



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 _____ Paragraph _____ Figure/Table _____

Policies Map designation – **Green Belt designation**

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 | |
| b) Sound | | No |
| c) Compliant with the Duty to Co-operate | | No |

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.

Please see accompanying letter.

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.

Please see accompanying letter.

Continue on a separate sheet if necessary

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)

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.

To reinforce the contents of the representation letter.

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.

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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: Michael Holloway

Date: 09/08/2021

Date
9 August 2021

Planning Policy Team
London Borough of Barnet
2 Bristol Avenue
Colindale
London
NW9 4EW

By Email Only

Dear Planning Policy

Representations to Regulation 19 Stage of Local Plan Review 310 Mays Lane, EN5 2AH – Mays Lane Gospel Hall Trust

Daniel Watney LLP has been instructed by the Mays Lane Gospel Hall Trust (MLGHT) to submit a letter of representation to the Regulation 19 stage of the LB Barnet Local Plan Review issued for consultation in June 2021.

The MLGHT own the freehold of 310 Mays Lane and previously made representations to the Regulation 18 version of the Local Plan Review in March 2020. This previous letter of representation is attached for reference given that the arguments remain the same, and was prepared on two grounds:

- (i) Requesting that LB Barnet corrected the boundaries of the Green Belt as had been done in some other instances to reflect the existing urban character of the eastern third of the site which comprises an existing 5,000 sqm building.
- (ii) That LB Barnet should consider greater Green Belt release more generally to deliver housing given their housing need, historic under delivery and over-reliance of a number of sites that are unlikely to be brought forward in the early stages of the Plan period.

It is evident from the release of the Regulation 19 version Local Plan and the schedule of representations presented to the Policy & Resources Committee in June 2021 that LB Barnet have not made any meaningful revisions to the latest draft of the Plan or reconsidered their approach to Green Belt release.

In the schedule of representations, the Council have noted that 310 Mays Lane was not highlighted as a potential minor Green Belt adjustment in the study and that their 2018 Green Belt review demonstrates no justification for making significant revisions to existing Green Belt and MOL boundaries. Whilst in respect of housing need across the Borough, they suggest they have capacity to deliver a minimum of 35,460 new homes from 2021 to 2036.

The Council have confirmed that the Regulation 19 version Local Plan that they have submitted for consultation will be the version that is subsequently submitted to the Inspectorate for

Examination. We therefore wish to reinforce our representations made on behalf of the Trust at Regulation 18 stage ahead of any future Examination in Public.

2018 Green Belt Review

Our 2020 representations highlighted the following in respect of this specific site and how it was considered by LUC in their 2018 Green Belt Review:

- *Checking unrestricted sprawl of large built-up areas* – the Review concluded that the eastern part of the site performed weakly in respect of checking the unrestricted sprawl of built up areas. This is agreed given that the existing meeting hall on-site comprises a large single storey building adjacent to residential development.
- *Preventing neighbouring towns from merging into one another* – the Review concluded that the site performed weakly in this regard which again we agree with due to there being no risk here of neighbouring towns merging in this location.
- *Safeguarding the countryside from encroachment* – the Review concluded that the eastern part of the site performed weakly in this respect which is agreed given the existing building on-site.
- *Preserving the setting and special character of historic towns* – the Review concluded that the entirety of the site performed weakly in this regard which is agreed given that the western boundary provides a natural buffer to the countryside from the boundary of the built settlement, and that there would be no harm to the setting of any historic towns.
- *Assisting in urban regeneration* – this is the only criteria where the site was considered to contribute strongly towards a Green Belt purpose, but only because LUC took a blanket approach to the entire Green Belt rather than assessing sites on an individual basis. This blanket approach undermined the whole study as it was clear there was no site specific circumstances taken into account and that all existing Green Belt land was considered in the same way.

It remains clear that the eastern part of the 310 Mays Lane site does not perform well to any of the primary functions of the Green Belt which is agreed by the 2018 Green Belt Study and therefore our position remains that the boundaries are revised accordingly to address this, taking this part of the site out of the Green Belt.

