



**Barnet Draft Local Plan**  
Publication Stage Representations Form

Ref:
(For official use only)

**PART B - Your representation**

Please complete a separate Part B for each representation and return along with a single completed Part A.

**Question 1: To which part of the Local Plan does your representation relate?**

*Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.*

Policy GSS01

**Question 2: Do you consider that this part of the Local Plan is:**

*Tick all that apply, please refer to the guidance note for an explanation of these terms.*

- |  |   |                             |
|--|---|-----------------------------|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound                                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

**Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.**

*Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.*

N/A
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**Continue on a separate sheet if necessary**

**Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above.**

*Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

N/A

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**Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?**

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /  
I am not seeking modification to the Plan

**Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.**

*Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.*

Marstead Living is contracted to purchase one of the sites allocated for development at Annex 1 (Schedule of Proposals) (Watchtower House and Kingdom Hall – ref. 49) and is preparing a planning application for the redevelopment of the site. Our attendance at the examination hearings may be helpful to the Inspector for the purposes of demonstrating the deliverability of Policy GSS01, GSS07 and Site Allocation ref. 494.

**Declaration of consent**

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

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**Signature** *Avison Young (on behalf of Marstead Living Limited/IBSA)* **Date** *09/08/2021*



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Policy GSS07

**Question 2: Do you consider that this part of the Local Plan is:**

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- |  |   |                             |
|--|---|-----------------------------|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound                                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
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N/A
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Policy HOU1

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- |  |   |  |
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This policy, as drafted, is considered unsound on the basis it is not effective or in conformity with national policy with respect to how it applies to Specialist Older Persons Housing (SOPH) and with respect to First Homes.

Specialist Older Persons Housing (SOPH)

The policy as currently drafted does not clarify whether and how this policy applies to Specialist Older Persons Housing (SOPH) (see also comments on behalf of Marstead Living Limited/IBSA on Policy HOU04). It should be consistent with the London Plan, which clarifies that affordable housing policies do apply to SOPH.

However, SOPH is different to general needs housing in terms of its design, specification, management, occupants, and sales values which has an impact on viability and its ability to be provided as a genuinely affordable product. It is critical that affordable housing policies take account of this to ensure their effectiveness. This requires a more flexible approach to be allowed for SOPH schemes when compared to conventional housing.

*[continued overleaf]*

**Continue on a separate sheet if necessary**

### *Viability*

The new Local Plan should take into account the National Planning Policy Framework (NPPF) and the associated PPG. Paragraph 015 (Reference ID: 63-015-20190626) of the PPG provides helpful guidance for the preparation of Local Plans and states:

*“Viability guidance sets out how plan makers and decision takers should take account of viability, including for specialist housing for older people. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. Plans can set out different policy requirements for different types of development.”*

It is critical that planning policies take account of the distinct viability characteristics of SOPH to enable a ‘level playing field’ to be established that allows SOPH providers to compete for sites with general housebuilders. Otherwise, SOPH will simply not be delivered, preventing needs being satisfied and benefits realised. In practice this requires affordable housing policies to be applied differently (more flexibly) to SOPH when compared to conventional housing in order to be effective.

In order to be consistent with the London Plan, HOU04 should confirm that both the Fast Track and Viability Tested Routes are available for SOPH proposals, but that the standard tenure split requirements may differ to those set out in London Plan Policy H6.

### *Form of Affordable Housing Provision*

SOPH schemes typically comprise a unified scheme managed as a single entity, with extensive on-site services (including care) funded via service charges. Providing genuinely affordable SOPH housing within such schemes can be particularly challenging on account of high service charges which can make such homes unaffordable to eligible households. In this context, affordable housing needs can often be more effectively met in the form of conventional housing off-site (or via payment of a commuted sum in lieu).

### First Homes

The expected affordable tenure split set out in the draft policy is not consistent with national planning policy (as introduced by Ministerial Statement dated 24/05/21) regarding First Homes.



