

**Waitrose, Mill Hill East  
Representations to Main  
Modifications to Barnet Local  
Plan in Support of a Mixed-Use  
Residential Allocation**

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18 June 2024

**LICHFIELDS**

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## 1.0 Introduction

### Background

- 1.1 We are instructed by the John Lewis Partnership (JLP) to make further Representations, following the issue of the Main Modifications to the Barnet Local Plan (May 2024).
- 1.2 This follows Barnet Council’s further responses in the EiP Sessions and the Inspectors’ direction.
- 1.3 JLP is the UK’s largest employee-owned business, operating two of Britain’s best-loved retail businesses – John Lewis and Waitrose.
- 1.4 As JLP’s retail business has expanded over many years, it has grown a sizable property portfolio of shops, warehouses and previously developed land. By transforming some of its ‘brownfield’ sites, it has the opportunity to provide much-needed homes, including as much affordable housing as is commercially viable, in the communities it serves.
- 1.5 These BTR homes will be purpose-built for renters, developed and managed by the JLP, which means it’s in JLP’s interest to deliver high-quality buildings that are thoughtfully designed with the same commitment to high standards as it applies to its John Lewis and Waitrose shops. Residents would rent directly from a trusted business, providing them with greater certainty around areas such as quality, service, community and security of tenure.
- 1.6 Many of JLP’s stores and land holdings are close to transport links and amenities - and the company believes it is socially responsible to make as best use of these sites as possible to play a role in addressing the housing crisis facing the UK. Waitrose has been part of the Mill Hill community for more than 20 years and the shop is wholly owned by JLP, which proposes bringing major investment that will become one of its first locations to deliver new homes.
- 1.7 These Representations add to those already made in respect of the potential for mixed use redevelopment of the Waitrose store at Mill Hill East and in respect of Tall Buildings / building heights by Montagu Evans. Montague Evans have fed into these further representations.
- 1.8 The Council has acknowledged, as part of the EiP, that they are comfortable with the site coming forward as part of the usual development management process. Positive pre-application discussions have also been held with the Council to advance a mixed use, residential led scheme for the site.
- 1.9 The site is anticipated to deliver 140 units and can be delivered within the 0-5 year Local Plan horizon.
- 1.10 The site is shown at Appendix A, adjacent to allocated site 47 (Mill Hill East Station).

## 2.0 Representations to Proposed Modifications

- 2.1 JLP has confirmed it will maintain its retail food store at Mill Hill East for Waitrose, to help sustain the local centre and serve the wider community, alongside the development of the site for approximately 140 Build to Rent (BTR) homes.
- 2.2 The Council's response to representations on the Reg.19 and in EXAM75, in relation to the potential synergy of the site with allocation 47 (Mill Hill East Station), is supportive of the site redevelopment for mixed use residential purposes. The site is also immediately suitable, available and achievable for residential development.
- 2.3 It is therefore disappointing the Council is unable to extend the opportunity of a site-specific allocation in the Main Modifications.
- 2.4 Within a local centre location, well accessed by public transport, we consider the Waitrose site and its car park highly capable of a mixed-use residential development to deliver homes and enhance vitality and viability to the Mill Hill East area. This is consistent with both the London Plan and national guidance (NPPF23).

### Overall increase of Supply in Mill Hill East Area

- 2.5 The Council's new homes delivery 2021/22 - 2035/36 notes greater growth requirements for the Mill Hill East area of some 780 dwellings over that forecast in previous versions of the Plan (so 2,280 over the plan period) We support this.
- 2.6 However, this is paired with a downgrading of Mill Hill East's status as a Growth Area. This is not supported.
- 2.7 Mill Hill has, and continues to have, significant opportunities for growth, including the Waitrose site. At the heart of the local centre, the Waitrose site should be allocated as a suitable available and deliverable site to assist what has been, and continues to be, a key growth area within the Borough.
- 2.8 The Council acknowledges under GSS07 that the additional growth provision of 780 dwellings could be increased further through a 'design led approach' but fails to recognise the Waitrose as a deliverable site.
- 2.9 Moreover, it is not demonstrated where the additional growth of 780 dwellings, from 1,500 to a total of 2,280 over the plan period will be achieved.

### Site 46: IBSA House

- 2.10 The Inspectors at the EiP requested the Council provide an update on the status of the planning application 19/6551/FUL and clarify deliverability of development of 197 homes on this site.
- 2.11 The Council has noted, with regards to the site's deliverability, *'the Council does not have sufficient information from the applicant to establish what they intend for the medium-to-long term of the site.'*
- 2.12 The application received resolution to grant, subject to completion of a S106 agreement, on 6 April 2021. A legal Agreement and Planning Permission was finally issued in September 2023. However, in the preceding 9 months there has been no further move to discharge pre-commencement conditions.
- 2.13 The Council has moved the site to 'developable' rather than 'deliverable' and the timeframe from 0-5 years to 6-10 years.

