+19-storey building considered to be appropriate by a Planning Inspector in July 2021. That context is not referenced, and this is a serious omission in the evidence base and inexplicable. We are particularly mindful of the Inspector's conclusion at paragraph 29 of the 51 - 56 Manor Road Appeal Decision (PINS reference: APP/A5270/W/21/3268157) which decisively

makes clear that the capacity of that site was such that a tall building could be accommodated without any harmful impact on the character or appearance of the area:

“...The suggestion that development on the site should be limited to 10 storeys, is simply untenable when, as I have found above, much, much more can be accommodated without any harmful impact on the character or appearance of the area.

6. The larger scale development which has come forward, at 51-56 Manor Road, Luminosity Court, 42 Hastings Road and 50-54 Drayton Green Road and other sites has made use of sites that fell outside that regular pattern and had a commercial or industrial use. They are developed with largely residential schemes of a greater density than the surrounding streets.
7. These sites are also now within the Metropolitan Town Centre boundary. The Waitrose Site, 42 Hastings Road and 50-54 Drayton Green Road fall within an allocation that supports major change.
8. Thus, the planned change in the townscape, introducing buildings of a much greater scale, is an evolution of the pattern established in the late Victorian period, and the two main phases of residential intensification reflect new railway infrastructure. The sites for intensification themselves arose from the first wave of railway development.
9. The Majestic Wines site at 42 Hastings Road and 50-54 Drayton Green Road (LPA Reference: 233551FUL) benefits from a resolution to grant planning permission for a 16-storey mixed-use development. That site also benefits from a site allocation in the existing Local Plan (EAL 11: West Ealing Station Approach) and emerging Site Allocation 16EA.
10. While we disagree with the evidence base that sites should be grouped for purposes of identifying recommended heights of new development, it is nevertheless relevant that conceptually the Waitrose Site and the Majestic Wines site are experienced together as a part of a character area where transformation is supported and underway (see 51-56 Manor Road).
11. We additionally highlight that in the recent Stag Brewery appeal decision the Inspector was not concerned with whether the proposed building heights accorded exactly with suggested heights in guidance and the ‘Planning Brief’ SPD for the Site, but rather whether the proposal caused harm with any transgressions, and whether that harm was justified in policy and placemaking terms (paragraph 30). In that event the Inspector found no harm and so the suggested heights were not an impediment to granting planning permission.
12. The current drafting of *Policy D9: Tall Building London Plan Ealing LPA – Local Variation* requires more clarity relating to the requirements for justifying heights above the defined thresholds.
13. Part of our critique of the evidence base relates to a lack of reasonable alternatives that have been tested as part of the evidence base, namely different height scenarios to justify the proposed maximum heights. This criticism is relevant to *Policy D9: Tall Building London Plan Ealing LPA – Local Variation* because as currently drafted, part F states that “*tall buildings above defined thresholds are exceptional and should be located upon specified Development Sites defined in the Development Plan*”.

14. The current drafting does allow for heights that exceed the defined thresholds. However, there is a lack of clarity as to when those circumstances may be appropriate even in “exceptional” circumstances.
15. In any event, the use of the word ‘*exceptional*’ in the policy wording implies a presumption, when in fact if a proposal above the threshold height has acceptable effects, it should be consented (all other considerations being equal). The word exceptional is not justified and is disproportionate and could lead to unintended consequences by presenting height as acceptable on an exception-only basis which would potentially lead officers and/or councillors to rigidly refuse proposals which otherwise are policy compliant and have no material adverse effects. It demonstrates that the policy has not been positively prepared, and this is especially so where there is currently only a 3.9 year housing land supply in Ealing and 84% housing delivery result. Further comments on housing need are set out in representations under Matter 4 for and on behalf of JLP.
16. To assist, we highlight the methodology that the Inspector took in the Manor Road Planning Permission. The Inspector’s methodology put particular emphasis on Part C of the London Plan, which requires detailed environmental analysis to support a proposal. It was on that basis that the Inspector considered that the proposals did not lead to any adverse effects on the character and appearance of the area, nor to heritage assets – thus complying with the London Plan Policy.
17. We therefore consider that Part F of *Policy D9: Tall Building London Plan Ealing LPA – Local Variation* should be amended to be consistent with London Plan Policy D9 and the need to represent a proportionate and unrestricted approach to site capacity.
18. For completeness we commend the following amendments below (our amendments are marked in bold and strikethrough):

~~AE.~~ The definition of a tall building in different parts of Ealing is set out in Table DMP1.

*~~BF.~~ Tall buildings above defined thresholds ~~are exceptional and should be located upon specified Development Sites defined in the Development Plan~~ **comply with Part C of London Plan Policy D9.***

*~~CG.~~ The tall buildings threshold height is simply that and not a presumption that any height up to this is automatically acceptable. **All proposals for tall buildings will be tested under the relevant design criteria.***

~~DH.~~ Tall buildings on designated industrial sites will be subject to agreed masterplans and based upon local impacts and sensitivity

19. Finally, we support the majority of drafting of paragraph 5.15 of the reasoned justification. For consistency with our suggested amendments to the main policy, we comment the following addition for clarification:

All sites that may be appropriate for tall buildings are identified in Development Sites (or site allocations) appended to each of the Town Plans in Chapter 4. Heights listed in Development Sites are the product of detailed design assessment, nevertheless they remain subject to a full design assessment at the point of application against the impact policies set out in London

Plan Policy D9 C. The threshold is therefore to be treated as guidance, on the understanding that detailed environmental testing is needed to acceptable site capacity.

20. This suggested drafting is consistent with other London boroughs where flexibility has been introduced to allow tall buildings where they meet certain policy criteria. We commend to the Inspectors' attention to Policy Q26: Tall Buildings of the London Borough of Lambeth's Local Plan (2021).

Question c)

21. London Plan *Policy D3 Optimising site capacity through the design-led approach* ensures the best use of land and optimises the capacity of site's ensuring appropriate form and use. Part A explains that allocations for a site in the given borough's local plan are part of that optimisation process. Part B identifies that higher density development should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities. In other words, those locations should be sustainable and have the capacity for growth. Indeed, the London Plan refers to a "design-led" approach to development throughout the policies and reasoned justification.
22. In contrast, draft Policy SP4.1 (D) refers to a "*character-led and contextual approach to growth*". This term is not defined in the draft Plan and together with being inconsistent with Policy D3, is likely to introduce ambiguity to decisions making.

Montagu Evans
15th May 2025