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*(See also comments on behalf of Marstead Living Limited/IBSA on Policies HOU02 and HOU04).*

The policy should be amended, in line with the London Plan, to reference the separate and distinct requirements for affordable housing associated with SOPH.

It should acknowledge that the Council will seek affordable housing from SOPH developments of 10 or more dwellings and the policy (or a corresponding specific policy for SOPH) should set the criteria for eligibility to the Fast Track Route applications – namely providing a minimum 35% SOPH affordable housing on-site but with flexibility of tenure allowing up to 100% intermediate tenure.

Alternatively, the Viability Tested Route can be followed whereby the maximum viable % of affordable housing should be provided either by:

- (a) The on-site provision of affordable SOPH or conventional homes (which can differ from the target affordable housing tenure splits including up to 100% intermediate tenures);
- (b) The off-site provision of affordable SOPH or conventional homes (where it can be demonstrated that (a) is unfeasible and/or this would give rise to demonstrable benefits); or
- (c) Providing a financial contribution in-lieu (where it can be demonstrated that (a) and (b) are unfeasible and/or this would give rise to demonstrable benefits).

The policy and its supporting text should note that a flexible approach will be taken to the application of these policies on a case-by-case basis taking into account the specific characteristics of the proposal.

Finally, the policy should be amended to account for First Homes

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Marstead Living is preparing a planning application for a SOPH scheme (site allocation ref. 49). Ensuring the effectiveness of this policy is a key component in ensuring the delivery of the site allocation.

#### **Declaration of consent**

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Policy HOU2

**Question 2: Do you consider that this part of the Local Plan is:**

*Tick all that apply, please refer to the guidance note for an explanation of these terms.*

- |  |   |  |
|--|---|--|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| b) Sound                                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
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<p>This policy, as drafted, is considered unsound on the basis it is not effective, positively prepared or justified.</p> <p>As currently drafted, the dwelling size priorities apply to all homes which would include Specialist Older Persons Housing (SOPH).</p> <p>NPPF para 62 requires the size of housing needed for different groups (including older people) to be assessed and reflected in planning policies. The housing needs (in terms of unit sizes) of older persons is different to those of younger households due to the differences in typical household sizes which are much smaller. Office for National Statistics data confirms that 81% of persons in the UK over the age of 70 live alone and in practice the remainder are most commonly 2 person households. Accordingly, meeting the housing needs of this group mainly requires the provision of homes with one or two bedrooms (not 2-4 bedrooms as prioritised by the policy as currently drafted). Accordingly, the policy as currently drafted (insofar as it applies to SOPH) would not be effective or consistent with national policy.</p> <p>It is also noted that the AMR does not provide monitoring information specifically relating to SOPH (it is included as part of conventional housing figures). Therefore using the AMR as a mechanism to monitor the delivery of this policy with respect to SOPH would be ineffective.</p>
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*(See also comments on behalf of Marstead Living Limited/IBSA on Policies HOU01 and HOU04)*

The policy should be amended, in line with the London Plan, to reference the distinct requirements for SOPH.

It should state that the dwelling size priorities and housing mix criteria of HOU02 do not apply to proposals for SOPH in recognition of the distinct housing needs of this form of housing. As such it should highlight that SOPH proposals will be expected to provide a mix of dwelling types and sizes that demonstrably address identified local needs for older persons.

The AMR must also include detailed breakdowns of the number of consented and delivered SOPH units so that the effectiveness of the Local Plan in delivering the high targets set out in the Local Plan (and LBB's own evidence base) can be assessed accordingly.

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Marstead Living is preparing a planning application for a SOPH scheme (site allocation ref. 49). Ensuring the effectiveness of this policy is a key component in ensuring the delivery of the site allocation.

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Policy HOU4

**Question 2: Do you consider that this part of the Local Plan is:**

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- |  |   |  |
|--|---|--|
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This policy, as drafted, is considered not to be legally compliant or sound on the basis it is not in conformity with the NPPF (2021) and London Plan (2021) and cannot be seen as having been positively prepared or effective.

