



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.
- 1.3. This hearing statement is written in response to Matter 4 – Housing, questions 1, 4, and 5a:
 1. ***Does the Plan accurately and clearly set out a housing target that reflects the ten-year targets for net housing completions referred to a Policy H1(A) of the London Plan? Is the approach to setting the housing target after 2028/29 justified?***
 4. ***Paying regard to paragraph 63 of the NPPF, is the size, type and tenure of housing needed for different groups in the community assessed and reflected in the planning policies?***
 5. ***In terms of Policy HOU:***
 - a. ***what is the background to the policy and the evidence justifying it, including specific detailed thresholds?***
- 1.4. JLP has concerns that in its current drafting, the emerging Plan 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 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.

- 3.3. The Proposals (ref: 233076FUL) represent one of the first Build-to-Rent schemes to be developed and operated 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 ('the Appeal').
- 3.5. The inquiry was conducted between two parties: JLP, as the applicant and the third party objector, Stop the Towers. LBE chose not to participate in the inquiry and raised no objection to the proposed development.
- 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, 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', as set out by paragraph 36 of the NPPF (2024), 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 December 2023 version, and so representations in this hearing statement will be made on those grounds, but where relevant and considered helpful to the Inspectors, other contextual matters will be drawn to their attention.

5. Main Representation

Question 1: Does the Plan accurately and clearly set out a housing target that reflects the ten-year targets for net housing completions referred to a Policy H1(A) of the London Plan? Is the approach to setting the housing target after 2028/29 justified?

- 5.1. Policy H1(A) of the London Plan sets out the requirements for net housing completions across London, including borough-level targets. Ealing's submitted Plan for 2024–2039 sets a housing requirement of 21,570 new homes over the first 10 years, aligning with the London Plan's Policy H1(A) target for the period 2019–2029.
- 5.2. However, LBE has not accounted for the historical under-delivery of housing within its prospective targets. For example, their Housing Delivery Test results (2023) mandate a 20% buffer to be placed upon any future required 5-year housing land supply, and their prospective targets should reflect this historical under-delivery.
- 5.3. Moreover, LBE's housing target increased from 2,157 to 3,121 homes under the new NPPF. The provisions of Annex 1 set out that a partial review of the Plan will be required at the earliest convenience to the LPA in the instance where the Plan is reliant on the lower housing targets of the previous NPPF (2023). Should the Plan be considered sound, a partial review should be directed by PINS on the date this Plan is adopted, to ensure the Plan is able to adequately prepare for the targets mandated within the latest framework. If a partial review is not required immediately post-adoption, we would request that as a bare minimum approach, an early review be mandated in policy terms (see paragraph 5.7 below).
- 5.4. Given the assessment of housing required under the emerging Plan is being examined against the NPPF 2023 (paragraph 234 of the new NPPF) and not the new NPPF, paragraph 33 of the 2023 NPPF (and paragraph 34 of the new NPPF) is clear that:

33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

5.5. As a result of the changes to the local housing need calculations and recent Housing Delivery Test results which recorded Ealing at 84 % (which means LBE need to implement a housing delivery action plan and to apply the 20% buffer required), LBE will need to carry out an early review of the Plan, once adopted.

5.6. We acknowledge that, whilst an immediate review of the Plan post-adoption would be the most appropriate in the housing need circumstances, that may not be wholly pragmatic because of the timing of the adoption of this Plan and the then forthcoming new London Plan (the consultation document “Towards a new London Plan” was released by the GLA in May 2025). In light of this, it is submitted that a policy is inserted into the Plan to mandate an early review as necessary to ensure that existing and additional housing sites are assessed so they can contribute in a meaningful and optimal way towards the objectively assessed local housing needs (under the new NPPF) and to take account of the required 20% buffer resulting from the latest Housing Delivery Tests.

5.7. We would propose:

“Policy [] – Review of the Plan

A review (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) which may be partial if appropriate but must include housing review will be commenced on the earlier of (or at any earlier time at the local planning authority’s discretion):

- 2 years from adoption of the Plan; or
- Adoption of a new London Plan.”

5.8. Without this early review, we consider that the Plan is not sound on the basis that it is not positively prepared.

5.9. In the circumstance that any further review (which is separate to the early review and ‘review’ being defined as the publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) should be carried out, these will be specified as follows:

- 5 years from adoption and every 5 years subsequent; or
- significant changes regarding housing supply/methodology; or
- the Housing Delivery Test indicates that delivery is below 85% of the housing requirement as set out in the housing trajectory, over the previous three years;

5.10. The ongoing reviews (set out in 5.9) should be commenced within 6 months of the occurrence of one of the above matters.

5.11. To conclude, JLP propose a new policy which requires a review of LBE’s Local Plan to commence within either 2 years since LBEs Plan adoption or once the new London Plan has been adopted.

Question 4 . Paying regard to paragraph 63 of the NPPF, is the size, type and tenure of housing needed for different groups in the community assessed and reflected in the planning policies?

