

**Town and Country Planning Act 1990
Appeal by Citystyle Fairview VQ LLP
Site Address: Land Formerly Known as British
Gas Works, Albert Road, New Barnet, EN4 9BH**

**Planning Inspectorate reference:
APP/N5090/W/22/3294689**

**STATEMENT OF CASE DOCUMENT
of
NEW BARNET COMMUNITY ASSOCIATION (NBCA)
(Rule 6 Party)**

3rd May 2022

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1. Background

- 1.1. New Barnet Residents Association (NBRA) was set up in 1971. There were plans to drive a road through the middle of Victoria Recreation Ground to give access to a new gas board office block. Residents formed an association to fight these proposals and suggested an alternative route which was eventually adopted and is now known as Albert Road. Since then the association has been active in commenting on proposed developments in the area. It was the key group in ensuring that Barnet Council was the first Borough in London to adopt a UDP (Unitary Development Plan) and has been heavily involved in all subsequent revisions. The association reviews and comments on local planning applications and assists individuals and groups respond to local applications. They have also submitted written comments to Planning Inspectors and appeared at Public Inquiries.
- 1.2. In 1998 NBRA changed its name to New Barnet Community Association (NBCA) to more accurately reflect the work that it was doing and to ensure that all sections of the community were included. It also enabled the Trustees to meet new legal and financial requirements as the organization grew. NBCA is a charitable company limited by guarantee.
- 1.3. The organization has no religious or political affiliations and works with individuals and groups from all sections of the community.
- 1.4. Following proposals in 2008 to develop a new Tesco on East Barnet Road along with proposals for a large Asda supermarket on the gasworks site, the Save New Barnet campaign group was formed to ensure local community interests were fully represented.
- 1.5. As part of the opposition to the supermarket we developed our own concept design for how the site could be developed for residential use and in 2010 NBCA worked with Barnet Council to develop a Town Centre Framework for New Barnet which identified the gasworks site as suitable for residential development. We also identified the development of a new swimming pool on Victoria Recreation Ground to complement the extant scheme and this was completed and opened August 2019.
- 1.6. In 2014 the NBCA team and community worked with architects acting on behalf of Asda to develop a residential scheme for the gasworks site which closely reflected the principles of our original 2008 concept design and this scheme for 305 homes was approved by Barnet Council in January 2015. Subsequently, an additional land element fronting Victoria Road became available. Again, NBCA worked with the developers and a revised application for 371 homes was approved by Barnet's planning committee in 2017. At this point the community thought we now had a conclusion to almost 10 years of uncertainty over the site and that good quality family homes would soon be under construction.
- 1.7. The community tried to keep in touch with the site owners, One Housing, but there was no feedback until in January 2020 the appellant launched a consultation for a new development on the site of 692 homes, almost double the extant scheme. This was subsequently revised to 652 homes with the planning application refused permission in September 2020.
- 1.8. Consultation on the current scheme was launched in March 2021. NBCA met via Zoom with the developers on 18th May 2021 to talk through a revised concept we had developed, building on the extant scheme but replacing the town houses with stacked maisonettes and flats with habitable rooms facing away from the railway line. This created the potential for some additional homes on the site whilst mitigating the noise and overheating issues arising from having west facing flats overlooking the railway line. A follow up meeting with the appellant was held on 15th June with the initial application submitted on 30th June 2021 for 544 homes. It was submitted on the same day the public consultation closed. There

