



1. Introduction

- 1.1. Savills has been instructed by the John Lewis Partnership ('JLP') to prepare this statement and participate in the forthcoming examination of the London Borough of Ealing ('LBE') Local Plan 2024 to 2039 ('the Plan').
- 1.2. JLP is the UK's largest employee-owned business and operates stores under the John Lewis and Waitrose brands. The Partnership is seeking to make greater use of its existing property assets in its ambition to become the developer, operator and co owner of a Build-to-Rent (BTR) portfolio. At West Ealing, JLP proposes to deliver 428 high-quality rental homes and a new Waitrose supermarket by redeveloping its existing store over the next plan period.
- 1.1. This hearing statement is written in response to Matter 3, questions 1, 2, 11 and 13a-c:

1. Is the Boroughwide Vision for the Plan ambitious, yet realistic, with appropriate alignment with the London Plan?

2. Are the objectives of the Plan clearly set out and measurable?

11. Paying regard to paragraph 145 of the Framework, do strategic policies establish the need for any changes to Green Belt/MOL boundaries? If so, which ones and how? Are exceptional circumstances for any proposed changes to boundaries evidenced and justified? Are all detailed amendments to boundaries clear and addressed in the evidence?

13. In terms of Policy SP4:

a. what is its purpose and is its scope appropriate?

b. are the ways of promoting good growth at SP4.1 (a) to (g) aligned and in general conformity with the London Plan?

c. is the term 'character led and contextual approach' at SP4.1(D) clear? For effectiveness, should the Plan be modified to align with Policy D3 of the London Plan and refer to a 'design led approach'?

- 1.2. JLP has concerns that in its current drafting, the emerging policy is not sound. Modifications are proposed to ensure the Plan's policies are **justified, effective, and consistent with national policy**.

2. Introduction to JLP

- 2.1. As JLP's retail business has expanded and evolved over many years, it has grown an extensive property portfolio of shops, warehouses and previously developed land. Many of JLP's stores and land holdings are close to transport links and amenities, and the company believes it has a social responsibility to make the best use of these sites to play a role in addressing the housing crisis facing London and the UK.

- 2.2. By transforming some of its supermarket and car park 'brownfield' sites, JLP has the potential to deliver a significant number of homes, including affordable homes. JLP aims to build as much affordable housing as is commercially viable, targeted at local people and key workers, who will have access to the same services and amenities as private residents due to the pepper-potted nature of the development. As JLP already owns the land they have the potential to be delivered rapidly.
- 2.3. JLP aims to deliver homes purpose-built for renters, which are both developed, operated and co-owned by JLP. Residents would rent directly from a trusted business, providing them with greater certainty around areas such as quality, service, community and security of tenure.

3. Context of JLP's Planning Application and Appeal Inquiry

- 3.1. JLP identified its West Ealing Waitrose store as a suitable site to deliver rental homes.
- 3.2. An application (ref: 233076FUL) was submitted by Savills on 4 August 2023 ('the Application'), proposing:

Demolition of existing buildings and structures and the phased erection of buildings for mixed-use scheme, including new homes; a replacement food store; Flexible Commercial Space; alterations to the existing access road; associated improvements to streets, open spaces, landscaping and public realm; and provision of car and bicycle parking spaces and servicing spaces and other works incidental to the proposed development. ('the Proposals')
- 3.3. The Proposals (ref: 233076FUL) represent one of the first Build-to-Rent schemes to be delivered and managed by JLP.
- 3.4. Prior to submission and throughout determination, the Application underwent extensive public and statutory consultation. However, it was subsequently appealed (reference: APP/5270/W/24/3347877) by JLP on 10 July 2024 on the grounds of non-determination.
- 3.5. The inquiry was conducted between two parties: JLP and the third party objector, Stop the Towers. LBE chose not to participate in the inquiry and raised no objection to the Proposals.
- 3.6. The inquiry commenced mid-November and adjourned in early December 2024. Following adjournment, both parties provided written representations on the impact of the revised National Planning Policy Framework (December 2024 version) ('NPPF (2024)') and updated Housing Delivery Test (2023) to the Inspector on 28 January 2025. Upon receipt of these documents, the inquiry was formally closed on 12 February 2025. At the time of writing these representations, the Inspectorate has not issued a decision on the appeal for the Proposals.
- 3.7. An extensive amount of analysis of the Plan is drawn from the Appeal throughout JLP's hearing statements. Where appropriate, some documentation is clearly cross-referenced.
- 3.8. For the avoidance of doubt, the assessment of this Plan within this statement is made against the provisions of the National Planning Policy Framework (December 2023 version) ('NPPF (2023)'). However, where appropriate, analysis may draw from commentary within the provisions of the updated NPPF (December 2024, as updated in February 2025) ('new NPPF') version.