- 5.12. Paragraph 63 of the NPPF, is clear in the requirements for LPAs to consider people who live in rental accommodation.
- 5.13. Paragraph 4.13 of the GLA's Affordable Housing and Viability SPG (2017) acknowledges that the highest demand for BtR housing is for 1- and 2-bedroom properties. This is supported by data from the English Housing Survey, which identifies that the most common renters are aged 25 to 34 and that single-person households are the most prevalent housing type in the rental sector. The "Towards a New London Plan" (2025) is also clear in its support for build-to-rent products and their potential to be an alternative market residential product.
- 5.14. However, Ealing's Local Plan appears not to contain any evidence-based document that considers the need for rental opportunities within the Borough. Therefore, the needs of this resident group are not adequately considered or accounted for in the Plan.
- 5.15. In relation to this, JLP have concerns that policy HOU is currently unsound, as it has the potential to prevent the delivery of Build-to-Rent housing in the Borough through its requirement to pass part of the ownership of the building onto a Registered Provider (RP), as part of the units will need to come forward as social rent affordable units which require a Council or RP as Landlord. This is set out at Part C of Policy HOU:

*'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.***
- 5.16. 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 ownership of 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.
- 5.17. The draft Local Plan's requirement for affordable housing to include 70% Social Rent tenure within Build to Rent developments is not in general conformity with the London Plan. London Plan Policy H11 recognises DMR as the appropriate form of affordable housing to be delivered in BTR schemes as 100% DMR. JLP find that this is a flawed policy in regards to Policy HOU, which will render build-to-rent developments unviable.
- 5.18. The Borough's need for build-to-rent development is set out by the attached Knight Frank report. Therefore, JLP believe that the needs of renters are not reflected in Policy HOU, which should remove the text (quoted above) in bold.
- 5.19. 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 those are set out in Quod's Hearing Statement , also submitted on behalf of JLP.
- 5.20. JLP is committed to providing as much affordable housing as is available possible, but that the form of affordable housing should be consistent with the London Plan. It is recommended that Part C of Policy HOU is reworded to remove the requirement to deliver affordable housing in build-to-rent development, to align with London Plan policy H11.
- 5.21. The default tenure split should be 100% DMR (provided as 30% London Living Rent and 70% at other genuinely affordable levels) in accordance with the NPPF/ PPG and Policy H11 of the London Plan.

- 5.22. There could however be some flexibility in the policy wording for an alternative tenure mix to be applied where 'agreement is reached between a developer and a local authority' as per Paragraph: 004 Reference ID: 60-004-20180913 of the PPG and also reflective of the GLA's Practice Note December 2024 on Accelerating Housing Delivery.
- 5.23. In summary, the requirements in HOU(C) have not been justified. The draft Local Plan should be amended to confirm the default tenure split should be 100% DMR unless an alternative approach is otherwise agreed mutually between the applicant and the Council.

'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%~~ 35% affordable housing and a tenure split of 70% social rent and 30% intermediate. ~~This requirement also applies to Build to Rent developments.~~'

For build-to-rent schemes, the affordable housing element should be 100% Discount Market Rent, unless an alternative approach is otherwise agreed upon mutually between the Applicant and the Council.

Question 6 Does the Plan, and policies within it, support a positive and effective planning framework for managing development in Strategic Regeneration Areas?

- 5.24. JLP's Waitrose Site, West Ealing is located within a Strategic Regeneration Area. Whilst JLP broadly support LBEs intention to prepare community-led regeneration frameworks for each 7 towns – the policies of the Plan do not create a positive and effective planning framework to achieve this regenerative vision due to the restrictions on sustainable development.
- 5.25. The London Plan seeks to maximise the potential of London's Growth Corridors and Opportunity Areas, with a special focus on Strategic Areas for Regeneration, where development is expected to contribute to the delivery of community infrastructure, public realm, and training and employment opportunities. All of these needs should be balanced with the need to optimise sites; to ensure they're commercially deliverable in the context of a planning system that places substantial weight on sustainably located brownfield sites to accommodate future growth.
- 5.26. However, as currently drafted, it is clear that the Plan has not duly considered or maximised the development potential of sites within SRAs. This is due to the application of faulty methodology within its evidence base documents, such as the Tall Buildings Study (2023), which has gone on to inform the development capacity of Site Allocations within SRAs, which are exactly the type of areas that should be optimised to unlock planning benefit for the community.

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 4, Questions 1, 4, 5a and g and 6.
- 6.3. This Statement demonstrates that:
- The housing target the Plan is currently based on is already out of date and is therefore unjustified.
 - o **Recommendation:** JLP propose a new policy which requires a review of LBE's Local Plan to commence either 2 years since LBEs Plan adoption or

once the new London Plan has been adopted (whichever is first). This is set out for clarity below:

- *“Policy [] – Review of the Plan*

A review (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) which may be partial if appropriate but must include housing review will be commenced on the earlier of (or at any earlier time at the local planning authority’s discretion):

- *2 years from adoption of the Plan; or*
- *Adoption of a new London Plan.”*

- The needs of Ealing’s renters have not been accounted for in the Plan's evidence base.

- **Recommendation:** JLP is committed to providing as much affordable housing as is available possible, but the form of affordable housing should be consistent with London Plan policy H11. This is set out for clarity below:

- *‘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%~~ 35% affordable housing and a tenure split of 70% social rent and 30% intermediate. ~~This requirement also applies to Build to Rent developments.~~*

For build-to-rent schemes, the affordable housing element should be 100% Discount Market Rent, unless an alternative approach is otherwise agreed upon mutually between the Applicant and the Council.

- 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 4 to assist the Inspectors in their assessment of the soundness of the plan.