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05/02/2024

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 address concerns identified in the numerous additional documents they have submitted in January and February 2024. This should be read in conjunction with our letter of objection dated 20 October 2023.

Specifically, we address the letter submitted by Fairview on 11 January 2024 in response to the earlier NBCA objections. However, there are a number of statements with which we disagree and/or dispute and a summary of our comments are set out below. A more detailed analysis is set out separately in the two attached documents, “Comments on the Design Quality” and “Comments on Massing, Sunlight & Daylight”.

#### **Reasons for not building the 2017 consented scheme.**

Many people in the community keep asking why the applicant has not simply built out the scheme for which they already have permission. The main part of the site was granted planning permission almost nine years ago and the amended scheme, encompassing the gateway development, seven years ago. Fairview list six reasons why they cannot build the consented scheme yet most of these would not apply if they had simply got on and built it as the scheme was compliant with building regulations in place at that time. In addition, minor modifications to the consented scheme such as changing the access route to the basement car park would resolve all of those issues related to the culvert. The applicant submitted a modification to the 2017 consented scheme to start work on the gateway development in 2023. In that proposal, they included a gas fired heating and hot water system for the gateway flats and 108 parking spaces at a ratio of 0.92 spaces per flat. No additional consideration was given to overheating, and no overheating strategy was provided as they were simply proposing a modification of the consented 2017 scheme. Fairview are not specific about the changes to fire regulations but, for example, if it related to cladding, there are alternative non flammable cladding options they

could have considered. We are not aware of any change to fire regulations that would make the 2017 scheme undeliverable, albeit subject to minor amendments..

We would also note that the main reason for not building out the 2017 consented scheme, given on numerous occasions previously, was the excessive cost of site remediating and this is now absent. As such, their reasons for refusing to build the consented scheme do not appear credible or valid and given that they commenced work on the site by remediating the site, forming the basement car park and constructing the gateway development, it would appear that they could simply press ahead with the existing consent for the rest of the site albeit with minor modifications in exactly the same way as they moved forward with the Gateway development in 2023.

### **Overheating – High Proportion of Flats Requiring Active Cooling**

Fairview appear to blame the new Approved Document O for the high proportion of flats that require active cooling, a system requiring energy to maintain a liveable temperature in flats using the base level for overheating assessment DSY1. In the proposed scheme, 191 of the 420 flats (45.5%) require active cooling. However, there is a significant disparity between blocks with the 30% of flats in the finger blocks requiring active cooling compared to the London Affordable Rent blocks where 77% of the flats will require active cooling. This suggests that design and orientation are a factor in the stark difference. We have repeatedly asked for the applicant to consider alternative designs including suggestions such as stacked maisonettes, the use of winter gardens and the use of moveable shuttering to reduce solar gain, a suggestion made in the GLA Housing Design Standards 2023 C6.2, but they have simply said these options do not work, without any evidence to support their statement.

### **Noise – Failure to Address Rail Noise Problems**

We note that the applicant has approached Network Rail to identify if noise barriers could be erected which Network Rail rejected. We also spoke with Network Rail who suggested that building residential properties immediately adjacent to a major national rail route might not be the best solution. Given that the finger blocks suffer much less from the rail noise problem than perhaps the original design solution of town houses along the railway embankment in the consented scheme was the best solution for the site and is yet another reason to get on and build the 2017 consented scheme.

### **Daylight - Failure to Meet BRE Guidelines**

The applicant seems to acknowledge that the daylight levels in their scheme fail to meet the guidelines but blame (again) the new Approved Document O on overheating and the new BRE guidelines which are “more onerous/difficult to achieve on larger urban regeneration schemes”. Critically the site is Suburban not Urban and the site is not a designated regeneration scheme. We have carried out a detailed daylight/sunlight analysis attached in the separate document attached, which highlights that many of the issues are driven by the desire for greater density and the failure to respond to the London Housing Design Standards June 2023. As such they are failing to meet the guidelines with their proposed scheme but are suggesting that we should simply accept that failure rather than re-examining the overall design.