NPPF para 62 requires the housing needed for different groups (including older people) to be assessed and reflected in planning policies. Accordingly, the London Plan includes a specific policy (H13) for Specialist Older Persons Housing which requires boroughs to plan proactively to meet identified needs for SOPH. It follows that in order to be effective, the new Local Plan should also include policies to manage the delivery of SOPH, including identifying sites to accommodate this need.

The significance of this is highlighted by the policy requirement to deliver 275 SOPH units per annum (9% of the overall housing target). As such a large proportion of the borough's overall housing requirement, it is essential that the new local plan has clear unambiguous policies to effectively manage its delivery.

As currently drafted, policy provisions regarding SOPH are included in draft Policy HOU4, under the overarching banner of 'specialist housing', and more specifically 'housing choice for people with social care and health support needs'. SOPH and housing for 'people with social care and health support needs' are entirely different forms of housing (noting the definitions at Annex 2 of the NPPF and para 4.13.6 of the London Plan) with different needs and different associated policy issues. Bundling these together is therefore incapable of being an effective policy.

*[continued overleaf]*

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More generally, the policy as drafted is confusing and muddled in respect to SOPH, which makes it ineffective in principle.

Furthermore, in order for the plan to be sound as a whole, it should be read in conjunction with the proposed site allocations which should identify specific sites that are suitable to accommodate residential development (both conventional housing and/or SOPH), in order to accord with the London Plan.

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*(See also comments on behalf of Marstead Living Limited/IBSA on Policies HOU01 and HOU02)*

For the Local Plan to be sound, it must include a differentiated policy (or as a minimum a sub-policy of HOU04) specifically relating to SOPH to reflect the importance of this provision to achieving the aims of the London Plan and meeting needs identified in the Council's own evidence base. As such it should specifically state:

- Support for the delivery of 4,125 SOPH homes over the period 2021-36 (at least 275 SOPH per annum).
- A clear definition of what types of housing are covered by the SOPH policy. This should incorporate flexibility to account for the many different types that fall within this which do not fit neatly into traditional definitions (either use class or 'product'), and which will likely evolve significantly over the plan period. This should be consistent with the London Plan Policy H12.
- Identify qualitative site suitability criteria;
- A clear policy position regarding the application of affordable housing policies to SOPH cross referring to Policy HOU01 which should be consistent with this; and
- Clarity that general needs housing 'standards' (e.g. car parking, cycle parking, playspace, housing mix etc) should not be bluntly applied to SOPH where it can be demonstrated that an alternative bespoke approach would be more appropriate.

Furthermore, the policy should be read in conjunction with the site allocations which should identify specific sites that are suitable to accommodate residential development (conventional housing and/or SOPH).

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**Signature** *Avison Young (on behalf of Marstead Living Limited/IBSA)* **Date** 09/08/2021





**Barnet Draft Local Plan**  
Publication Stage Representations Form

Ref:   (For official use only)
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**PART B - Your representation**

Please complete a separate Part B for each representation and return along with a single completed Part A.

**Question 1: To which part of the Local Plan does your representation relate?**

*Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.*

Policy HOU5

**Question 2: Do you consider that this part of the Local Plan is:**

*Tick all that apply, please refer to the guidance note for an explanation of these terms.*

- |  |   |  |
|--|---|--|
| a) Legally compliant                     | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| b) Sound                                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

**Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.**

*Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.*

<p>This policy, as drafted, is considered not to be either legally compliant or sound on the basis it is not in conformity with the London Plan (2021) and cannot be seen as being justified or effective.</p> <p>Site allocation ref. 49 involves the loss of existing volunteer residential accommodation (for which there is no longer a need) to be replaced with new housing (for which there is a need). There may be other similar development opportunities elsewhere in the borough where existing sites with residential accommodation can be repurposed to better address local needs.</p> <p>This would conflict with Policy HOU05 as currently drafted as none of the exceptions set out at 1(a-d) would apply. Without amendment, the repurposing of sites such as allocation ref 49 would be precluded which (we assume) is not the intention of the draft policy. The policy would otherwise not be justified or effective.</p>
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**Continue on a separate sheet if necessary**

**Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

The wording of the policy should be amended in order to allow for the loss of existing residential accommodation where it would involve redevelopment that would re-provide residential accommodation (of the same or a different type) of equal or greater capacity for which there is demonstrable need.

