

**Location** **Land At 49 And 51 Beresford Avenue London N20 0AD**

**Reference:** **22/6069/OUT** Received: 22nd December 2022  
Accepted: 3rd January 2023

Ward: Whetstone Expiry 28th February 2023

**Case Officer:** **Stephen Volley**

Applicant: Millen

Proposal: Outline application with landscaping reserved for the demolition of part of no.51 Beresford Avenue and the erection of 6 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4AD

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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:

BAB 001 R2 Site Layout Plan  
B0AB002 R1 AIA and Habitat  
BAB 004 R0 Site Sections  
BAB 004.1 R0 Road Sections  
BAB 005 R2 Waste Strategy Plan  
BAB 005.1 R2 Highway Plan  
BAB DV 001 R1 Development views  
BAB EL 001 R0 Elevations and floor plans P3-8  
BAB PEL 001 R1 Proposed Elevations and Floor Plans No.51  
BAB PEL 001 R0 Existing Elevations 49 and 51  
BAB PFP 001 R0 51 Floor plans existing  
BAB SS 001 R0 Street Scene Elevations  
Location Plan  
Noise Assessment Sept 2022  
Design and Access Statement  
Waste Strategy  
Road Safety Audit Brief GG119  
Road Safety Audit 05.01.2023

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 landscaping 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, 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 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 October 2016).

6 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).

7 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), and the Sustainable Design and Construction SPD.

- 8 No development should take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works. Such details to be approved in writing by the local planning authority in conjunction with Network Rail. The developer must liaise directly with Network Rail's Asset Protection Team (details below) to ensure that the foundation detail for the site in relation to the tunnel and the associated hidden shaft are agreed in advance with Network Rail prior to any work commencing on site.

Matt Leighton  
Town Planning Technician  
Network Rail Property - Eastern Region  
George Stephenson House  
Toft Green  
York  
YO1 6JT

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).

- 9 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 10 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 T5 of the London Plan 2021 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.

- 11
- 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 treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
  - c) 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, DM16, 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).

- 12
- 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).

- 13
- 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 14 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) & M4(3) 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 Policy D7 of the London Plan 2021.

- 15 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 D4, D5, D8 and G7 of the London Plan 2021.

- 16 a) The proposed development shall proceed in accordance with the mitigation strategy and Biodiversity Enhancements specified in drawing B0AB002 R1 AIA and Habitat

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

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).

- 17 a) Before the development hereby permitted is first occupied or the use first commences, parking spaces, cycle parking and turning spaces as shown on Drawing BAB 001 R2 (Site Layout Plan); shall be provided and marked out within

the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

c) The applicant will be required to enter into a s184 agreement with the council for modifications to the existing access and reinstatement of the footway adjacent to the existing site access.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T6 of the London Plan 2021.

18 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 T6 of the London Plan 2021.

19 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.

20 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 prior to the occupation of the hereby approved development.

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), and the Sustainable Design and Construction SPD (adopted October 2016).

21 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures shown on drawing B0AB002 R1 (AIA and Habitat) 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), and Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012).



- 22 Notwithstanding the details submitted with the application and otherwise hereby approved, no gate or any means of enclosure shall be erected along the proposed access, at any time, whether in use or not without the prior written consent of the local planning authority.

Reason: To ensure community cohesion and to safeguard the character and visual amenities of the area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 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](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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](mailto:cil@barnet.gov.uk).

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition

survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk)
- 7 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust

from demolition and construction, Institute of Air Quality Management, January 2014.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 8 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 9 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

## **OFFICER'S ASSESSMENT**

The application has been 'called in' for determination by planning committee by Cllr Ella and Cllr Liron Velleman on the basis that the application materially changes the infrastructure and character of the cul-de-sac and does not include affordable housing.

## 1. Site Description

The site is located to the rear of 49 and 51 Beresford Avenue, which is currently occupied a pair of semi-detached dwellings. Located at the head of the cul-de-sac in a prominent position, the two properties provide an important contribution to the character and appearance of the Beresford Avenue street scene.