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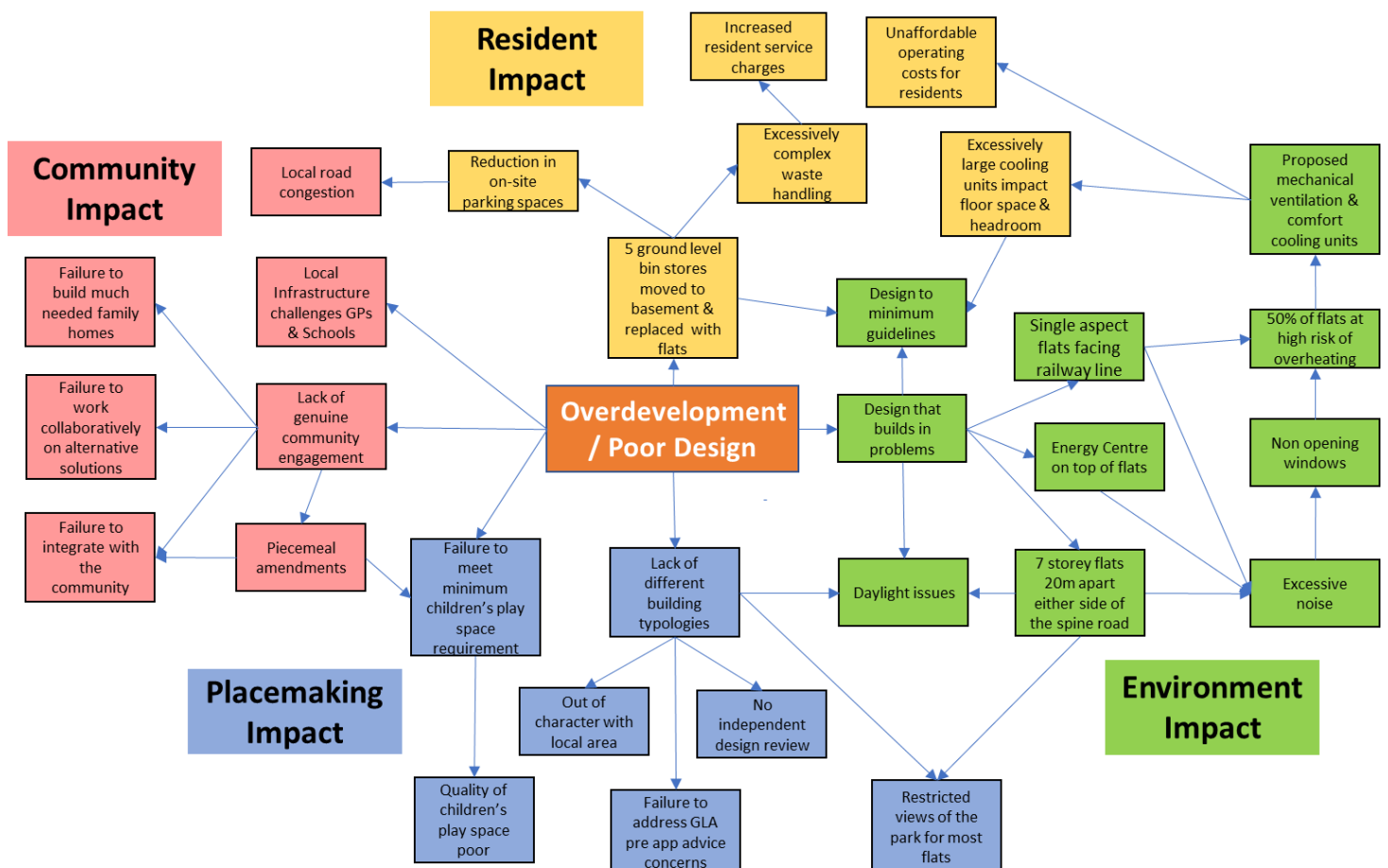
followed a series of additional documents and amendments with an amended scheme submitted on 5th November 2021 for 539 homes.

2. Objections

2.1. The problems with this scheme stem from starting with a target number of flats and making compromises to meet that target rather than seeking to optimise the site using site constraints and opportunities as a starting point for the design. This has resulted in an exceptionally poor design and, if approved in its current format, will build in numerous problems that will make the development environmentally unsustainable and impose poor living conditions for the residents and the community in the future. Our objections fall into four main impact areas as follows:

- Placemaking
- Environment
- Resident
- Community

These are shown on the chart below and highlight the knock on effect specific elements have on the design :



Set out on the following pages is a summary of each of the specific objections.

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3. Placemaking

- 3.1. The scheme fails to deliver good quality design, being regimental in character, lacking both a variety of building typology and design ambition. In so doing, it fails to meet National Planning Policy Framework (NPPF) Section 12, London Plan (2021) Policy D6 and Barnet Policy CS1, CS5, DM01 & DM05.
- 3.2. The GLA officers noted in their pre-app advice of 7th June 2021 that they “considered that there is now scope to explore alternative layouts and architectural typologies to find an optimal design solution for the site”. This request was not addressed by the applicant.
- 3.3. The children’s play space fails to meet the minimum requirement, in breach of London Plan Policy S4.
- 3.4. The GLA noted in their pre-app advice of 7th June that “The application site is not located in an area which is identified as being appropriate for tall buildings. As such, the proposal would not comply with the locational requirements of London Plan Policy D9 (B)”. This has been ignored by the applicant.
- 3.5. There is a significant risk of overlooking in many of the flats with habitable rooms 20 metres apart and balconies 17 metres apart.
- 3.6. Many of the flats have been designed to meet the absolute minimum space standards, even though the London Plan paragraph 3.6.2 states that “The space standards are minimums which applicants are encouraged to exceed”. In addition, the applicant’s design team has identified a requirement for cooling equipment that is not shown on the plans, which if shown would mean that some of the accommodation is below minimum standards (see item 4.2 below)
- 3.7. We have reviewed the GLA pre-application advice provided to the applicant on 7th June 2021 and are concerned that there are many aspects that the applicant has chosen to ignore. We would have liked to review the Barnet Council pre-application advice to the applicant, but we have been told that **no written record was kept** of the three pre-application meetings on 7th, 19th and 29th April 2021 **nor was any written advice provided to the applicant** even though this appears to breach Local Government Association (LGA) guidelines on pre-application advice. The only record of one meeting provided is a photograph of a page from a Barnet planning officer’s notebook with some jottings. The applicant’s Design & Access Statement asserts that specific pre-application advice was provided by Barnet’s planners, however, without any documentary proof, we would ask that they be discounted as part of any evaluation of the application.