Further Matters

The Council has failed to fully consider and assess whether the requirements of paragraphs 136 and 137 of the NPPF have been met and if exceptional circumstances exist for the release of Green Belt Land. In addition, this needs to be considered in the context of the Panel Report / Recommendations and Letters from the Secretary of State, which requires the Mayor to undertake an immediate full review of the Green Belt and London Plan to determine if any suitable sites exist for release.

Releasing Green Belt land is necessary to:

- Meet housing needs including a range of different tenures and sizes;
- Deliver necessary infrastructure; and,
- Increase affordability while maximising development on brownfield land within the built up settlement area.

Certain Green Belt sites can be brought forward quickly and help meet need in the early part of the Plan Period without the need to rely upon new infrastructure.

To be considered deliverable sites for housing, they should be immediately available in a suitable location for development and achievable with a realistic prospect that housing will be delivered on the site within five years. Aside from being situated within the Green Belt, the site at 310 Mays Lane meets the tests which make it deliverable.

We do not consider this approach of taking a blanket approach to ruling out any Green Belt release to be sound as the Green Belt is not an environmental policy that makes all sites unsuitable. The Green Belt is a spatial policy which should not be used to deem sites unsuitable on this basis alone. This decision is a Borough-wide one which should be made in the context of deciding whether Exceptional Circumstances exist.

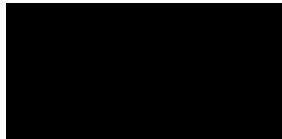
Releasing appropriate Green Belt sites such as 310 Mays Lane which do not perform the key functions of Green Belt land should be seen as a necessity to meet housing need in the area, including aiding the delivery of family sized homes and important infrastructure.

310 Mays Lane is a deliverable and available site which should be considered as being able to make a modest contribution to family sized accommodation in this part of the Borough. The expansion of the Council's key growth areas such as Colindale, Edgware, New Southgate etc are principally dominated by taller apartment blocks which generally lend themselves more to smaller apartments. Sites such as 310 Mays Lane can deliver purpose built, family sized houses which would make a valuable contribution towards this type of tenure in the Borough

We urge the Council to follow the example recently taken by LB Enfield in exploring the potential of the Green Belt to meet housing requirements, rather than taking a blanket approach to resist any Green Belt release to 'assist in urban regeneration'.

The draft Local Plan is evidently not sound as currently drafted when assessing against the tests of soundness set out in Paragraph 35 of the NPPF. If you have any queries about the contents of these representations, please do contact Daniel Watney LLP to discuss further.

Yours faithfully



Daniel Watney LLP

Appendix A – Regulation 18 Representation Letter

Date
12 March 2020

Planning Policy Team
London Borough of Barnet
2 Bristol Avenue
Colindale
London
NW9 4EW

By Email Only

Dear Planning Policy

Representations to Regulation 18 Stage of Local Plan Review 310 Mays Lane, EN5 2AH

Daniel Watney LLP has been instructed by the Mays Lane Gospel Hall Trust (MLGHT) to prepare a letter of representation to the Regulation 18 stage of the London Borough of (LB) Barnet Local Plan Review issued for consultation in January 2020.

The MLGHT own the freehold of 310 Mays Lane towards the north of LB Barnet, a circa 1 hectare site which currently comprises a large single storey building and associated car parking.

The entirety of the site falls within the Metropolitan Green Belt comprising previously developed land. Figure 1 below identifies the location of the site within the Borough whilst Figure 2 overleaf shows the extent of the site in respect to existing settlements and surrounding uses.