The gradient of the land drops away as one moves 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 application site is not located within a Conservation Area nor is any part considered listed.

## 2. Site History

Reference: 22/3511/OUT

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Refused

Decision Date: 1st September 2022

Description: Outline application with landscaping reserved for the demolition of part of no.51 Beresford Avenue and the erection of 6 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4AD

Reference: 22/2560/OUT

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Refused

Decision Date: 15 September 2022

Description: Outline application with landscaping reserved for the demolition of no.49 and no.51 Beresford Avenue and the erection of 8 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4A

Reference: 21/5999/RMA

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Approved subject to conditions

Decision Date: 11 February 2022

Description: Reserved matters application seeking approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semidetached houses on land to the rear of 49 and 51 and provision of new access.

Reference: 21/5046/OUT

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Refused

Decision Date: 11 November 2021

Appeal Decision: Dismissed - APP/N5090/W/21/3276065

Description: Erection of 6no semi detached dwellings and 1no detached dwelling on land at 49 and 51 following demolition of no.51 Beresford Avenue

Reference: 20/6076/RMA

Decision: Refused

Decision Date: 14 May 2021

Description: Reserved matters application seeking approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semidetached

houses on land to the rear of 49 and 51 and provision of new access'

Appeal Decision: Allowed - APP/N5090/W/21/3276065

Appeal Decision date: 6th January 2022

Reference: 19/5079/OUT

Decision: Refused

Decision Date: 13th December 2019

Description: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access

Appeal Decision: Allowed - APP/N5090/W/20/3248645

Appeal Decision date: 29th October 2020

18/2526/OUT

Proposal: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access.

Decision: No formal decision issued.

Decision Date: Committee date 17.07.2018.

Appeal Decision: Dismissed - APP/N5090/W/18/3208804

Appeal Decision date: 15th August 2019

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

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

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

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: 01.02.2015

### **3. Proposal**

Outline planning permission is sought for the demolition of part of no.51 Beresford Avenue and the erection of 6 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4AD. Appearance, means of Access, layout and scale are to be determined with landscaping being reserved for future consideration.

As discussed in the main body of this report the 6 houses to the rear have already been consented at appeal, with access gained from a lane running parallel with no. 49 Beresford Avenue. A red hatched line on the site layout plan depicts the extent of this permission. This current application seeks a revised access between Nos.51 and 53, which is facilitated by the removal of a two storey side extension at no.51, thereby returning the building to its original form. The existing hardstanding fronting no. 51 will be partly integrated into the proposed access, with the rear garden reduced in size. Land to the rear of no.49 is unaffected by this proposal.

### **4. Public Consultation**

The application has been 'called in' for determination by planning committee by Cllr Ella and Cllr Liron Velleman on the basis that the application materially changes the infrastructure and character of the cul-de-sac and does not include affordable housing.

Consultation letters were sent to 584 neighbouring properties, with 147 objections received raising the following objections.

- Loss of unity and symmetry
- Harmfully erode the character and appearance of the street scene
- Defaces the iconic look of the street view of this cul-de-sac by part demolition of one of the houses on the turning circle.
- This proposed access road will cause detrimental harm to the street scene, as this is currently a continuous pavement around the end of the cul-de-sac, creating a safe place for children to play, cycle and scoot
- Proposed access road will cause detrimental harm to the street scene
- The whole design of the development adds a separate alien identity to Beresford Avenue.
- Unsubstantiated Biodiversity claims
- Breach of relevant planning law (Section 70 c The Planning Act 1990)
- Submission of similar applications has caused confusion
- The buildings are contrary to the deeds of the land.
- Deeds of these properties say 'no excavation'.
- There is no pedestrian access to the proposed houses.
- The entrance will only allow one vehicle to enter or exit
- The access road to the rear garages is blocked by the proposal.
- The proposed access road width is too narrow for large delivery vehicles and refuse vehicles and is dangerously close to the boundary walls of numbers 51 and 53
- Incorrect drawings - Millens plans have been manipulated in their favour and not drawn to scale.
- The gates make this a separate community at the end of the cul-de-sac which detracts from the street scene
- The drawings presented by Millens are not drawn to scale.