4. Environment

- 4.1. Seven of the 13 blocks, (274 flats) have been identified as being at high risk of overheating including all the blocks facing the East Coast Main Line, and will require active cooling, contrary to London Environment Strategy Policy 8.4.3, when most of these issues could be addressed by following passive design principles in the layout of the site. The proposed active cooling system will be expensive to run and fails to integrate with the district heating system making it environmentally unsustainable and in breach of London Plan Policy SI 2 and Barnet Policy CS13. The properties affected by the overheating include all of the social and affordable homes where residents will be least able to afford the running costs involved.
- 4.2. As many of the flats have been designed to meet the absolute minimum space standards, the addition of large mechanical ventilation/comfort cooling units, not shown on the

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current plans, means that a number of the flats no longer meet the minimum size requirement.

- 4.3. The scheme's design will build in significant noise problems to such an extent that properties facing the East Coast Main Line and the spine road will require non opening windows, even though many of the flats have their balcony amenity space facing the noise source, contrary to London Plan Policy D14 and the London Environment Strategy Chapter 9.
- 4.4. BRE guidelines state that an open plan living room should achieve a higher percentage value for daylight (2% ADF) if it contains a kitchen - but the applicant has used a figure of 1.5% ADF (the target for living rooms) instead, meaning that many more rooms appear to meet guidelines when, in fact they fall short. This flexible approach to interpreting the guidelines is intended to relate to urban sites with existing site constraints rather than a suburban, clear site, on which this scheme is being developed.

5. Residents

- 5.1. Waste management of the site is designed to be complex and labour intensive, risking the sustainability of the scheme, contrary to London Plan Policy D6 (B) and Table 3.2 - Qualitative design aspects to be addressed in housing developments and Barnet Policy CS14. It will force residents of the six blocks above the car park to go to the basement level to drop off their rubbish. This complex arrangement will also have the knock-on effect of increasing service charges for residents. Combined with the high cost of operating the air circulation and comfort cooling system which also requires expensive filters to be replaced on a regular basis, there is a real concern that the social and affordable residents will find the operating costs of their homes unaffordable.
- 5.2. Due to the relocation of ground level bins and cycle stores to the basement level. The number of parking spaces has been reduced. The developer's own transport consultant identifies that the reduction in on-site parking spaces will leave the site short of at least 47 spaces excluding those for any visitors. This will inevitably lead to a CPZ being introduced in New Barnet, even though this could be offset with a straightforward amendment to the design and as such is in breach of Planning Policy DM17.
- 5.3. There are serious concerns about the adequacy of the remediation of the site and impact on residents, particularly those in Block E (all social housing) where the lack of a hydrocarbon barrier under part of the block may allow hydrocarbon vapours to enter the building.

6. Community

- 6.1. The time between the public consultation closing and the submission of the application was less than 5 hours, demonstrating that the applicant had no intention of listening to, considering, or even less, implementing any public comments, negating the validity of the consultation process and contrary to paragraph 128 of the NPPF (February 2019).
- 6.2. In the extant scheme there were 30% 3 and 4 bedroom homes reflecting the need for larger family housing as set out in the Council's Strategic Housing Market Assessment. The appellant's scheme has only 22% 3 and 4 bedroom homes and just 11.7% of market homes in the scheme are 3 bedrooms (no 4 bedroom market homes) even though 3 and 4 bedroom homes are the top priority as set out in Barnet's current policies DM08 and CS4, draft policy HOU02.