- 2.14 The Council clearly do not have significant confidence on the delivery of this site, and the 197 homes it is forecast to yield.
- 2.15 There has also been further applications submitted and approved for enhancement of the existing buildings / operations on site, including:
- **Ref. No: 21/0332/FUL** Single storey front foyer extension of 49 sqm and side extension of 147 sqm to IBSA House building and sole use as Class E (g) (i) Office Space; Separate independent use of the former Printworks and existing factory buildings as Class E (g) (iii) Light Industrial or Class B8 Storage or distribution space; Relocation of the single storey Gate House building; re-use of existing car parking and servicing areas to provide 80 surface level car parking spaces and 112 cycle spaces. **Approved 21/9/21.**
  - **Ref. No: 22/0907/NMA** Non-material amendments to planning permission reference 21/0332/FUL dated 20/09/2021 for `Single storey front foyer extension of 49sqm and side extension of 147 sqm to IBSA House building and sole use as Class E (g) (i) Office Space; Separate independent use of the former Printworks and existing factory buildings as Class E (g) (iii) Light Industrial or Class B8 Storage or distribution space; Relocation of the single storey Gate House building; re-use of existing car parking and servicing areas to provide 80 surface level car parking spaces and 112 cycle space`. Amendments include revising the gatehouse design so that it features a slightly smaller footprint and can sit adjacent to the existing metre room; retaining the existing parking arrangement to the south of the gatehouse; relocating the covered cycle store for 4 bikes by the site entrance to the northern section of the front car park; reconfiguring the parking layout in the rear yard. **Approved 7/3/22**
  - **Ref. No: 22/2966/NMA** Non-material amendments to planning permission reference 21/0332/FUL dated 20/09/2021 for 'Single storey front foyer extension of 49sqm and side extension of 147 sqm to IBSA House building and sole use as Class E (g) (i) Office Space; Separate independent use of the former Printworks and existing factory buildings as Class E (g) (iii) Light Industrial or Class B8 Storage or distribution space; Relocation of the single storey Gate House building; re-use of existing car parking and servicing areas to provide 80 surface level car parking spaces and 112 cycle spaces.' Amendments include; Consolidation of all cycle parking spaces together in the northwest corner of the site; Reconfiguration of car parking layout; Car parking provision amended from 80 to 82; Electric car charging spaces amended from 16 to 11. **Approved 29/6/22**
- 2.16 The absence of progress for redevelopment and the approvals for enhancement of existing uses / operations suggests little intent of bringing the site forward for development.
- 2.17 The uncertainty of the delivery of this site, in combination with the lower delivery of Watchtower (see below) provide justification for the allocation of the Waitrose site, to achieve the required plan-led growth in the Mill Hill East area.
- 2.18 There is no increase in the anticipated dwelling numbers to help meet the uplift for Mill Hill East and further growth of this site is also curtailed by its (part) Green Belt designation.

## Site 49: Watch Tower House & Kingdom Hall

- 2.19 In respect of Site 49: Watch Tower House & Kingdom Hall, the Council at the EiP acknowledged that the site cannot accommodate the 224 units previously forecast, and instead that the site will now accommodate a 9-unit residential block on the site of the Kingdom Hall (Class C3), together with a 175-unit Specialist Older Persons Housing scheme (Class C2) on Watch Tower House. This specialist accommodation is restricted by condition and S106.

- 2.20 The Council has acknowledged the previous indicative capacity of 224 units is unrealistic and that the density proposed in the current application is at the upper limits of what is acceptable.
- 2.21 The Indicative Residential Capacity in the Main Modifications has been revised downwards, from 224 to 184.
- 2.22 It is considered unlikely additional units will be achievable on this site by virtue of the site's part allocation within the Green Belt and Conservation Area.
- 2.23 The planning permission will therefore deliver 40 less units than forecast and has a focus on 175 units for Specialist Older Persons Housing (Class C2).
- 2.24 The lower delivery of this site, in combination with its focus on specialist older person's housing and that it is unlikely that additional units can be yielded, provides further justification for the allocation of the Waitrose site, to achieve the required plan-led growth in the Mill Hill East area.