**Please note:**

*In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.**

**Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?**

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /  
I am not seeking modification to the Plan

**Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.**

*Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.*

Marstead Living is contracted to purchase one of the sites allocated for development at Annex 1 (Schedule of Proposals) (Watchtower House and Kingdom Hall – ref. 49) and is preparing a planning application for the redevelopment of the site. Our attendance at the examination hearings may be helpful to the Inspector for the purposes of demonstrating the policy conflicts between draft Policy HOU05 and Site Allocation ref. 49 which are unusual.

**Declaration of consent**

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**Signature** *Avison Young (on behalf of Marstead Living Limited/IBSA)* **Date** *09/08/2021*



**Barnet Draft Local Plan**  
Publication Stage Representations Form

Ref:     (For official use only)
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**PART B - Your representation**

Please complete a separate Part B for each representation and return along with a single completed Part A.

**Question 1: To which part of the Local Plan does your representation relate?**

*Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.*

Policy CHW01 / Paragraph 8.3.5

**Question 2: Do you consider that this part of the Local Plan is:**

*Tick all that apply, please refer to the guidance note for an explanation of these terms.*

- |  |   |  |
|--|---|--|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| b) Sound                                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

**Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.**

*Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.*

<p>This policy, as drafted, is considered unsound on the basis it is not positively prepared or justified.</p> <p>The NPPF at paragraph 93 requires planning policies to plan positively for the provision and use of community facilities to enhance the sustainability of communities and residential environments and ensure an integrated approach to considering the location of community facilities. It also requires policies to 'guard against' the 'unnecessary' loss of valued facilities services, particularly where this would reduce the community's ability to meet its day-to-day needs. London Plan Policy S1 sets the strategic policy context for which local plan Policy CHW01 should accord. It is noted that both the NPPF and London Plan allow the loss of existing community infrastructure where criteria are met.</p> <p>It is considered that the current wording is not clear in relation to where the loss community infrastructure is acceptable, in particular where community infrastructure which serves a specific community/requirement is reprovided outside the plan area. This is relevant to Site Allocation ref. 49, where the existing Kingdom Hall is being replaced off-site in a more suitable location (with respect to the location of the community need) to an equivalent or better quality</p> <p>As such the wording could prejudice the delivery of otherwise appropriate redevelopment sites and jeopardise their ability to meet the identified needs of the Local Plan.</p>
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**Continue on a separate sheet if necessary**

**Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

It is considered that the policy and supporting paragraph 8.3.5 should be amended to confirm that the relocation of community infrastructure off-site (and out of borough where need transcends Borough boundaries and where it can be demonstrated that this would be an appropriate location) would pass the policy test where the loss of an existing community use would be acceptable. Paragraph 8.3.5 should be reworded as follows:

*“Adapting a building or land for another community use would be preferable to its loss. This could also be part of a mixed-use redevelopment which re-provides adequate facilities on site or through the re-provision of facilities on alternative sites. This, can include relocation to suitable sites outside of the Borough where there is a locational requirement to do so and local needs can be met elsewhere in the Borough)...”*

The policy should therefore be reworded to:

*“Development (including change of use) that involves the loss or replacement of existing community facilities / services will only be permitted if:*

- the replacement facility (either on site or in a suitable off site location) is equivalent to or better quality and meets the needs currently met by the existing facility, or*
- it has been demonstrated that the facility is no longer required in its current use and that it is not suitable and viable for any other forms of social infrastructure for which there is a defined current or future need identified in the Infrastructure Delivery Plan.*

**Please note:**

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Yes, I wish to participate in hearing session(s)

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Marstead Living is preparing a planning application for a SOPH scheme (site allocation ref. 49). Ensuring the effectiveness of this policy is a key component in ensuring the delivery of the site allocation.