- Been allowed to progress even more repeated and malicious applications.
- An accident waiting to happen
- The road on the recent layout was rejected by the inspector
- The proposed access road passes in very close to the walls of 51/53. Substantial harm to the living conditions of the occupiers of these houses will be caused by increased noise, disturbances and lights from vehicle headlights
- The demolition of 49 and/or 51 Beresford has already been rejected
- This application contains features specifically ruled out by previous application outcomes
- Matters relating to Network Rail are unresolved.
- Faith in planning process has plummeted damaging the integrity of the council.
- Millens deplorable conduct towards Beresford's residents and scrutinise their latest application while using planning law related to breach of planning as a guide.
- Safety audit brief did not include pedestrians, children and cyclists.
- A funnelled road, residents of 51 Beresford step out their house directly on to a road and not onto their driveway.
- The date of appeal where Millens was granted planning permission for use of the access has run out, there cannot be a situation where if successful on this latest application Millens can't pick and choose what access route they use.
- Demolition is not acceptable as it alters the street scene, aesthetics and architecture.
- There is no image of the proposed gate to show dimensions, shape, colour and safety factors and how it blends or does not coexist with Beresford.
- There is no compliance with the standards expected from the Royal Society of the Prevention of Accidents.
- Current application and proposed access route for this development is unsafe and will lead to car collisions and car to pedestrian collisions.
- Inadequately tweaked desk driven noise assessment lacks any substance, no proper hands on assessment of any factor. The unique bespoke road does not concur with standard paper assessments.
- There is no reference to the pavement that this road cuts across. Many in the road are wheelchair bound or have difficulties mobilising-this is a predictable safety hazard to all other pedestrians as well.
- Proposal negatively affect the established 1930's street scene cul-de-sac.
- Access road is not wide enough, turning room is inadequate, large delivery vehicles will have problems manoeuvring in the space.
- Not enough parking for visitors on site.
- Existing garage behind the property is not used for a car and it is too far from the property, cars currently park in front of the house but the plans do not indicate this arrangement.
- Plot 6 of the proposed development significantly overlooks the current property No53 Beresford Avenue. The front windows of Plot 6 overlook the rear gardens and bedrooms of No 53.
- The validity of the land use over a major railway tunnel.
- On the last day of commenting on the application, residents were told that Millens is withdrawing the gate. There is now no time to scrutinise or respond which means one rule for Millens and one for Beresford Residents.
- The building works will decimate wildlife and drive them out and their building-brick sustainability solutions is totally inadequate for the increased bird population.
- Previous proposals to use the shared access track or run an access road alongside it were made with the argument that they were concealed from further up the road. The revised proposal would lie directly ahead and therefore would change the established street scene even more.
- A historical map indicates that there was a fence in front of the building.
- The current configuration has existing for a long time and is considered to be well



established. Demolishing part of no. 51 Beresford creating an extension of the road, as well as setting back the front door is certainly to detrimentally affect the established street scene.

-The proposals has shortcomings such as proximity of walls and insufficient space for vehicles and lack of pedestrian footpaths.

-Property no. 51 is proposed to be set back the front door, this will necessitate a change to the original building, and roof line in order for the ridge and valley to meet the new wall location. The elevations also indicate the re-positioning of the shared chimney stacks.

-CGI images are misleading and show the area with no parked vehicles and no vegetation. This is a false representation and seeks to show much more space and visibility than exists.

-Millens, current application, now proposes (along with the demolition of part of 51 Beresford) a different access be granted between 51 Beresford and 53 Beresford but they will still need the access road between 47 and 49 Beresford to bring in building materials as it is unrealistic that they can gain access from the cul-de-sac as it would block any movement and traffic as well as polluting our immediate environment.