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- 6.3. The applicant has provided supporting data that is inaccurate, out of date and misleading such as:
- 6.3.1. False number of patients per GP (Health Assessment Report).
 - 6.3.2. Inaccurate number of available school/ nursery places at Danegrove School and St Margaret's Nursery (Health Assessment Report) giving a false impression that local primary and nursery school capacity is adequate to accommodate this scheme.
 - 6.3.3. Misleading number of car parking spaces on East Barnet Road by including the road under the railway bridge to the junction with Lytton Road where, although it is single yellow line, a car parked there would gridlock the traffic. On Tewkesbury Close it states there are 9 places when in fact there are none as this is the entrance to Sainsburys car park (Transport Assessment Report).
 - 6.3.4. The Utilities Assessment Report, although dated June 2021, refers to scheme as having 652 flats, 392 car parking spaces with buildings up to 10 storeys, which is a description of the 2020 scheme.
 - 6.3.5. The applicant also includes an email from a council officer that appears to endorse a key element of the design. However, the element the officer endorses does not exist in the current scheme, but was in the 2020 scheme. The Circular Economy Statement also includes references to this non-existent element of the scheme.
 - 6.3.6. Misleading claims about the extant scheme implying there are a large number of North facing flats when in reality there are only 16 single aspect North facing flats or just 4.3% of the 371 flats.
 - 6.3.7. Stating that Kingmaker House development, approximately 220 metres from the appellant scheme, comprises of 43 flats and "will have a marginal impact on the social infrastructure in the area" when, in fact, the scheme comprises 137 flats.
- 6.4. The applicant has had more than two years to prepare a design for the ramp connecting the new ground level public right of way to the pedestrian tunnel under the railway line. They did not provide details for the 2020 application and they have still not provided it in this 2021 application, a concern raised by the GLA in their pre-app advice (paragraph 46) of 7 June 2021;
- 6.5. The logistics route for construction vehicles is still proposing that up to 40 HGVs daily across Hadley Common even though the appellant has been told on repeated occasions that this route is entirely unsuitable for HGVs.
- 6.6. The scheme has not been subjected to an independent expert design review, as defined in London Plan Policy D4. A 'Design Audit' has been provided but this does not comply with the definition of a design review as detailed in the London Plan, includes no architectural input or expertise, makes unevidenced statements and gives personal opinions. The 'audit' is of such poor quality we have included a detailed analysis of its shortcoming in a separate document attached.

7. Summary

- 7.1. The scheme is far too dense for the site and has been rushed through without careful consideration of the consequences. As a result, noise and overheating have been dealt with as an afterthought but without considering the consequences of these decisions. The scheme has failed to meet numerous guidelines in an effort to maximise the number of flats using minimum criteria as a benchmark. We have repeatedly asked that the scheme should

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provide a good quality of life for the residents who will be living there but missing guidelines and keeping space to the absolute minimum simply highlights that this scheme is over dense.

- 7.2. To be very clear, the community are not opposed to development on this site and welcomed the approval of the 2017 consented scheme which would have seen a vacant site developed with 371 decent quality homes including 30% 3 & 4 bed homes. We have been waiting for the developer to get on and build the consented scheme for 5 years. The gateway element fronting Victoria Road could have been built and occupied by now with construction of the main site well underway after remediation was completed in August 2019. This application represents badly designed, unsustainable, poor quality and inappropriate development. We will set out in the proofs of evidence the specific details of our objections and why we believe this scheme should be refused.

8. Document List

- 8.1. The documents we intend to reference in our detailed evidence include the following:
- 8.1.1. Save New Barnet Response to Planning Application 21/3676/FUL September 2021
 - 8.1.2. Appraisal of Design Proposals New Barnet Victoria Quarter Revision A September 2021
 - 8.1.3. Appendix 1: GLA pre application advice
 - 8.1.4. Appendix 2: Consented Scheme - DAS statements fact checked
 - 8.1.5. Appendix 3: Save New Barnet Community Group – Concept Masterplan Proposal (May 2021)
 - 8.1.6. Appendix 4 Appraisal of Design Audit for the New Barnet Victoria Quarter September 2021
 - 8.1.7. Presentation to Appellant 18 May 2021
 - 8.1.8. Letter to planning officer 6 December 2021
 - 8.1.9. ProPG: Planning & Noise New Residential Development May 2017
 - 8.1.10. Zehnder Comfocool Q Design Guidance specification document
 - 8.1.11. FOI Email 19 August 2021 - Photo of pre-app notes from planning officer's notebook
 - 8.1.12. Place Alliance - A Housing Design Audit For England 2020
 - 8.1.13. Place Alliance – The Design Deficit - Design skills and design governance approaches in English local authorities - July 2021
 - 8.1.14. Living in a Denser London: how residents see their homes (LSE 2020)
 - 8.1.15. Design Review: Principles and Practice (The Design Council 2013)
 - 8.1.16. Housing typologies investigation findings: Open letter from Andrew Boff, Chair of the Planning and Regeneration Committee, London Assembly: 2nd September 2021
 - 8.1.17. Superdensity the Sequel: (HTA, Levitt Bernstein, Pollard Thomas Edwards, PRP 2015)