#### **Declaration of consent**

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**Signature** *Avison Young (on behalf of Marstead Living Limited/IBSA)* **Date** 09/08/2021



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**PART B - Your representation**

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**Question 1: To which part of the Local Plan does your representation relate?**

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Policy ECC05

**Question 2: Do you consider that this part of the Local Plan is:**

*Tick all that apply, please refer to the guidance note for an explanation of these terms.*

- |  |   |                             |
|--|---|-----------------------------|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound                                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

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*Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.*

N/A
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**Continue on a separate sheet if necessary**

**Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

N/A

**Please note:**

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Marstead Living is contracted to purchase one of the sites allocated for development at Annex 1 (Schedule of Proposals) (Watchtower House and Kingdom Hall – ref. 49) and is preparing a planning application for the redevelopment of the site. The site is designated as Green Belt. Ensuring an effective and consistent inter-relationship between Policies ECC05 and Site Allocation 49 is a key consideration in ensuring the overall effectiveness of these policies.

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**PART B - Your representation**

Please complete a separate Part B for each representation and return along with a single completed Part A.

**Question 1: To which part of the Local Plan does your representation relate?**

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Annex 1 (Schedule of Proposals): Watchtower House and Kingdom Hall – ref. 49

**Question 2: Do you consider that this part of the Local Plan is:**

*Tick all that apply, please refer to the guidance note for an explanation of these terms.*

- |  |   |  |
|--|---|--|
| a) Legally compliant                     | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| b) Sound                                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

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This allocation, as drafted, is considered not legally compliant and unsound on the basis that it is not consistent with national policy and not fully justified in respect to the extent of developable land and the required land uses.

The proposed uses/allocation states “80% retained as undeveloped Green Belt with 18% residential and 2% community floorspace”. No justification is provided for the inclusion of the 18% and 2% figures.

Previously Developed Land

It is assumed that the 2%/18% figures may be intending to reflect the extent of existing previously developed land on the site. If this is the case, then the figures are incorrect.

Previously Developed Land (PDL) is defined at NPPF Annex 2:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

[continued overleaf]

**Continue on a separate sheet if necessary**

The entirety of the Watchtower House (WTH) part of the site comprises PDL (for the purposes of the NPPF definition), in that it is land which is occupied by permanent structures and associated fixed infrastructure (including the associated curtilage). However, it should not be assumed that the whole of the site can be developed (with reference to NPPF para 149(g)). A reasonable application of this would be that if the extent of land within the site proposed to be developed with permanent structures and associated fixed infrastructure (and the landscape spaces immediately in between them) (the 'developed envelope') was equal to or less than the existing, then this should be acceptable in principle.

The extent of the existing 'developed envelope' of the WTH site is 17,264sqm. This equates to 23.8% of the whole site allocation area, rather than the 18% suggested by the draft allocation (please see appended Existing Site Area Plan).

The northern part of the KH part of the site comprises PDL. It comprises a 'developed envelope' which extends to 3,190sqm. This equates to 4.4%, rather than the 2% suggested by the draft allocation. It follows that a proposed developed envelope that is equal to or less than this should be acceptable in principle (please see appended Existing Site Area Plan).

#### Land Uses – Residential

Policy H13 (Specialist Older Person Housing (SOPH)) of the London Plan advocates that Boroughs should identify sites suitable for SOPH. In doing so they should consider local housing need and how well-connected the site is; in terms of contributing to an inclusive neighbourhood, having access to relevant facilities, social infrastructure, health care, and being well served by public transport.