-The proposed development is gated and exclusive and has no benefit to the existing inclusive community of Beresford.

-There has been enough evidence to enact Section 70 (c) Town and Country Planning Law 1990 which gives power to the Council to stop all repeat, malicious serial applications.

-Sections 65(5) and 327(A) of the Town and Country Planning Act 1990 states that local planning authorities "must not entertain" applications where statutory requirements to (amongst other things) notify owners of planning applications and certify that they have done so have not been met. Millen's tweaks have no relevance to their application and have fallen short of what they were expected to address.

-No. 51 rear garden vastly reduced.

-The Disability Discrimination Act is there for the planners to ensure developers ensure access to this development.

-Millens have put profit before safety.

-According to the Royal Society for the Prevention of Accidents say it should be recognised that even in the best regulated area accidents can occur and therefore access for emergency vehicles is essential. An ambulance requires an opening of at least 2.15m and ideally an ambulance should be able to get right up to the area. A fire engine is 2.3m in width and the above is equally applicable. The Royal Society assert that a Trolley Bed (as carried in ambulances) can be used where a vehicle cannot get right up to an area. A Trolley weighs around 58 kilos unloaded and it requires a standing footpath of 1 metre to access a property.

- The Royal Society: It is important that there are no finger or hand traps and shear points. This means that there should be a minimum gap of 12mm between the gate and the posts etc, both sides of the gate.

-Who are the 617 people and/or organisations that have been consulted.

-The drainage pipes which run in the alley way and possibility of land slide which already been subject towards the tunnel should not be built upon.

-The construction will put additional pressure on existing infrastructure such as water supply, drainage and include loss of privacy to homes and gardens.

-Decisions made behind closed doors is contrary to the council's policy on transparency.

-There are mainly single houses and bungalows on plots and the applicant suggest 6 houses on one plot which is considered excessive.

-Section 73 of the Town and County Planning Act 1990 should be implemented should be implemented to ensure that previous conditions have been upheld by Millens.

-Information missing in the application relating to sustainable drainage to prevent surface water entering road/highway

The Rt. Hon Theresa Villiers has been consulted and raises the following objections to this proposal.

'I understand from residents of Beresford Avenue that the above further planning application relating to land at 49 and 51 Beresford Avenue, N20 has been submitted.

I have consulted my constituents and been informed that, despite the developer making some changes in response to previous criticisms, this proposal is no more acceptable than the last. They ask me to pass on the following comments:

-Previous proposals to use the shared access track or run an access road alongside it were made with the argument that they were concealed from further up the road. This one would lie directly ahead and therefore would change the established street scene even more.

-Residents were unable to see a statement included in the documents for this application, but the previous statement asserted that there was previously an access road in this location, using evidence of an outbuilding from a historic map. However, the map does not indicate any road or track in this location. Neither does it indicate that the building was a garage. In fact, a line on the map suggests a fence in front of the building.

-The requirement is to not detrimentally affect the established street scene (not the original street scene). The current configuration has existed for a very long time, and is well established. Indeed, since these homes were originally built in the 1930s, and the map used was published in 1950 (<https://maps.nls.uk/view/102901864>), it's highly likely that the current configuration has been there far longer than the one on this map. To demolish part of No 51, creating an extension of the road, as well as setting back the front door will detrimentally affect the established street scene.

-The established street scene also includes a continuous pavement which is frequently used by children on their bikes and scooters. To interrupt this with a through road is to change the nature of the existing family-friendly cul-de-sac, to the detriment of existing residents.

-The plan suffers the same shortcomings (with regard to proximity of walls and insufficient space for vehicles, lack of pedestrian footpath and so on) to the previous proposals to create a new access road in this location and to create one adjacent to No 49.

-On the point of the reconfiguration of No 51 to set back the front door: very little is indicated of this change in either the images or descriptions. It must be noted that this aspect represents a change to the original building, and also necessitates a significant change to the roof line in order for the ridge and valley to meet the new wall location. The elevations also indicate the re-positioning of the shared chimney stack. Is this possible? Again, this significant change is completely glossed-over.