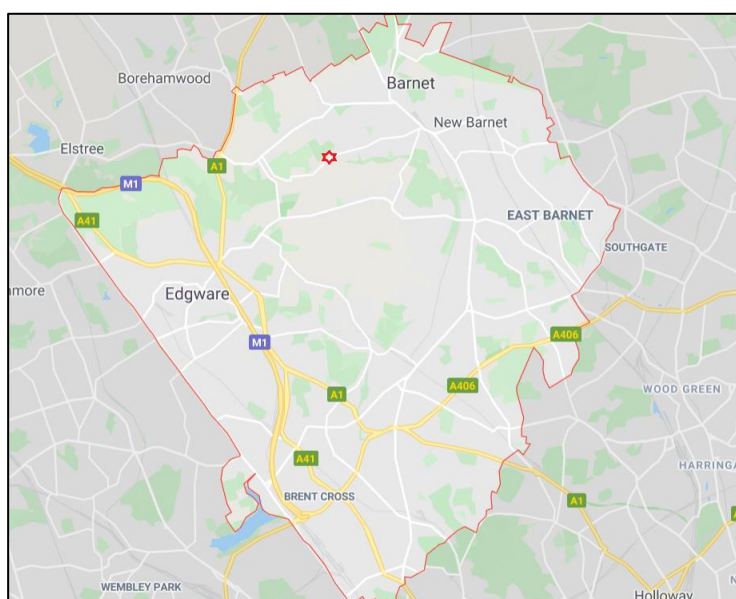


Figure 1: Site Location



Figure 2: Site Context

This letter of representation is prepared on two grounds:

- (i) To request that LB Barnet correct the boundaries of the Green Belt as has been done in some other minor instances in the Local Plan Review. This is to reflect the existing urban character of the eastern third of the site which comprises the existing circa 5,000 m³ building. As these representations will go on to consider, this part of the site does not perform well to any of the primary functions of the Green Belt which is generally agreed by the 2018 Green Belt Study and therefore we request that the boundaries are revised accordingly to address this, taking this part of the site out of the Green Belt;
- (ii) That LB Barnet should consider greater Green Belt release more generally to deliver housing given their great housing need, historic under delivery and over-reliance on a number of sites that are unlikely to be brought forward in the early stages of the Plan period. Other sites including the wider Mays Lane site identified above are available to be delivered within the first five years of the Local Plan period.

Correction of Green Belt Boundaries

The Local Plan Review is informed by a variety of documentation and surveys forming its Evidence Base. Of particular note to this letter of representation is the independent review of all Green Belt land within the Borough undertaken by LUC in November 2018.

This Study assessed how each individual parcel of Green Belt land within Barnet performed in respect of the five functions of Green Belt land as defined within the National Planning Policy Framework (NPPF), namely:

1. Checking unrestricted sprawl of large built-up areas;
2. Preventing neighbouring towns from merging into one another;
3. Assisting in safeguarding the countryside from encroachment;
4. Preserve the setting and special character of historic towns;

- 5. Assist in regeneration by encouraging the recycling of derelict and other urban land.

- Strong
- Relatively strong
- Moderate
- Relatively weak
- Weak

The performance of each Green Belt site in respect of each of the above functions is considered in the 2018 Study and each parcel is considered against the adjacent key.

These representations focus specifically on the findings of the LUC Study on each of the Green Belt functions relating to 310 Mays Lane. There is a clear divide in the Study between the part of the site containing the existing building (approx. eastern third) and that containing the car park (remaining two thirds).

Green Belt Study Conclusions on 310 Mays Lane

Checking unrestricted sprawl of large built-up areas

In respect of checking unrestricted sprawl of large built-up areas (Function 1), the 2018 Study considered that the eastern part of the site containing the existing building performs weakly with the remainder performing relatively strong as shown in Figure 3 below.



Figure 3: Green Belt Function 1

We agree with the assessment for Function 1 in that the eastern part of the site performs weakly in respect of checking the unrestricted sprawl of built up areas. The existing hall comprises a large single storey building and is located adjacent to some existing two storey residential development. This part of the site as it currently stands effectively forms part of the built-up area as it has been located in a part of the site that is less sensitive to Green Belt considerations and ties in with the form of surrounding development.

Preventing neighbouring towns from merging into one another

In respect of preventing neighbouring towns from merging into one another (Function 2), the entirety of the site performs weakly as shown in Figure 4 below.



Figure 4: Green Belt Function 2

Again, we agree with this assessment as there is no risk here of neighbouring towns merging into one another as a result of either the existing situation or any proposed development on the site given the distance between the built-up area to the immediate north and east and the nearest settlement of Edgware to the west.