## Site 47: Mill Hill East Station

- 2.25 We welcome the proposed amendment recognising that this site may come forward alongside other neighbouring sites. We do not see, given this and the doubt potentially on other allocations, why the Waitrose site cannot be also allocated alongside Mill Hill East Station.
- 2.26 The wider changes of the Main Modifications seek to limit the area of developable land, through the maintenance of essential infrastructure, wildlife habitats and trees. It is difficult to see how a scheme of 127 units will be achieved without some buildings of height at this location.

## The Waitrose Site

- 2.27 In considering the JLP site for a mixed residential allocation which would maintain the Waitrose food store and provide approximately 140 BTR homes and that the site is:
- Suitable: The site falls within the defined Mill Hill East Centre, in an area of growth and adjacent to Allocation 47 in the BLP.
  - Available: The site is immediately available and falls as one of the first sites to be progressed as part of the JLP BtR initiative.
  - Achievable: JLP have confirmed the site can be delivered within the next 5 years.
  - Deliverable: JLP own the site, with no significant contractual or physical impediment to development. Whilst a gas line crosses the southern part of the site, a suitable scheme has been devised which avoids this being any impediment to development.
- 2.28 Given the above, JLP confirms the site can be delivered in years 0-5 of the BLP and that it can form an allocation for mixed use development within the BLP.
- 2.29 The allocation of the Waitrose site for residential development will achieve sustainable development under the terms of NPPF23 in achieving, overarching objectives of para 8:
- a) **An Economic Objective** – to help build a strong, responsive and competitive economic position for Mill Hill East, Holders Hill Circus Local Centre and the existing Waitrose to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure with further growth, utilising an existing and accessible brownfield site;

- b) **A Social Objective** – to support strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes, including BTR, can be provided to meet the needs of present and future generations linked with the existing services and infrastructure of Waitrose, Mill Hill East and the vitality and viability of the existing centre; and
- c) **An Environmental Objective** – to utilise greater density of a brownfield site at an accessible location in order to protect and enhance more sensitive natural and historic environments and mitigating and adapting to climate change, including seeking net zero carbon in operation for the new homes and assisting in moving to a low carbon economy whereby development is located at accessible locations with existing nearby services and facilities.

2.30 We consider that the Waitrose Mill Hill site, including construction on /above its car park, will widen residential choice and can be included within the BLP and that such an allocation will help make the Plan sound, more effective and justified.

## Tall Buildings

- 2.31 JLP note that although listed in GSS01 for its contribution to growth, Mill Hill East is not identified in CDH04 as a location where Tall Buildings may be appropriate.
- 2.32 JLP's Written Response to Matter 8 of the *Inspectors' Matters, Issues and Questions* identified the following salient characteristics that direct design-led optimisation, which may include tall building development, on the Waitrose Site for a minimum of G + 7 storeys:
  - 2.33 The Site lies adjacent to Site Allocation 47 which, as noted above, is identified as being suitable for optimisation. That change will, as a matter of fact, change the character immediately adjacent to the Waitrose Site.
  - 2.34 The location is sustainable, lying close to Mill Hill East Station, consistent with the London Plan and NPPF23.
  - 2.35 To the northeast, Mill Hill East has been intensified with significant development with buildings of up to eight storeys. The townscape character local to the Site has changed, with buildings of six storeys adjacent to the station. A new building of G+7 storeys on the Waitrose Site would be consistent with that broad pattern of development within the Mill Hill East town centre.
  - 2.36 Unlike many sites in London, the Waitrose Site is unencumbered by heritage assets whose special interest (or significance) and setting are afforded statutory protection (listed buildings) or great weight (in the case of conservation areas). For clarity, there are no listed buildings within the vicinity of the Site. The Mill Hill Conservation Area lies over 500m to the north-west of the Site. JLP's analysis indicates that a building of 8 storeys (G+7) is unlikely to have an impact on the setting and significance of the conservation area.
  - 2.37 The townscape analysis, which was accompanied by illustrative views, indicate that a tall building of eight storeys (as defined by the Main Modifications) would provide an appropriate and legible marker for the station and Mill Hill more generally.
  - 2.38 The Site provides opportunities for a new building of high-quality design to contribute to local character.

