

Location	Land At 49 And 51 Beresford Avenue London N20 0AD	
Reference:	18/2526/OUT	Received: 25th April 2018 Accepted: 4th May 2018
Ward:	Brunswick Park	Expiry 29th June 2018
Applicant:	Millen	
Proposal:	Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access	

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, BAB/001 R0 (dated April 2018). Biodiversity Enhancement Plan, Local Character Plan, NOISE IMPACT ASSESSMENT prepared by Hepworth Acoustics Ltd March 2016, Tree Survey Report Prepared by Patrick Stileman Ltd (February 2016), Extended Phase 1 Ecological Habitat Survey Report prepared by Hone Ecology (February 2016), Design and Access Statement prepared by Andrew King & Associates, CGI showing street view, Sustainability Appraisal prepared by Britscape Planning , Highways Statement prepared by Abington Consulting Engineers (March 2016), Vibration Report by Able Acoutics (August 2017).

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 Details of the access, appearance, landscaping, layout and scale shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with those details as approved.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality, the flow of traffic and conditions of general safety on the adjacent highway or the enjoyment of neighbouring occupiers of their properties, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

7 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

- 8 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2015.

- 9 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the railway; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 10 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 11 a) No development shall take place until details of the location, extent and depth of all excavations for foundations and services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to the railway tunnel shaft on site, and a method statement for implementation have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the amenity of future residents in accordance with Policy CS5 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 12 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 13 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 15 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 16 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 17 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the red line area of the application site hereby approved.

Reason: To safeguard the amenities of future occupiers, in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 19 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 20 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 21 a) The proposed development shall proceed in accordance with the mitigation strategy and Biodiversity Enhancements detailed in Section 8 of the Ecological Habitat Survey Report prepared by Hone Ecology (February 2016) report and Biodiversity Enhancement Plan (Drawing BIO- BARNET 2017/RO).

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details with the submitted report.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 22 Notwithstanding the parking provision submitted with planning application, prior to construction of the development; a revised scheme showing parking provision in accordance with the Parking Policy DM17 including the access to the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 23 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.
- b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

- 24 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractor's compound and car parking arrangements;
 - ix. Details of interim car parking management arrangements for the duration of construction;
 - x. Details of a community liaison contact for the duration of all works associated with the development.
 - xi. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 25 No development shall take place until details of the junction(s) between the proposed service/access road(s) and the highway has been submitted to and approved in writing by the Local Planning Authority; and the development hereby approved shall not be occupied until the junction(s) have been constructed in accordance with the approved details.

The applicant will be expected to enter into a Section 278 Agreement of the Highways Act with the Highways Authority, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 26 Prior to occupation of the development details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to be designed in accordance with the Council's adoptable standards. The applicant will be expected to sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council vehicle from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 27 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 28 Prior to the commencement of the development hereby approved, details and statutory orders of any highways required to be stopped up to facilitate the development shall be made under Section 247 of the Town and Country Planning Act 1990. These shall be submitted to and agreed with the Local Planning and Highway Authority.

Reason: To ensure that adequate public access is provided throughout the development.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,

please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

1. Site Description

The site is occupied by 49 and 51 Beresford Avenue, a pair of semi-detached dwellings, located at the top end of the cul-de-sac, in the Brunswick Park ward. The gradient of the land drops away from the turning head in front of the dwellings. The site includes a substantial area of land to the rear of these dwellings, the garden land serving the houses, which extends back to the rear garden areas of Weirdale Avenue. A railway tunnel passes under the site. The property is not located within a Conservation Area nor is any part of the property considered to be a listed building.

2. Site History

15/06599/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 13 houses (6 x semi-detached, 7 x terraced) and a replacement garage and driveway to No 49

Decision: Refuse

Decision Date: 01.02.2016

16/3054/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 9 houses (2 detached 4x semi-detached, 3 x terraced) and a replacement garage and driveway to no 49

Decision: Deemed Refusal

Decision Date: 28.02.2017

Appeal Decision: Dismissed

Appeal Decision date: 17.02.2017

17/2208/OUT

Proposal: Demolition of no 51 and erection of 4no detached dwellings at no 49 and 51. New access road.