Safeguarding the countryside from encroachment

In respect of assisting in safeguarding the countryside from encroachment (Function 3), the review considers that the eastern part of the site containing the existing building performs weakly with the remainder performing relatively strong as shown in Figure 5 below.



Figure 5: Green Belt Function 3

Again, it is agreed that the eastern part of the site poses no issues when considering potential encroachment of built form into the countryside given the existing nature of the building. The LUC Study considers that the existing building on-site shares the same characteristics as the Partridge Close redevelopment to the south of Mays Lane.

We disagree in the suggestion that the remainder of the site performs ‘relatively strong’ in this function as it currently comprises a large concrete car park with floodlighting. Whilst this has some elements of openness, there is a clear defensible boundary to the western edge of the site through a field and then woodland. This site does not encroach into the countryside either as it currently exists, nor would it with any development in the future.

Preserving the setting and special character of historic towns

As to preserving the setting and special character of historic towns (Function 4), the entirety of the site performs weakly as shown in Figure 6 below.



Figure 6: Green Belt Function 4

This is also agreed as the western boundary of the wider site provides a natural buffer to the countryside from the boundary of the built settlement and the site as built form does not cause any harm to the setting or character of any historic towns.

Assisting in urban regeneration

Regarding Function 5, the study took a blanket approach across the Borough, concluding that all Green Belt land within its boundary contributed strongly to this purpose as shown in Figure 7.



Figure 7: Green Belt Function 5

Whilst a generic approach is taken in this regard, it is not considered that this is an appropriate assessment for the MLGHT site and other previously developed sites within the Green Belt across the Borough.

The intention of Function 5 is to encourage redevelopment of derelict and urban land in order to meet the regeneration objectives for the relevant Local Authority.

By taking a blanket approach to this Green Belt function, this ignores the potential that sites such as 310 Mays Lane can have to contributing towards the regeneration objectives of the Local Plan. This site has the ability to contribute towards the Council's increasing housing targets however its current Green Belt designation prohibits redevelopment measures unfairly and we would argue incorrectly.

We question the blanket approach taken by LUC in stating that the entirety of Green Belt land across the Borough performs strongly in this function and that actually, sites should be considered on a more specific basis.

Study Conclusions

As a result, the Study concluded the following:

1. Checking unrestricted sprawl of large built-up areas – Weak/Relatively Strong
2. Preventing neighbouring towns from merging into one another – Weak
3. Assisting in safeguarding the countryside from encroachment – Weak/Relatively Strong
4. Preserve the setting and special character of historic towns – Weak
5. Assist in urban regeneration by encouraging the recycling of derelict and other urban land – Strong.

It is evident that the Study considered the existing building on-site to be material and impact poorly on the wider functioning of this parcel of land, however also considered the remainder of the site, i.e. the car park and green spaces perform a strong function of the Green Belt.

Paragraph 137 of the NPPF sets out where boundary changes can be made through the Development Plan process, as follows:

“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development”.

The Framework then states that this will be assessed through the examination of strategic policies, and the strategy itself will be judged on whether it:

- Makes as much use as possible of suitable brownfield sites and under-utilised land;
- Optimises the density of development in line with the policies of Chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

This is then furthered by Paragraph 139 of the Framework which outlines that, when defining Green Belt boundaries, plans should:

- Ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- Not include land which it is unnecessary to keep permanently open;
- Where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposed the development;
- Be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

The LUC 2018 Study provided an assessment of the existing Green Belt designations within LB Barnet, however the Council now have a responsibility to demonstrate that, in light of this assessment of Green Belt land, their overall strategy and draft Local Plan Review will meet the tests of Paragraph 139 of the Framework. This is particularly given the weak performance of sites such as 310 Mays Lane in this review and the fact it comprises previously developed land.

As a result of the Green Belt study, LB Barnet concluded that no alterations to the boundaries of the Green Belt were required in respect of this site.