In order for the plan to be sound as a whole, it should identify specific sites to accommodate SOPH needs (linked to Policy HOU04). Site ref. 49 is an example of a proposed housing allocation site that would be suitable in locational terms for SOPH (and the landowner is keen to bring the site forward for SOPH development) and therefore should be considered as an appropriate site to be allocated for conventional housing 'and/or' SOPH.

The following points are relevant:

- There is a clear need for SOPH as shown in the Local Plan targets and LBB evidence base;
- The site will contribute to an inclusive neighbourhood, by forming a key connection between traditional residential developments at Millbrook Park and NIMR, within the Mill Hill East Growth Area, whilst introducing SOPH to create a more mixed and balanced community;
- The site is well located to have access to the services within the Mill Hill local centre, to the south of the site;
- The site is well served by Public Transport:
  - Mill Hill East Tube Station (Northern Line) is 900m to the south of the site, along The Ridgeway, and provides direct links into Central London;
  - The 240 Bus Route stops outside of the site, along The Ridgeway, and runs between Golders Green and Edgware Stations; and
  - The 221 Bus Route stops 150m to the south of the site, along Engel Park, and runs between Edgware Bus Station and Turnpike Lane Station.

*[continued overleaf]*

Land Uses – Community

The requirement for 2% community use floorspace is not justified.

*Context*

The site forms part of a group of sites located off The Ridgeway in Mill Hill that are currently (or have until recently been) owned and occupied by the International Bible Student Association (IBSA). IBSA is a registered charity of the Jehovah's Witnesses in Britain. Its charitable aims are recorded at the Charity Commission as:

'Promoting the Christian religion by helping congregations of Jehovah's Witnesses and others with their spiritual and material welfare. This includes providing facilities for printing bible literature and housing volunteers engaged in this. Also, we buy religious literature and distribute free to all who will read it. Conventions for Christian education are arranged and the public are invited'

In order to accomplish these purposes, IBSA produces magazines/brochures and similar online content, alongside undertaking other activities. It accomplishes this work with the help of volunteers ('Members'). Members are not employees, however receive board and an allowance to cover their expenses for the period of time that they are volunteering, which typically ranges from a few weeks to several years. Members originate from all over the world and the principle is that Members live and work on the same site (or as close to as possible).

Until recently, these activities were undertaken from a group of sites in/around Mill Hill, as follows:

- (1) Watch Tower House;
- (2) IBSA House and associated printworks (200m to east of Watch Tower House): administrative accommodation and printing facilities associated with the production and distribution of IBSA's magazines. This site is subject of a planning application for residential redevelopment which was approved at committee on 06/04/21 (ref. 19/6551/FUL);
- (3) Kingdom Hall: conference and meeting facility; and
- (4) A portfolio of residential and commercial properties in the local area which were acquired on an incremental basis to support the expansion of the Association.

In 2014 IBSA took the decision to acquire a 33ha site known as Temple Farm at West Hanningfield near Chelmsford with the aim of replacing its existing accommodation in/around Mill Hill with a new purpose built single consolidated facility (an estate rationalisation strategy). Chelmsford City Council (as Local Planning Authority) granted planning permission (ref. 14/01971/OUT) in 2015 for:

*'live/work charity headquarters (sui generis) covering a maximum floorspace of 112,500 sqm & including a printery, accommodation units, offices, a communal dining room, audio-visual studios & recreational facilities together with on-site parking, a new roundabout on the B1007 & site access road, an internal perimeter road and a landscaped belt surrounding the core development area'*

The Planning Statement which supports the application states that the development includes the following:

- A printery producing bible-based literature;
- Warehouses for packing and distribution to national and international destinations;
- Offices used principally for administration and translation;
- Video and sound production studios;

- An auditorium (used for meetings, conferences, dinners and other functions);
- Maintenance workshops and storage;
- An energy centre;
- A maximum of 594 one and two bedroom accommodation units for IBSA Members and visitors;
- Residential support facilities (e.g. laundry);
- Health care facilities;
- Recreational facilities;
- A visitor centre; and
- Car parking, infrastructure, and other associated works.