Decision: Refusal

Decision Date: 02.06.2017

17/3663/OUT

Proposal: Demolition of no existing buildings at 49 and 51 and erection of 5no detached dwellings at no 49 and 51. New access road.

Decision: Refused.

Decision Date: 08.01.2018

Appeal Decision: Dismissed - APP/N5090/W/17/3191245

Appeal Decision date: 19.01.2018

Reasons for refusal:

1. The proposed development by reason of its siting, layout, size and scale would represent a cramped form of back-land development and an overdevelopment of the site that is out of keeping with and harmful to the character and appearance of the area, contrary to policies 3.5, 7.4 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development

Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted October 2016).

2. The proposed loss of No's 49 & 51 Beresford Avenue would have a detrimental impact on the streetscene setting of Beresford Avenue disrupting the harmonious and tradition cul-de-sac layout, a positive character trait of this sub-urban area, and out of keeping with the existing pattern of development. As such the proposal would be contrary to Policies 7.4 and 7.6 of the London Plan 2016, Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

3. Insufficient information has been submitted in respect of highway safety, parking, trip generation, cycle parking provision and highway logistics such as refuse storage provision and collection points. In the absence of this information the proposed development would be detrimental to highway safety and the free flow of traffic. Furthermore the proposed pedestrian access to plots 3, 4 and 5 is considered to raise issues of highway safety. The proposal would therefore be contrary to Policies CS NPPF, CS1 and CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012).

3. Proposal

Outline consent is sought for the erection of 6 No. dwellings within the application site. The submitted plans and documentation indicate that access would be along the flank boundary of No's 47 and 49 Beresford Avenue. Under the submitted layout the proposal involves 3 sets of semi-detached dwellings, 6 properties in total, served by individual garages and a central estate road, forming a cul-de-sac. The application seeks to have matters relating to the access and layout determined at outline stage.

4. Public Consultation

Consultation letters were sent to 147 neighbouring properties - 613 objections were received and 2 letters of support were received.

Objection

- Concern this proposal will lead to highway safety issue
- Proposal will be out of character
- Excessive impact on the amenity of neighbours
- The proposal will lead to parking stress
- Concern about potential flooding issues
- Excessive noise and disturbance during the construction phase
- No access for emergency vehicles
- The proposed access does not belong to the developer
- Refuse collection will be an issue
- The proposal will put extra pressure on infrastructure
- Loss of privacy for neighbours

- Concern about impact on habitat/protected species
- Overdevelopment, cramped and out of character
- Excessive impact on the established streetscene
- Contrary to adopted planning policy
- Contrary to findings at appeal
- Would result in an unconnected street, divorced from neighbouring development- - -
- Further applications should be turned away
- Previous concerns have not been overcome
- The proposed access at 4.1m is too narrow- We would like the opportunity to address the committee
- This is a garden grabbing proposal which will set an undesirable precedent

Support

- The scheme will provide much needed housing

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the

Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS9,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Residential Design Guidance SPD (adopted October 2016)

Part 2 of the SPD sets out the general guidelines for new residential development.

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future residents;
- The effect of the proposal on highway safety and the free flow of traffic;

- The impact of the proposal on landscape features, biodiversity and protected species habitats;
 - The comments of consultees and public responses;
 - The planning history of the site.
- Whether harm would be caused to the character and appearance of the street scene and the wider locality

As detailed in the Delegated Report for the most recently refused application (17/3663/OUT) and dismissed on appeal, the site has been the subject of intensive activity which was only intensified with the last application and its subsequent dismissal on appeal for 6 residential units. The recent planning history does however provide a background of material and the recent appeal determination is a particularly important material consideration.

To recap, application 17/3663/OUT was refused for the reasons highlighted above. The council's decision was upheld on appeal (18.01.2018). The first application (15/06599/OUT) sought consent to redevelop the site to provide 13 dwellings, with No.51 demolished to accommodate the scheme and provide access. The planning application was refused for 7 reasons which included concern about the layout and over-development, which would be out of keeping with the existing pattern of development.

Application 16/3054/OUT sought consent to provide 9 houses (2 detached, 4 semi-detached and a terrace of 3 dwellings) and the demolition of No.51. This application was appealed on non-determination and the appeal dismissed. One of the concerns cited by the Inspector was the impact on the character of the area.

