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James Langsmead  
Major Projects Team  
Barnet Planning Department  
2 Bristol Avenue  
Colindale  
London NW9 4EW

Dear Mr Langsmead,

### **REQUEST FOR JOHN DIX/NICK HUFTON TO SPEAK AT COMMITTEE**

#### **Application No 23/3964/FUL – Land Formerly Known As British Gas Works Albert Road New Barnet EN4 9SH**

I am writing on behalf of NBCA and the Save New Barnet Campaign to object to the above application and to request to speak at the committee meeting.

While the application has made some improvements to the previously refused scheme, there are still a number of issues which are in breach of either Barnet or London Plan policy and which were cited by the Planning Inspector at the previous scheme's planning appeal as contributing to his decision to refuse the appeal. These include:

- Overheating - Breach of London Plan Policy SI 4.
- Noise - Breach of London Plan Policy D14
- Daylight/Sunlight – Failure to meet BRE 209 (2022) Guidelines
- Single Aspect Flats – Breach of London Plan Policy D6 para 3.6.5
- Character – Breach of London Plan Policy D3 and New Barnet Town Centre Framework

As noted in the Planning Inspector's report for the refused scheme, each issue, individually, might not be a reason for refusal, but when taken together, they do not indicate that the scheme can be considered to be of good design as required by the NPPF at paragraph 126 and the NDG, particularly at paragraph 125.

Reviewing the current application, Barnet's Urban Design team have commented that:  
*'The sacrifice of family housing and the resulting significant increase in density suggests the need for mitigating (increased) design qualities across the application site.'*

We believe that there are practical and workable solutions for most of the problems but that means the developer has to amend the application scheme. Details of each issue are set out below:

**Overheating: Breach of London Plan Policy SI 4.** The scheme will require 191 of the 420 flats to have an active cooling system to prevent them overheating when assessed using the London LHR Design Summer Year (DSY) 1 2020s, high emissions, 50% percentile scenario. In addition, a further 159 flats will require purge ventilation. Only 70 flats pass Part O regulation when naturally ventilated with background ventilation via an MVHR.

In the Planning Appeal refusal decision, the Inspector highlighted this issue noting that 221 of the scheme flats required cooling. In that scheme 41% of the flats need active cooling. In the current application 45% of the flats will require active cooling. Specifically the Inspector stated “To my mind the necessity for active cooling systems in 221 out of 539 flats seems a large amount given that the provision of active cooling systems is the bottom of the (London Plan Policy SI 4 cooling) hierarchy and the necessity for such should presumably be limited if the hierarchy is adhered to.” Use of shading, such as brise soleil, orientation, layout, particularly in blocks next to the railway and addressing the noise issue could reduce the number of flats requiring active cooling.

The developer has previously rejected (on cost grounds) the suggestion to build maisonettes along the railway boundary even though this form would address the noise /overheating problem passively through orientation; whilst retaining dual aspect, all habitable rooms could face East, away from the source of noise as well as the afternoon sun.

**Noise: Breach of London Plan Policy D14.** Due to rail noise, a large number of the flats adjacent to the railway line will require windows that should not be opened for natural ventilation. This has a knock on effect of impacting the overheating issue. No attempt has been made to address the rail noise other than designating the windows as not suitable for opening for ventilation and increasing insulation. In Germany, the impact of noise on the health of residents in close proximity has been realised and to address the problem German Railways have set a target of installing 3,250km of acoustic barriers by 2030. Recent barrier installations indicate a cost of approximately £1.9m per kilometer. (<https://www.railtech.com/infrastructure/2022/04/27/db-to-install-over-3000-kilometres-of-sound-barriers-in-current-decade/> ) At this site approximately 500 metres of barriers would be required. Acoustic barriers can reduce the noise significantly which may allow more windows to be opened for natural ventilation and reduce the need for active cooling.

The Planning Inspector noted in his refusal “Policy D14 of the London Plan deals with noise. At section 5 it informs that development proposals should separate new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial uses) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance of sound insulation”. He also noted that the requirement for mechanical ventilation was “not indicative of good design”. Noise barriers (screening) should be considered as an option.