- 2.39 Given these characteristics (and the analysis previously submitted to the examination), together with the emerging context (which includes the adjacent Site Allocation), we consider that the Waitrose Mill Hill Site is appropriate for a tall building.
- 2.40 In relation to the Main Modifications to Policy CDH04 Tall Buildings JLP generally welcomes the amendments to bring the policy in conformity with London Plan Policy D9.
- 2.41 However, the Inspectors' recommendations stated at paragraph 59 of the *Appendix to Inspectors' letter of 17 August 2023 Summary of Main Modifications requested to the Plan as submitted* have not been adequately addressed. For completeness we repeat paragraph 59:
- 2.42 *The listed changes to the policy set out above, will require consequential changes to supporting text in the Plan to be included in the MM to ensure a consistent approach. This includes, but is not limited to, necessary changes to explain that proposals for tall building development outside the locations identified in part a) of Policy CDH04 will be considered against the development management considerations contained in parts d) and e) as modified; highlight that guidance regarding potential heights and locations of tall buildings is identified in the Tall Buildings Study Update; amend paragraph 6.18.2 to explain the Council's aims for the policy and clarify how visual impact will be addressed in line with Policy D9(C) of the London Plan; and alter paragraph 6.18.5 to explain that the potential for tall buildings in New Southgate Opportunity Area may be considered as part of the early review of the Plan so that the Council's intended future approach is clear. (our emphasis).*
- 2.43 The revised drafting of Policy CDH04 Tall Buildings does not explain that tall buildings outside the locations identified in part (A) may be appropriate subject to the development management considerations. It simply states:
- B. Proposals for Tall Buildings must adequately address all the criteria in London Plan Policy D9C, including in terms of acceptable cumulative visual, environmental and functional impacts including siting, microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation, navigation and electronic communication or broadcast interference; and*
- D. Proposals for tall buildings will need to provide evidence of how they have complied with the criteria in this policy and London Plan Policy D9 as well as related policies (in particular CDH01 [Promoting High Quality Design], CDH08 [Barnet's Heritage], ECC01 [Mitigating Climate Change], ECC02 [Environmental Considerations] and TRCO4 [Digital Communication and Connectivity]) contained within the Local Plan.*
- 2.44 In our judgement, the main modification does not meet the Inspectors' recommendation by making explicit that tall buildings outside of the identified areas may be suitable and appropriate.



## Conclusions

- 2.45 JLP is the UK's largest employee-owned business, operating two of Britain's best-loved retail businesses – John Lewis and Waitrose.
- 2.46 As JLP's retail business has expanded over many years, it has grown a sizable property portfolio of shops, warehouses and previously developed land. By transforming some of its 'brownfield' sites, it has the opportunity to provide much-needed homes, including as much affordable housing as is commercially viable, in the communities it serves.
- 2.47 These BTR homes will be purpose-built for renters, developed and managed by the JLP, which means it's in JLP's interest to deliver high-quality buildings that are thoughtfully designed with the same commitment to high standards as it applies to its John Lewis and Waitrose shops. Residents would rent directly from a trusted business, providing them with greater certainty around areas such as quality, service, community and security of tenure.
- 2.48 Many of JLP's stores and land holdings are close to transport links and amenities - and the company believes it is socially responsible to make as best use of these sites as possible to play a role in addressing the housing crisis facing the UK. Waitrose has been part of the Mill Hill community for more than 20 years and the shop is wholly owned by JLP, which proposes bringing major investment and become one of its first locations to deliver new homes.
- 2.49 Representations to the Reg.19 Draft Barnet Local Plan (BLP) have been duly made in support of a mixed-use residential allocation on the existing site of Waitrose Mill Hill, at 2 Langstone Way, Mill Hill, NW7 1GU. This was followed with attendance at the Examination in Public.
- 2.50 JLP and its advisors have had positive initial pre-application discussions with LBBC. There is also positive recognition that the site can add to growth in the Council's response to the Reg.19 Representations and in EXAM75, given the site's co-location with Site 47 (Mill Hill East Station).
- 2.51 Other allocations in the Mill Hill East Area (notably Site 46 and 49) have uncertainty over their delivery and/or will not deliver to the level previously forecast. Set against this, in an anticipated need to increase housing numbers in the Mill Hill East area by an additional 780 dwellings, to 2,280 homes overall.
- 2.52 The site falls as part of the local centre and is well accessed by public transport, and therefore supported in principle for development by the BLP, London Plan and NPPF23.
- 2.53 We confirm that the site is suitable, available and achievable for residential development and deliverable within 0-5 years, i.e. during the first period of the Plan.
- 2.54 We believe the site should be allocated not only for a mixed use scheme including residential but also for a tall building of a minimum of ground plus 7 storey.
- 2.55 [REDACTED]

**Lichfields**

**June 2024**

## **Appendix A:**

### **Emerging Barnet Plan, showing Mill Hill, Allocations and Position of Waitrose Site (Red line next to Site 47)**

Figure 3.1

### Map 3E Mill Hill East Area