The new development is almost complete. In addition, a new Kingdom Hall (to be used for congregation meetings) is nearing completion on the site pursuant to a separate planning permission.

IBSA relocated its operations from Mill Hill to the new facility in early 2020, with the exception of a skeleton group of mainly caretaking and maintenance volunteers who remain in Mill Hill for the time being. Accordingly, the portfolio of sites in/around Mill Hill are now redundant, vacant (or are about to be vacated), and are being disposed.

All of the existing accommodation, facilities, uses, and functions that were previously provided at the sites in/around Mill Hill have been re-provided to a better standard in both quantitative and qualitative terms at Temple Farm, where all Members (i.e. the users of the site) have relocated (or are relocating) to.

#### *Loss of the Existing Use*

The Kingdom Hall part of the site currently accommodates a vacant single large building most recently used as a Kingdom Hall of Jehovah's Witnesses. It operates under planning permission ref. W03005AB which allows the building to be used as a place of worship (with associated car parking). We consider this to fall within Use Class F1(f) (public worship or religious instruction (or in connection with such use)).

In practice the building was historically used for conferences, lectures, volunteer training, congregation meetings, and weddings. While in our view the site comprises a standalone planning unit, it functioned as a piece of infrastructure (or ancillary use) that supported the IBSA activities operating in/around Mill Hill, in that its primary purpose was to provide meeting/function space for Members based at these sites. The location of the need for the meeting space has now shifted to Chelmsford (where Members have relocated to) where a new replacement facility has been provided (the auditorium), and an additional Kingdom Hall is in the development pipeline. The skeleton staff that remain on-site for the time being have joined congregations at other existing Kingdom Halls in Friern Barnet and Hendon, both of which have capacity to expand the number of attendees.

Historically, public access/use of the building was possible only in very limited circumstances. Members of the public were welcome to attend congregation meetings which typically took place at set times 1-2 times per week, however in practice IBSA Members resident at Watch Tower House and other IBSA sites in/around Mill Hill made up the overwhelming majority of attendees. Individual members of the public were also able to attend specific other meetings from time to time with prior invitation only, however this was very limited.

*[continued overleaf]*

The existing facility has been reprovided in a more appropriate location to satisfy social needs and this has not caused a shortage of provision of such facilities or any other harm/deficiency in/around Mill Hill. In our view, this satisfies London Plan Policy S1 and draft Local Plan Policy CHW01 (which it should be read in conjunction with), and therefore there should be no policy issues associated with the loss of the existing use.

The remainder of the site (Watch Tower House) is a Sui Generis use not a community use, therefore there are no policy issues associated with its loss.

*Need for Alternative Community Uses*

There is no evidence of a need for an alternative community use on the site, and restricting 10% of the site's developable area to community uses would prevent other needs being met (for which there is demonstrable evidence).

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The allocation should be amended to confirm that the extent of the future developed area should not exceed the extent of the existing developed area, which should be measured in line with the NPPF definition of previously developed land (deleting the 2%/18% figures) or replace the 2%/18% with the more accurate (justified) measurements of 4.4%/23.8%.

The allocation should identify that residential (conventional housing and/or SOPH) should be the main use and that community uses are also acceptable (but not required). To be considered effective and justified, the amount of community use should not be prescribed as a quantum but should follow the requirements outlined by Policy CHW01

**Please note:**

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Marstead Living is contracted to purchase one of the sites allocated for development at Annex 1 (Schedule of Proposals) (Watchtower House and Kingdom Hall – ref. 49) and is preparing a planning application for the redevelopment of the site. Our attendance at the examination hearings may be helpful to the Inspector for the purposes of demonstrating the deliverability of Policy GSS01, GSS07 and Site Allocation ref. 49).

**Declaration of consent**

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

**By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:**

**Signature** *Avison Young (on behalf of Marstead Living Limited/IBSA)* **Date** *09/08/2021*