Application (17/2208/OUT) sought consent to erect 4 dwellings with No.51 demolished to accommodate the works. 4 reasons to refuse consent were recorded on the Decision Notice and again concern with regards to character/over-development was included as a reason to refuse planning permission. Other concerns related to the demolition of No.51 leading to character issues, potential parking/highway safety problems associated with the proposed scheme and concerns about vibration from the railway tunnel and its potential impact on future residents.

The rear gardens of these properties are considerably large and previous deliberations on potential development have centred on gaining an access which would maintain the character of the area and achieving a development which would further maintain the general character of the area. Previous schemes have failed to resolve these key aims.

This application proposes utilising an existing laneway (between 47 and 49) which the applicant, through the submitted location plan, demonstrates ownership of. The access would be widened to 4.1m and would serve as an access/egress to 6 No. semi-detached dwellings from the turning head of Beresford Avenue.

The most recent appeal scheme had proposed demolishing No's 49 & 51 Beresford Avenue to gain access. The council had highlighted the important role that cul-de-sacs provide in creating a sense of place in the suburban residential areas of the district. The Inspector agreed that their removal would have a detrimental impact. The acceptability of the current proposed access in terms of highway and pedestrian safety, refuse collection and its general layout are issues the council take professional technical advice on. These will be discussed later in the report. On the issue of character, it could be argued that the

comings and goings from the site would create character concerns. However if the legibility, integrity and rhythm of the cul-de-sac can be maintained this is difficult to sustain.

Turning to the issue of the general character of the area and the development of garden land in principle, the Inspector commented;

".....The Council also express concern that the proposal would represent a cramped form of backland development and an overdevelopment of the site. However, the submitted site layout shows that dwellings can be provided which would have rear gardens of a suitable size and would be set back from the highway. The Density Study submitted by the appellants also shows that the proposed plots are of a suitable size in comparison to the surrounding area....."

The Inspector was content an appropriate layout and density could be achieved. The previous delegated report went into some detail on the development of garden land. The Inspectors comments would be material considerations to the assessment of this application.

The immediate area mainly consists of semi-detached properties and short runs of terraces arranged in a traditional pattern fronting access roads and served by relatively generous rear garden areas.

Both national and local planning policy advocates a cautious approach to the development of garden land. Paragraph 53 of the NPPF states;

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".

CS5 is the local plan policy providing guidance on issues relating to garden developments. The preamble to Policy CS5, paragraph 10.7.1, firstly recognises the important contributions of garden to the suburb and its quality of life. The preamble goes on to outline how under the Strategic Housing Land Availability Assessment (SHLAA) windfall allowance for small sites, includes only a very small contribution from gardens, of about 5 units per annum. With the removal of gardens from the classification of previously developed land, as per the Chief Planning Officer's direction of June 2010 and enshrined in the NPPF, it is not expected that such developments will make a contribution to housing supply in Barnet (10.7.2 Core Strategy). In the council's view this additional protection enhances the role of gardens in shaping the character of an area.

Paragraph 10.7.3 of the Core Strategy relates how in the past garden developments made a contribution to meeting housing supply. However with other areas targeted for housing growth, it is the aim of local policy to robustly protect suburban areas from garden developments which are deemed detrimental to local character. In line with national policy, this places emphasis on the important "character" role of garden land as opposed to as a contributor to housing supply. Paragraph 10.7.4 states that the council *"will assess proposals involving the loss of gardens according to Policy DM01"*

In 2012 a new policy framework, including policies DM01 & CS5, was adopted to guide future development in the area covered by the plan. This guidance included policies aimed at preserving or enhancing local character and ensuring that new development respected the appearance, scale, mass, height and pattern of surrounding buildings.

The council's adopted Residential Design Guidance SPD outlines how *"an area's character may be derived from a range of attributes, including built form, architectural style, pattern, layout, space around buildings, landscaping, trees, streetscape, materials and uses/activity. The design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character"*.

Paragraph 2.9.1 in the preamble to Policy DM01 specifically highlights the role that garden land can play in creating a sense of place and enhancing the settings of buildings. Development which can adversely affect this character includes infill development.