### **Single aspect Flats – Failure to Meet the GLA Housing Design Standard**

The GLA Housing Design Standards state at paragraph C4.1 that “New homes should be dual aspect unless exceptional circumstances make this impractical or undesirable; for example, when one side of the dwelling would be subjected to excessive noise or outside air pollution.

Where single aspect dwellings are proposed, by exception, they should be restricted to homes with one or two bedspaces; should not face north; and must demonstrate that the units will: have adequate passive ventilation, daylight and privacy; and not overheat (particularly relevant for south or west-facing single aspect units)". The applicant has not demonstrated exceptional circumstances, especially as majority of the single aspect units are not affected by noise with 58 of the 86 single aspect flats located in Blocks A, C, D, E and F which are not adjacent to the railway line. We note that the applicant states the single aspect flats in blocks C, D, E and F "have been placed in the Southern elevation to maximise sunlight penetration to the units". The issue here is that they are single aspect flats only to squeeze in more units, and that as suggested, if they were family sized dual aspect units instead, they would actually accommodate more people.

### **Enclosed Kitchens - Failure to Provide Kitchens With Windows**

The applicant states that there are only "a small proportion of enclosed kitchens" i.e kitchens without windows. In fact there are 52 flats where the kitchens have no windows. The applicant says that separate kitchens are a good thing as they stop noise and reduce the smell of food from the kitchen entering the living room. We completely agree and note that in total there are 113 flats (27%) with separate kitchens. The concern we have expressed is that of those 113 separate kitchens, 52 have no window. They acknowledge that the BRE guidelines state that "Non daylight internal kitchens should be avoided wherever possible, especially where the kitchen is used as a dining areas too" yet appear to ignore the problem. The GLA Housing Design Standard states at C4.7 that "All habitable rooms (including a kitchen/dining room) should receive natural light and have at least one openable window that provides a view out when seated". However, 33 of the internal kitchens (no windows) are kitchen/diners and as such breach the Housing Design Standards. The applicant seems to simply dismiss this non compliance but we believe it could be addressed by better design.

### **Character**

While we note the comments made, they do not appear to address the fundamental issues raised previously including height and lack of stepped setbacks in the finger blocks. A more detailed assessment is provided in the separate detailed analysis document.

### **Parking**

The applicant has failed to address the fundamental issue in that as per the 2023, S73 Application for Blocks H & J based on the 2017 consented scheme, the Planning Committee approved that scheme at a parking ratio of 0.92 spaces per flat. At no stage in this application have Fairview sought to amend that consent given last year. The latest application for the rest of the site of 420 flats seeks to conflate the parking requirement between the two schemes, the approved scheme under construction and the application scheme. We are clear that the Gateway scheme of Blocks H&J were granted consent with a parking allocation of 0.92 spaces per dwelling or 61 spaces for 66 flats now under construction. As such the remaining site will have only 230 spaces for the 420 flats or a ratio of just 0.55 parking spaces per flat. The GLA were clear in their correspondence that up to 0.7 parking spaces per flat was an acceptable level so Fairview's insistence of minimising parking appears to be an entirely economic decision not a policy decision.

### **Infrastructure**

The applicant has ignored the concerns raised about the clear shortfall in infrastructure, especially the lack of GPs and primary health care facilities locally.

## **Summary**

While the applicant has made some minor cosmetic changes to the scheme, they have failed to address any of the fundamental issues raised. Critically, many of these outstanding issues also breach the GLA Housing Design Standards 2023 which underpin the London Plan. It is bad enough that the scheme fails to exhibit best practice in so many areas but on key issues like windowless kitchen/diners, the number of single aspect flats and the exceptionally high number of London Affordable Rent units that will require active cooling, they simply fail to meet the standards. We have tried to make constructive suggestions to modify the design so that the community can finally access the much needed homes on this site and which were granted initial planning permission 9 years ago, but these suggestions have not been heeded. We would urge the Committee to refuse the application and urge the applicant to either build the scheme for which they have planning consent or address the concerns raised and put forward proposal that meets the GLA Housing Design and related standards.

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

Yours sincerely

Lyn Forster  
Chair, New Barnet Community Association