4. Context of JLP's Engagement with LBE Emerging Local Plan

- 4.1. As a committed community partner and long-standing employer within the Borough, JLP is dedicated to enhancing the community it serves and welcomes the opportunity to be heard in shaping the future of LBE via the Regulation 22 consultation.

- 4.2. JLP looks forward to continuing conversations with the Council regarding the Site and its potential contribution to the Strategic Objectives of the Plan. This Hearing Statement has been drafted further to JLP's previous Regulation 19 Representations, where concerns regarding its soundness were raised. JLP's previous representations remain valid and are supplemented by those set out herein pertaining to the relevant matters raised by the Inspectorate.
- 4.3. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 4.4. To be found 'sound', the Inspector will need to be satisfied that the draft Plan is positively prepared, justified, effective and consistent with national policy which for this EiP will be the London Plan 2021 and NPPF (2023) and so representations in this hearing statement will be made in that context, but where relevant and considered helpful to the Inspectors, other contextual matters will be drawn to their attention.

5. Main Representation

Question 1: *Is the Boroughwide Vision for the Plan ambitious, yet realistic, with appropriate alignment with the London Plan?*

- 5.1. JLP have concerns that the Plan is not ambitious enough in its planned targets for growth and is therefore **not positively prepared**. The wording within the proposed plan should be sufficiently flexible and agile enough to respond to ongoing reviews of the London Plan ("Towards a new London Plan") and the amendments within the framework. The request for an immediate review (see Matter 1, question 3) may be sufficient in providing a mechanism for the Plan to be consistent with the emerging strategic framework; but the provisions within site allocations (such as the capacity and/or height caps) should remain flexible to respond to revised evidence base supporting the optimisation of sites.

Question 11 . *Paying regard to paragraph 145 of the Framework, do strategic policies establish the need for any changes to Green Belt/MOL boundaries? If so, which ones and how? Are exceptional circumstances for any proposed changes to boundaries evidenced and justified? Are all detailed amendments to boundaries clear and addressed in the evidence?*

- 5.2. LBE are proposing Green Belt (GB) and Metropolitan Open Land (MOL) release as part of their emerging plan. Paragraph 1.1.1 of the evidence base document '*Ealing Green Belt and Metropolitan Open Land Review*' outlines that the 'exceptional circumstances' that justify its green belt release include:

'Objectively assessed need for housing or other uses, which cannot be reasonably or adequately met elsewhere.'