The council previously concluded on character;

'In terms of layout, the area is characterised by traditional patterns of development. The houses are served by relatively generous rear garden areas. The proposed dwellings would be located in the lower sections of the rear garden serving No 49 & 51. The council has concern that owing to the character as expressed above, the construction of dwellings at this location would be incongruous, and out of character. The traditional and harmonious layout of development in the area would be seriously diminished by the siting of what is essentially a housing scheme in rear garden areas. The rear garden areas help create the sub-urban feel of the immediate area, an intrinsic characteristic of this part of the district. By contrast the proposed dwellings would be served by reduced garden areas and appear cramped in this setting. It is considered that the garden areas at this location play a vital role in creating the local "sense of place", which would be adversely eroded by the proposed development.'

This scheme has a similar density to the refused scheme and a layout of semi-detached dwellings is not in conflict with the existing character. The issue is whether the general principle of the development of the garden areas would create concerns relating to the character of the area.

The appeal determination is a material consideration of significant weight and local authorities must be aware of appeal guidance which guards councils against finding issue with elements of a scheme previously found acceptable at appeal. It is very clear that the loss of the pair of semi-detached dwellings was found unacceptable. However, the general principle was deemed acceptable. The layout and density was deemed appropriate and this scheme is not materially different from that perspective.

Whilst both local and national guidance advises on the potential harm of garden developments there is also an onus on local authorities to strive to make the most efficient use of brownfield land, and in that respect each site is judged on its own particular merits. Suburban gardens play an important character role in shaping local areas and their redevelopment can erode this character, which is worth maintaining. Similar developments are not uncommon in the district. Reference is made to a development at Saint Margaret's Avenue (15/06600/FUL & 16/4030/FUL) (APP/N5090/W/16/3149519 & APP/N5090/W/16/3156589), which bares similar characteristics in the provision of 6 No. dwellings. Another recent example approved at the Hendon Area Committee meeting (08.09.2017) relates to 18 Maxwellton Close (17/4462/FUL) for the redevelopment of a rear garden to provide 4 no. dwellings. This scheme similarly takes its access along the flank wall of the existing dwelling.

Whilst policy requires a careful assessment of garden developments, a planning assessment is none the less required. The streetscene and character of Beresford Avenue would not be significantly eroded as the access utilised is existing that provides access to

the garages at the rear. This access is proposed to be widened to serve the new houses at the rear. This removes, in officers' view the first reason for refusal. The cul-de-sac layout can be maintained. The second reason for refusal is considered to have been addressed. The access and highway safety implications and therefore of critical importance and will be discussed with the benefit of the technical highways advice.

- Whether harm would be caused to the living conditions of neighbouring residents

The layout of development proposes a traditional row of semi-detached dwellings fronting onto a turning head to serve the development. Dwelling No.6 would be located along the flank boundary of the garden of No.53 Beresford Avenue. Like many of the gardens in the area the rear amenity area is generous, circa 43.0m, and the location of the properties along such a garden area would not be particularly overbearing or unneighbourly. A distance of approximately 18.0m could be retained between elevations. Whilst the guidance suggest a distance of 21.0m as being more appropriate, the angle between elevations which could be retained and the change in levels would offset this slight shortfall. Furthermore as this is an outline application, other options such as the use of obscure glazing and position of windows i.e. bathroom windows on the garden side, could further alleviate concerns regarding overlooking. The flank of House No.1 would be located adjacent to the rear boundary of houses on Weirdale Avenue, but an adequate separation distance is retained and again detailed design at reserved matters stage would ensure any adverse impact is minimised.

Access to the dwellings would be between No's 47 and 49. Whilst the additional comings and goings from vehicles may result in some noise from vehicles entering and egressing the site such access are not considered uncommon in the more built up areas and the noise and disturbance would not be significant enough to refusal of the application.

Previous concerns with regards to vibration from the nearby railway use and its impact on future residents had been a reason to refuse consent. This application is supported by a Vibration Report to address this concern and comments have previously been received from the council's Environmental Health section. The advice suggests that issues relating to potential impacts from noise and vibration could be adequately mitigated. Further reports will be required at detailed reserved matters stage of the application with regards to mitigating vibration and noise nuisance and conditions relating to sound insulation and acoustic fencing are suggested which will address this concern and will be agreed before the development commences.

- Whether harm would be caused to the living conditions of future residents

Whilst this is an outline application, The plan layout indicates that adequate provision would be made for the amenity of future residents. Rear amenity areas would be in line with adopted standards and similarly internal living space would be controlled and addressed under the reserved matters application.