-Following the proposed changes, The resulting property of No 51 would be extremely cramped with its rear garden vastly reduced. The residence would be crammed in between the access road and No 49 and would be much smaller than other homes on the road as well as those on the new development. It would therefore be completely out of kilter.

-The sight lines drawn on the plan are a complete fallacy, running to tightly within the confines that they are impracticable. The CGI images clearly show that visibility into the access road is very limited and frequent conflicts of vehicles are certain. Note that the angle of the CGI images is further to the right than the position of an approaching vehicle keeping to the left. There are also conveniently no CGI images from the opposite end of the proposed access. This omission is telling; clearly the proximity of buildings to the narrow access and lack of visibility would be exhibited.

-The CGI images are also misleading in that they show the area with no parked vehicles and no vegetation. This is false representation, and seeks to show much more space and visibility than is actually the case.

It should be considered that the only plan for this site that has been allowed (and notably only by a planning inspector on appeal, against the overwhelming objections of residents and the unanimous decision of the planning committee) is one which proposes to use the shared access track. The applicant, and the residents and freeholders of No 49 and No 51 have no legal ownership of this track, and no rights to alter it or to restrict freedom of access to other residents.

There is a covenant on their proposed access road forbidding the widening of it. Residents and the wider community have 24/7 access to this access road. The access road is privately owned. Following, Millens last appeal they were granted planning permission which included their proposed access road. However, the private owner has denied them the access to build their houses.

Millens' current application now proposes (along with the demolition of part of 51 Beresford) a different access be granted between 51 Beresford and 53 Beresford but residents believe that they will still need the access road between 47 and 49 Beresford to bring in building materials as it is unrealistic that they can gain access from the cul-de-sac as it would block any movement and traffic as well as polluting the immediate environment.

It is therefore unworkable, hence the on-going alternative applications. All applications that involve demolition (in whole or part) of No 49 or No 51 have been rightly refused, and this application should be no different.

Furthermore, residents have asked me to confirm that there is a covenant on the land forbidding house building over the railway tunnel.

We are now in the 8th year of repeat applications. Constituents ask if these can be countered by the following appropriate planning law:

Sect.70 (c) Town and County Planning Law 1990 gives power to the Council to stop, once and for all repeat and malicious serial applications and this may need looking at again as there are no significant changes to this current application.

They are also concerned that the following has been ignored by the planners:

Section 73 of the Town and County Planning Act 1990 that allows applications to be made for permission to develop without complying with a condition previously imposed on planning permission.

Millens in each of their applications have made no reference to being granted this. They keep referring to the planning permission granted before on this one and on previous applications but there are no notifications from the planning department or any evidence of any monitoring by them to ascertain if these conditions were or were not carried out.

Furthermore, there has been no reference to these in planning officer's reports to the planning committee or to the Planning Inspectorate; nor have any of the residents' specific references to this been listed in their objections to them as well. They also believe that the same can be queried regarding Millens' breach of planning law i.e. Section 171A of the Town and Country Planning 1990.

Residents have raised these concerns with the council but received no response.

I would be grateful if my constituents' views on this application can be considered before

any decision is made. I note that, to date, there are 147 objections to this latest application. Please inform the Planning Committee that I also object to this application and believe that it should be refused'.

## **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 20th July 2021. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

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. Chapter 3 sets out a suite of policies relating to design and amenity with policies D3, D4 and D5 insisting on the deliver of high-quality inclusive design without compromising existing residential amenity.