However, when looking at the eastern part of the site which contains the existing building, aligning with the development boundary of Partridge Close to the south, this clearly does not perform any of the Green Belt functions. This includes Function 5 which LUC consider should be a blanket approach across the entirety of the Borough, an approach which has been poorly applied to the subject site as it does not consider the existing large building footprint on the brownfield site.

The Local Plan Review does in part seek to make some minor adjustments to the boundaries of the Green Belt to ensure that they remain defensible along physical lines of permanence. In this instance, the adjustment could be made to the western edge of the existing building which would align with the Partridge Close development. This would retain the openness of the western part of the site to preserve the functions of the Green Belt.

We consider that the Council should provide an assessment of all previously developed land within the Green Belt within the Borough to understand the opportunities that exist on such sites, particularly those not providing those key Green Belt functions.

Consideration of Housing Targets and Further Green Belt Release

With regards to housing supply, previous drafts of the new London Plan envisaged an increase in Barnet's annual housing need from 2,349 to 3,134 which would have placed great pressure on the Council to find housing sites through a range of measures including Green Belt release.

Following Examination, the Secretary of State proposed that housing figures across London be reduced and for Barnet in particular, this has resulted in the target that is likely to be adopted will be 2,364 per annum, a small increase of 15 units per year.

The recently released housing delivery test results indicate that the Borough has suffered from under-delivery (amounting to 82% of required homes delivered since 2015/16) and will be required to add a 20% buffer to their housing land supply until this is resolved.

Therefore, there is pressure on LB Barnet to still deliver housing through a range of means including intensification of available brownfield land across the Borough and where appropriate and necessary, release of Green Belt land.

Whilst the annual housing targets are not envisaged to increase so vastly through the new London Plan, the housing target for Barnet remains one of the largest in London.

The requirement to deliver a greater variety and quantum of housing sites to ensure that the five year housing requirement is met within Barnet's boundaries, is even more pressing given that a number of the allocations contained within the Local Plan Review have been allocated for a number of years.

For example, there are a number of sites which were first allocated in the 2006 UDP but have still not been brought forward for redevelopment including:

Site 6 - Watling Avenue car park and market - UDP (2006) - 229 homes

Site 44 - High Barnet Station - UDP (2006) - 292 homes

Site 49 - Watchtower House & Kingdom Hall - UDP (2006) - 219 homes

Site 63 - Philex House - Unimplemented UDP proposal (UDP 2006) - 48 homes

There is no certainty that these sites will come forward now after this length of time and therefore the Local Plan Review should focus on sites that are available and able to be delivered within the first five years of the Plan period.

These representations have already considered the eastern third of the 310 Mays Lane site in detail in respect of the existing and proposed Green Belt designation within the Borough and that it does not actually perform well in respect of the relevant functions.

When considering the wider site potential, the existing car park could also be utilised to deliver the residential regeneration objectives of the Borough. Utilising the same methodology that has been applied in the Local Plan Review, i.e. an assessment of the individual site's PTAL and applying the London Plan density matrix (albeit this matrix is not taken forward through the new London Plan), it is considered that the 310 Mays Lane site would have a residential capacity of between 35 – 75 units depending on unit mix. Given the characteristics of the site and its surroundings, most notably reviewing the recent Partridge Close development to the south, it is felt the mix would be better suited to larger homes and so the capacity is likely to be towards the lower option of this range.

Notwithstanding, this site offers an opportunity to deliver a meaningful quantum of homes on a Green Belt site which is generally poorly performing. Whilst the western part of the site is considered to perform some of the Green Belt functions to a higher standard, this should be reviewed in the context of the Council's increasing housing targets, historic under-delivery of homes and the fact that so many of the preferred allocated sites do not show any signs of being developed in the near future.

We would urge the Council to consider these representations in the context of re-defining the Green Belt boundaries either in part, or in full at this location, to reflect the content of this letter.

We trust that the content of these representations is clear, however we would be happy to discuss the details or answer any queries about the site being promoted if they arise during the review of consultation responses.

If there are any queries, please do contact either Michael Holloway or Kieran McCallum of Daniel Watney LLP on the below details to discuss further.

Yours sincerely

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