- The effect of the proposal on highway safety and the free flow of traffic

The Highways Authority has previously raised concern with this proposal. Their response dated 23/05/2018 suggests a reduction in parking provision provided as they consider 16 spaces to be excessive. These matter including cycle parking provision can be agreed by way of a condition.

Highways officers also comment that the applicant will be required to submit an application under Section 184 or Section 278 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

Prior to the commencement of the development, details of the access roads within the development shall be submitted to and approved in writing by the Local Planning Authority.

Access road details should include road layout for internal roads, details of swept paths and turning movements for Heavy Goods Vehicles and Refuse Collection vehicles entering the site and show that Heavy Goods Vehicles can turn around within the internal roads and pedestrian routes within the site.

Although the Council will not consider the proposed internal roads for adoption as public highways, the internal roads submitted details should include specification of carriageway construction to adoptable standards to allow for refuse vehicles to enter the site. The access as approved shall be constructed in accordance with the approved details before the site is first occupied.

The bin collection area for the development needs to be within 10m of the public highway for the Council's Refuse Collection Service to collect refuse. Alternatively, if the refuse vehicles will be required to enter the site then the proposed access road will need to be constructed to the Council's Adoptable Standards and adequate turning area shall be provided to facilitate the refuse vehicles to access and exit the development site in forward gear.

The Highways Authority cites no objection to the scheme. Technical specification of the roadway and layout could be secured at reserved matters stage and subject to suggested conditions, the proposed means of access is now deemed acceptable. This in the view of officers' addresses the third reason of refusal.

- The impact of the proposal on landscape features, biodiversity and protected species habitats

Ecological enhancements have been considered and provided within an associated Hone Ecology Report (12th February 2016) In Section 8; and Biodiversity Enhancement Plan (Drawing BIO- BARNET 2017/RO), If implemented, this would contribute towards the objectives of planning policy identified within the National Planning Policy Framework (NPPF), therefore based on the information provided the council has been advised that the applicant has provided sufficient information of the measures to be incorporated to achieve biodiversity conservation and enhancement to achieve a sustainable development. The enhancements could be agreed by condition.

As the development is located close to a railway tunnel there may be bats affected by the development. The site would be suitable for foraging. An ecological assessment outlining whether bats are present, and if so, how any potential impacts could be mitigated should be provided. It is considered that mitigation would be possible and any details can be agreed by a condition.

An Arboricultural Appraisal and Trees Constraints Plan has been submitted in support of the application. 5 trees have been valued as category B moderate value and a material

constraint to development. The remaining trees have been valued as category of C and low value and not usually considered a constraint to development. The council's Trees and Landscaping Officer has previously requested a detailed arboricultural impact assessment, draft tree protection plan and method statement to demonstrate how the category B trees would be retained. The scheme would not result in the loss of landscape features of high importance. As no trees on the site are protected and it would appear that trees of amenity value could be retained, the issue can be dealt with by a condition.

- Network Rail

Owing to the proximity of the New Barnet Railway Tunnel, Network Rail has been consulted. Whilst pertinent issues have been raised within the consultation, Network Rail is content that concerns in relation to foundations and the location of a tunnel within the garden of No51 could be appropriately dealt with by conditions. The council are content to accept that these issues could be mitigated with conditions.

- Public Responses

It is considered that the majority of concerns raised have been addressed within the report.

However there is no evidence to suggest that the development of this scheme would have an adverse impact on the sewage system or other utilities within the area.

The site is not within a flood risk area.

Concerns about construction traffic and the disruption during the period of construction could be appropriately managed by a condition agreeing a construction management plan.

Sustainability

The sustainability statement submitted with the application asserts that the proposed development would comply with Part M4(2) of Schedule 1 to the Building Regulations 2010 and the provision of an appropriate reduction in CO2 emissions against the 2010 Building Regulations would be achieved. a condition would be attached to ensure this is achieved.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed amended and resubmitted scheme has addressed previous concerns. Taking the most recent refusal and appeal determination as a starting point, this proposal addresses the three reasons for refusal and the officers' consider the scheme as amended would be considered acceptable subject to conditions and reserved matters. The application is recommended for approval accordingly.

Site Location Plan



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