#### 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

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th

October 2021 for submission to the Secretary of State. Following submission, the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

#### Sustainable Design and Construction SPD (2016)

- 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 (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:

- Planning considerations relevant to this application
- 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;
- The living conditions of future residents;
- The effect of the proposal on highway safety
- The impact of the proposal on trees, landscape features, biodiversity and protected species habitats; (Matters reserved for future consideration)
- Waste and recycling strategy
- Network Rail

### **Planning considerations relevant to this application**

Outline planning permission has been approved at appeal under 19/5079/OUT (pins reference APP/N5090/W/20/3248645) for the retention of 49 and 51 Beresford Avenue to provide 6 Passive Eco Houses' (details of access and layout to be considered). The date of the appeal decision is 29th October 2020. Condition 2 states (2) Application for

approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. Condition 3 states (3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved. The most recent reserved matters application 21/5999/RMA seeking approval for the remaining reserved matters (appearance, scale and landscaping) pursuant to Appeal reference APP/N5090/W/20/3248645 was determined and approved on 11 February 2022. All reserved matters have been approved.

The appeal decision therefore remains extant until 11 February 2024.

In view of the above, the planning considerations relevant to this application relate only to the removal of the side extension of no. 51 and the reconfiguration of its front / rear garden to provide vehicular access to the application site. To assist in the determination of this application the site layout plan identifies by way of a red hatched line the extent of development allowed at appeal in 2020 (19/5079/OUT). Reference to plots 1 – 6 in the main body of this report is made for completeness only.

Details of appearance, layout and scale are to be determined under this application with landscaping reserved for future consideration.

### **Whether harm would be caused to the character and appearance of the street scene and the wider locality**

The site is occupied by 49 and 51 Beresford Avenue, a pair of 1930's two storey semi-detached single-family 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. There is a pathway adjacent to no 47 Beresford Road which facilitates access to private garages at the rear and provides a through-route onto Weirdale Avenue. A railway tunnel passes under the site.

The character of Beresford Avenue varies in scale, form, and style involving a mix of semi-detached chalet bungalows on wider plots with shorter rear gardens (on the west side) and two-storey terraced and semi-detached dwellings on much narrow plots with deeper rear gardens (on the east side). However, the defining characteristic of the streetscape is that buildings are limited to two storeys in height, positioned relatively close to one another on consistent building lines. As a result, there is an overall cohesive rhythm to the buildings and the enclosure of the cul-de-sac.

Paragraph 126 of the National Planning Policy Framework (2021) states:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Paragraph 130 of the National Planning Policy Framework (2021) states:

"Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but

over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (46); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Chapter 3 of the London Plan (2021) sets out a suite of policies relating to design with policies D3, D4 and D5 insisting on the deliver of high quality inclusive design without compromising existing residential amenity.

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) states that: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

#### **Plots 1-6:**

As identified in the planning history / planning considerations section above the proposed layout of the 6 dwellings and their associated plots and parking arrangements are the same as the 2019 (18/2526/OUT) and 2020 (19/5079/OUT) applications that were determined at appeal (APP/N5090/W/18/3208804 - APP/N5090/W/20/3248645). The 2020 appeal was allowed, subject to conditions. Although the 2019 appeal was dismissed on loss of amenity grounds, paragraphs 13 and 14 (copied below) of the Inspectors decision ruled that no harm would be caused to the character and appearance of the area from the 6 dwelling houses proposed to the rear.

para. 13 of the appeal decision states:

The Council have also expressed concern that the houses would appear 'shoehorned' into the site, with a cramped appearance. The submitted layout however shows that the 6 semi-detached houses can be comfortably accommodated, with suitably sized gardens, landscaping and parking areas. Inevitably, the gardens to 49 and 51 Beresford Avenue will be reduced in size and length but this would not be to an extent to cause harm or indicate overdevelopment.

para. 14:

I conclude therefore that there would be no harm to the character and appearance of the area. The proposal would be consistent with CS Policy CS5 and DMDP Policy DM01 in-

so-far as they require proposals to respect local context and preserve or enhance local character.

A subsequent reserved matters application (21/5999/RMA - seeking approval for appearance, scale and landscaping) was approved by planning committee in February 2022.

The layout of the 6 houses is therefore acceptable and would not cause harm to the character and appearance of the area.