- 5.3. JLP has concerns that the Plan has not applied sound methodology to calculate the capacity of its site allocations, and has therefore not considered an alternative methodology that optimises sites in line with London Plan Policy D3. This is also a factor which has been raised under Matter 1 items with regard to the underlying Sustainability Appraisal (which is found within the Integrated Impact Assessment) and the perceived deficiencies of the assessment of reasonable alternatives to better meet housing need. Doing so, as demonstrated within this submission at Site Allocation 15EA, would have the potential to increase the development potential of its sites to the optimal level ensuring efficient use of brownfield land, enabling them to meet objectively assessed need, and potentially remove the requirement to release GB and MOL.
- 5.4. For example, the design analysis referred to in the Tall Building Strategy and which informed the proposed heights of the site allocations, is not comprehensive. The heights proposed there were not subject to environmental testing. Accordingly, and as set out in our Regulation 18 and 19 representations, the adoption of these policies restricting height would represent a disproportionate and unjustified restriction on site development capacity. They are contrary to policies in the London Plan, specifically D3 and D9, and also contrary to framework policies comprising the efficient use of land in sustainable locations.
- 5.5. It's in this respect that the Plan's conclusion that 'objectively assessed need for housing or other uses, which cannot be reasonably or adequately *met elsewhere (our emphasis)*', is faulty. The Plan has suppressed (without evidential justification and rationale) the ability of key brownfield sites to deliver homes. Sites, such as the allocation 15EA, which have the potential to deliver 428 high-quality build-to-rent homes at heights of up to 20 storeys without causing unjust harm to their surrounding environment, are capped at 14 storeys.
- 5.6. Capping the height of this allocation and applying the same methodology to others within the borough has led to the assumption that MOL/GB release is required to meet objectively assessed need but this is an assumption which has not been proven to be required and therefore it cannot be right that, presently, exceptional circumstances are established and fully justified.
- 5.7. Therefore, we recommend that the faulty methodology underpinning the site allocation capacity be reassessed, or there is a clear case to request that the Plan Inspector require LBE to either withdraw the draft Plan from examination or provide further evidence that there were no reasonable alternatives through an SA.

Question 13a what is its purpose and is its scope appropriate?

- 5.8. JLP supports the ambitions of policy SP4.3(D), which states:

*'Ealing Council will require more genuinely affordable homes built by:

Improving opportunities for good quality and affordable market-rented properties including build to rent, where appropriate.'*
- 5.9. During the recent planning inquiry for the Appeal 24/0069/NONDET, JLP procured its own evidence base to understand the benefits that build-to-rent can bring for residents in Ealing. This report is appended to JLP's response to Matter 4. This report demonstrated that by 2028, there will be a shortfall of 8,321 built-to-rent homes within Ealing, outlining the need for a policy environment that supports this product to meet evidenced need.
- 5.10. However, the development management policies underpinning SP4.3(D) only serve to undermine the strategic policy's overarching purpose and are therefore considered **ineffective** and unsound.
- 5.11. For example, policy HOU would require build-to-rent development to provide social rented tenures in lieu of discount market products, without considering how discount market products can be let at levels similar to their social rented counterparts (such as London Affordable Rent, an approach supported in footnote 66 of the London Plan). This is a

conflict with Policy H11 of the London Plan, which requires 'single unified management' of the entirety of the asset. This will not be able to materialise with social rented units, which will potentially be managed by a registered provider and/or local authority.

- 5.12. Build-to-rent accommodation is a housing typology with the potential to combat rental pressures facing the capital, which can positively influence the affordability of the local housing market. Moreover, there has been a gradual reduction in the number of registered providers taking on S106 affordable housing units due to inflation, remediation works and caps on social rent. Increasing reliance on RPs at a time when RP delivery has markedly decreased will be an **ineffective** way for an emerging plan to plan for required growth. This is a flawed policy in regards to Policy HOU as it will render build-to-rent developments unviable.
- 5.13. Policy HOU would disincentivise investment within the built-to-rent sectors in Ealing by virtue of the inability to manage and operate the whole scheme over a long-term period, which is paramount to their success, meaning the DNLP is currently **not effective** in improving opportunities for good-quality build-to-rent products.
- 5.14. At the moment, Policy HOU at Part C states:
- 'The Fast Track route, set out in Policy H5 B 1) of the London Plan, in Ealing will only apply to schemes providing at least 40% affordable housing and a tenure split of 70% social rent and 30% intermediate. **This requirement also applies to Build to Rent developments.***
- 5.15. JLP strongly support the ambition to deliver more affordable housing; however recommends that this policy be changed to remove the requirement for build-to-rent developments to deliver social rent affordable housing, instead it should be provided as Discount Market Rent.
- 5.16. More detailed representations and recommendations relevant to this question and on the specialist housing requirements of the BtR sector and how the Plan could prejudice that are set out in Quod's Hearing Statement (Matter 4), also submitted on behalf of JLP.