**Daylight/Sunlight: Breach of BRE 209 (2022) guidelines.** In the refused scheme, 6% of rooms failed to meet the BRE guidelines. In the current application, the Updated Daylight & Sunlight report states that 323 of the 1,277 rooms or 25% of rooms fail to meet the daylight illuminance target, with 27% of living rooms and 95% of kitchens failing to meet the target. As such this is significantly worse than the refused scheme which the Inspector noted as a contributing factor for refusal. It appears that part of the reason for the failure to meet the guidelines is related to the proportion of single aspect flats and the reduction in glazing to window openings as detailed in Section 8 of the Design & Access Statement (page 114). In addition, having studied the plans in detail, it appears that 62 of the kitchen/diners have been

designed as internal rooms with no windows whatsoever (three are illustrated in shading in the plan opposite). As such, cooking and eating will require the lights to be switched on whenever the room is used and the rooms will rely on mechanical ventilation.

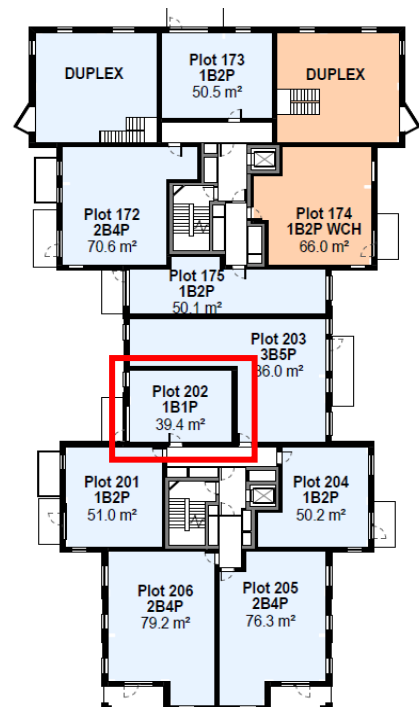
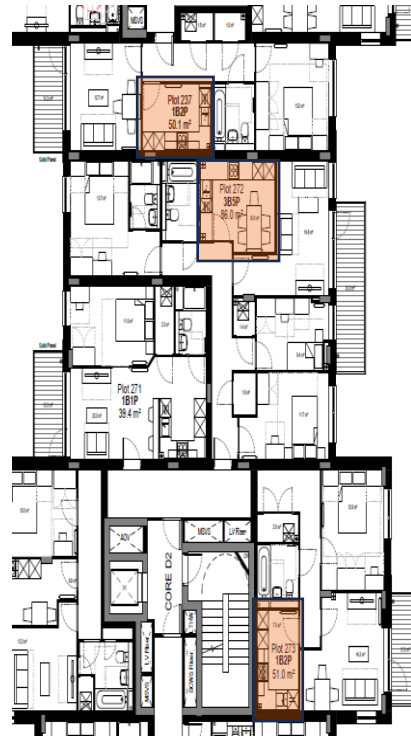
The Daylight & Sunlight report states at para 2.1.16 that, “discretion should be used and, for example, a target of 150 lux may be appropriate in a Living / Kitchen / Dining Room within a modern flatted development where the kitchens are not ‘habitable’ space and small separate kitchens are to be avoided”, yet that is exactly what the scheme has provided.

It should be noted that both the refused scheme and the current application take a reduced daylight level as the target for combined living spaces (described in the BRE guidelines<sup>1</sup> as applicable in ‘special circumstances’, for example in an area of high rise buildings). New Barnet is not an area of high rise building. In the approved 2017 scheme, despite setting the more appropriate (higher) target for these spaces and only a ‘worst case’ sample of rooms being tested, 88% met the target figure ‘with many rooms achieving far in excess of the recommended minimum’. Similarly a ‘worst case’ sample of rooms tested for sunlight in the approved 2017 scheme all passed both summer and winter recommendations.

Given that the Inspector noted that 6% of rooms failing the guidelines was a contributing factor to the refusal, it seems that 25% of the rooms failing in the application scheme cannot be seen as addressing that concern. Addressing the noise and overheating problems through the use of acoustic barriers and shading such as brise soleil and changes to the orientation of some of the flats could reduce the number of rooms failing the guidelines.

**Single Aspect Flats: Breach of London Plan Policy D6 para 3.6.5.** In the refused scheme, 30% of the flats were single aspect, an issue which contributes to poor ventilation and overheating. The Design & Access Statement states at Para 8.4 (page 115) that 20% of the flats are single aspect, contrary to London Plan Policy D6 which states that, wherever possible, there should be no single aspect flats. This problem seems to be driven by the desire to squeeze in as many small flats as possible rather than focus on design quality.