Question 13 b. are the ways of promoting good growth at SP4.1 (a) to (g) aligned and in general conformity with the London Plan?

- 5.17. Parts D and F refer to the character-led approach. As set out below:
- 5.18. SP4.1 (D) states:
- 'Ealing Council will promote Good Growth by:*
- Following a character-led and contextual approach to growth that optimises the capacity of sites while reflecting the valuable components of the built environment.'*
- 5.19. SP4.1 (F) states:
- 'Ealing Council will promote Good Growth by:*
- Identifying suitable sites for tall buildings and change that adds quality to and complements Ealing's character and place-making ambitions.'*
- 5.20. JLP believe that Part D and F are an oversimplification of the London Plan's Good Growth Principles, as it refers to a "character-led and contextual approach to growth" and references "character" regarding the suitability of tall buildings in certain locations; this term is not defined in the draft Plan and together with being inconsistent with London Plan Policy D3, is likely to introduce ambiguity to decision making.

- 5.21. The Good Growth principles prioritise sustainable growth in relation to inclusive communities, making the best use of land, delivering homes, the economy, creating a healthy city and increasing resilience.
- 5.22. London Plan Policy D3 '*Optimising site capacity through the design-led approach*' ensures the best use of land and optimises the capacity of sites via 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.
- 5.23. The draft policies underpinning the strategic vision of SP4.1, such as 'Policy D9: Tall Building London Plan Ealing LPA – Local Variation' and certain height thresholds set out in draft site allocations, need to be altered for SP4.1 to be found **justified, effective** and in **general conformity** with the London Plan in this way. Moreover, the wording of SP4.1 should understand that an inherent part of London's character is its ability to evolve and change over time. The policy is therefore ineffective in its current drafting and misalignment with its development management policies underpinning it.
- 5.24. For instance, the draft Local Plan includes Site Allocation 15EA (Waitrose, West Ealing) in Ealing's Local Plan Final Proposals (Regulation 19), which identifies its suitability for a tall building of up to 13 storeys. This height range has been critiqued by JLP in detailed representations at Regulation 18 and 19 stages of the plan-making process and needs to be modified in line with the principles of Good Growth.
- 5.25. JLP find that the Tall Building Study, which informed site allocations' proposed heights, is not positively prepared, as there was a lack of reasonable alternatives considered and tested as part of the evidence base, namely different height scenarios to justify the proposed maximum heights. Moreover, the Tall Building Study did not appropriately reflect the emerging scale of development in the West Ealing "cluster", specifically the 51-56 Manor Road planning permission which comprises a G+19-storey development considered appropriate by a Planning Inspector, however, this context was not referenced and is a serious omission in the evidence base.
- 5.26. This criticism to the Tall Building Study is relevant to Ealing's strategic vision as Policy D9: Tall Building London Plan Ealing LPA – Local Variation which directly underpins SP4.1, as currently drafted states in part F states that "*tall buildings above defined thresholds are exceptional and should be located upon specified Development Sites defined in the Development Plan*". Therefore, Policy D9's basis on faulty evidence and consequently SP4.1 Part F's reliance on 'identifying suitable sites for tall buildings', is completely misaligned with the London Plan and impacts on the effectiveness of SP4.1.
- 5.27. As a result, JLP find that SP4.1 part F's reference to '*identifying suitable sites for tall buildings*', is **not positively prepared, effective or justified**. SP4.1 part D is **not effective or in general conformity with the London Plan**.
- 5.28. Therefore, JLP recommends that the 'character-led' approach be replaced with the 'Design-Led' approach as outlined by London Plan Policy D3. Moreover, JLP seeks further modification of the development management policies underpinning SP4.1, which will take place in the relevant matters relating to Tall Buildings and Development Management Sites as part of Ealing's Local Plan Examination.
- 5.29. For clarity, SP4.1 (D) should be amended to read:

'Ealing Council will promote Good Growth by:

*Following a **character-led design-led** and contextual approach to growth that optimises the capacity of sites while reflecting the valuable components of the built environment.'*

- 5.30. SP4.1 (F) should be amended to read:

'Ealing Council will promote Good Growth by:

Identifying suitable sites for tall buildings and change that adds quality to and complements Ealing's ~~character and~~ place-making ambitions.'

Question 13c Matter 3

c. is the term 'character-led and contextual approach' at SP4.1(D) clear? For effectiveness, should the Plan be modified to align with Policy D3 of the London Plan and refer to a 'design-led approach?'

- 5.31. SP4.1 (D) states:

'Ealing Council will promote Good Growth by:

Following a character-led and contextual approach to growth that optimises the capacity of sites while reflecting the valuable components of the built environment.'

- 5.32. Character is already one of a number of considerations embraced under the 'D' policies of the London Plan, and will certainly inform any design-led approach. The design-led approach in the London Plan is well understood and the local variation sought could become a brake on growth if interpreted out of the wider 'design-led approach'.

- 5.33. The spatial strategy of the plan promotes a level of growth in all seven local towns so that all can contribute and benefit from change. However, growth is still focussed on those most accessible town centre sites, and any diminution of the potential growth of those best located sites via the implementation of a 'character-led' approach would be in conflict with the London Plan's drive to make best use of land.

- 5.34. JLP find that Part D is an oversimplification of the London Plan's good growth principles and policy D3. 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 decision-making. Therefore, the character-led approach does not positively prepare for growth and should be replaced with the 'Design-led' approach contained within the London Plan. As set out below:

'Ealing Council will promote Good Growth by:

*Following a ~~character-led~~ **design-led** and contextual approach to growth that optimises the capacity of sites while reflecting the valuable components of the built environment.'*

6. Conclusions

- 6.1. JLP is dedicated to enhancing the community it serves and welcomes the opportunity to work with LBE to support the delivery of much-needed homes, including as many affordable properties as is commercially viable.
- 6.2. This statement has sought to respond to the issue of Matter 3, questions 2, 11 and 13a, b and c.
- 6.3. This Statement demonstrates that:
- The Plan Is not ambitious or agile enough to plan for growth and change in the context of an emerging strategic plan. **Recommendation:** An immediate review should be built into policy to ensure any housing policies reflect the new NPPF and London Plan targets for delivery.

- LBE should focus on optimising brownfield sites to avoid MOL release in the Borough, which should be protected. **Recommendation:** The faulty methodology contained within the evidence base of the Plan should be reconsidered before any release of GB/MOL is justified.
- Although the strategic aims of SP4.3(D) are greatly supported, the development management policies underpinning them will undermine the wider purpose of the plan, making it **ineffective** in delivering the rental homes it needs over the forthcoming plan period. **Recommendation:** Policy HOU should be amended to ensure that build-to-rent does not have to deliver social rented products, but rather Discount Market Rent in line with the London Plan 2021..
- The 'character-led' approach within SP4.1(D) is out-of-step with the London Plan policy D3 and does not positively prepare for growth. **Recommendation:** Policy SP4.1(D) should be amended to refer to 'design-led' rather than 'character-led'

- 6.4. We consider that the changes outlined above are required to ensure that the draft Plan has been positively prepared, is justified, effective and consistent with national policy, and in general conformity with the London Plan.
- 6.5. We would welcome the opportunity to participate in the hearing session for Matter 3 to assist the Inspectors in their assessment of the soundness of the plan.