For example, in the mid-section of the four finger blocks (Blocks C, D, E & F) there are 19 small, single aspect, studio flats all of which face south. In addition, the adjacent 3 bed 5 person flats will have living rooms that face North impacting on attainment of the daylight levels. By combining the single aspect studio flats with the long thin 1 bed 2 person flats, it would allow the creation of 19 new 3 bed 5 person flats, (as



<sup>1</sup> Site layout planning for daylight and sunlight Littlefair et al (2022, para 1.6)

originally planned in the 2017 approved scheme) with both 3 bed flats being dual aspect and helping to improve the daylight level compliance.

**Character: Breach of London Plan Policy D3.** The six storey finger blocks facing the Victoria Recreation Ground (VRG) have very little set back of the sixth floor and dominate the view from the VRG. The London Plan policy D3 is entitled ‘optimising site capacity through the design-led approach’. This was raised by the Planning Inspector in his refusal. While changes have been made, the finger blocks are still one storey higher than the consented scheme, seeking to maximise the site capacity, and appear to conflict with the New Barnet Town Centre Framework which notes within its objectives that advantage should be taken of brownfield sites such as the appeal site but also that an appropriate scale of development should be ensured. If one of the current floors two, three or four was removed (so that the current set back sixth floor occurred at fifth floor), that would address the concern.

It is important to note that Barnet’s own Urban Designers mentioned in the most recent pre application advice dated July 2023 that “The stepped wedding cake type affect currently appears unfinished– there is a need to address the inappropriately perceived top heaviness (e.g. lighter perceived colours and materials), provide architectural qualities to the stepping (e.g. ethereal upper floor patterning), possible architectural topping or capping (e.g. feature roof form, expressed parapet or floating canopy/brise solei), and hit-and-miss feature brickwork to reduce and articulate the sense of parapet”. They noted that Block A “elevation currently appears too meanly invested in including in the perceived size of windows (improvements are required)”. They also noted that “Creating more feature interest might be achieved in various ways, e.g. articulating the parapet such as through hit and miss brickwork, and feature wrap around balconies on the plaza/spine road corner which are colour coordinated to the shopfront design”. Overall, many of the issues could be addressed relatively straightforwardly if the developer had taken on board the constructive comments provided by Barnet’s urban designers at the pre application stage.

We note the growing crisis in mental health and are concerned that if this scheme is approved in its current format, it may seriously impact the mental health of people living in small, overheated single aspect flats where opening windows is not recommended due to the railway noise.

Other areas of concern are around parking and the lack of local infrastructure.

**Parking:** The Planning Inspector noted that the refused scheme was compliant with the London Plan in terms of parking ratios but that guidance is for maximum, not minimum parking levels. The Inspector also noted that a parking ratio of 0.75 spaces per flat would still be compliant with the London Plan. In the Gateway application (Blocks H & J of the development but including parking details for flats in Block A as well) approved on 29 March 2023, included 108 car parking spaces for a total of 118 flats (a ratio of 0.92 spaces per flat) and was accepted as variation of the 2017 consented scheme. In the current application the ratio approved on 29th March has been ignored and is now at 0.61 spaces per flat.

In the Gateway application, an access road to car parking under Block A was realigned as part of the approved plan. While we accept that it is no longer possible to connect the car park under Block A to the main basement car park, it does not mean that the car park under Block A should not be completed anyway. The basement has already been piled to comply with the 2017 scheme, so installing a basement car park under Block A would be comparative straightforward and would not affect the construction of Block A. We estimate that this could

provide approximately 35 - 40 additional car parking spaces, and would be especially beneficial to residents in Block H & J allowing them to park much closer to their properties. This would increase the parking ratio of the site to 0.69 spaces per flat, still well below the maximum parking levels in the London Plan.

**Infrastructure:** The applicant has identified that the local area around the proposed development is already undersupplied for GPs with a ratio of 1 GP per 2,666 patients compared to a benchmark of 1 GP per 1,800 patients (Health Impact Assessment page 18 para 4.153). The combined scheme will accommodate an additional 1039 patients so there are real concerns that waits to see a GP locally, which are already bad, will only get worse and there appear to be no proposals to resolve the shortfall.

**Summary:**

The community held a public meeting on 11 October and expressed concerns about all of the matters raised in this objection and as such we feel it is essential that the planning committee are aware of community feeling. The meeting was attended by local councillors and the local MP.

It was generally agreed that the application scheme is awkwardly planned to squeeze in additional flats, disregarding the issues of sustainability which will negatively impact the occupants and represents a significant dilution in design terms of the high quality 2017 approved scheme. If the developer was willing to listen and work with the community and Barnet's urban design experts we are sure a solution could be found and high quality housing built on this site.

For all of the above reasons we urge you to reject this application.

Yours sincerely

Lyn Forster  
Chair, New Barnet Community Association