### **New access, including part demolition of 51 Beresford Avenue and reconfiguration of hardstanding area to frontage:**

Following the refusal of the previous application, site sections and visualisations have now been provided to provide more certainty over the proposed access arrangements and its impact on the character and appearance of the area. The gated access arrangement previously proposed is now removed and a condition is imposed to ensure that no gate or any means of enclosure shall be erected along the proposed access, at any time, whether in use or not without the prior written consent of the local planning authority. This is to ensure community cohesion and to safeguard the visual amenities of the area.

To facilitate the new access off Beresford Avenue the two storey side extension of no.51 is to be removed in its entirety. Properties at the head of the cul-de-sac have similarly extended at the side, apart from no 34 Beresford Road. However, despite the extensions and alterations, the original proportions of the dwellings remain distinguishable. The position of the pairs of semis at the head of the cul-de-sac are consistent, which provides an attractive sense of unity and symmetry to the group. The Councils urban design team have been consulted and conclude that the loss of the extension at no. 51 would have a limited impact on the integrity of the streetscene or character of the local area. In any event, the demolition of the existing two storey extension can be carried out without planning consent.

To further facilitate the new access the open space to the frontage of no.51 is to be reconfigured with the hardstanding area being incorporated into the proposed access. A low level picket fence is proposed to redefine the property boundary and a triangular landscaping strip will remain along the frontage. In the Officers view this reconfiguration constitutes only minor alterations to the street frontage, thus having a minimal impact on the character and appearance of the Beresford Avenue street scene. Tree planting along the access (to be secured at the reserved matters stage) will help soften its appearance.

As discussed in the highway section of this report, the off street car parking provision that the hardstanding currently provides is to be replaced at the rear of no.51, and this approach is supported by highway officers. The partial loss of the rear garden of no.51 does not impact on the character and appearance of the Beresford Avenue. The reduction of the garden space and the impact this will have on the amenity of the current occupiers is referred to in following sections of this report.

### **Conclusion:**

The design considerations relevant to this application relate only to the removal of the side extension of no. 51 and the reconfiguration of its frontage to provide a vehicular access to the application site. All other matters have previously been approved at appeal under planning application 19/5079/OUT. For all the above reasons the proposed alterations to



facilitate the new access are considered by officers to have a minimal impact on the character and appearance of the Beresford Avenue street scene. This minimal impact needs to be balanced against the main benefit arising from this development, which is the provision of much needed family housing within the borough, which has already been consented at appeal. In the officers view such provision outweighs the minimal visual impact of this development on Beresford Avenue and for this reason the application is supported in design terms.

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

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'.

Paragraph 130 of the Framework that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health well-being, with a high standard of amenity for existing and future users..." (part f)

Policy D3 of the 2021 London Plan seeks to deliver appropriate outlook, privacy and amenity through a design led approach.

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Barnet's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) sets out guidance. Section 2.14 of The Sustainable Design and Construction SPD identifies noise as having a significant effect on the quality of life and seeks mitigation measures to manage and minimise potential impact.

### **Plots 1-6:**

The impact of the proposed 6 dwellinghouses on the living conditions of neighbouring residents has been previously assessed through the appeal process with the Planning Inspector raising no objections (APP/N5090/W/20/3248645 - 29th October 2020)

In allowing the appeal, the Inspector made the following conclusions:

Para13. The proposal would not be harmful to the living conditions of nearby residents. There would be no conflict with Policy CS5 of Barnet's Local Plan Core Strategy Development Plan Document (CS), which requires development to respect local context and character. I also find no conflict with Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DM), which requires replacement development to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

### **Part demolition of 51 Beresford Avenue, including proposed access arrangements:**

The demolition of the side extension to no.51 Beresford Avenue raises no concerns for loss of amenity to neighbouring occupiers. Construction works including demolition will be controlled by a planning condition.

In terms of the access arrangements proposed, the passing bay and its direction of travel is located directly along the boundary with no.53. A Noise Assessment by LF Acoustics Ltd dated 2022 has been submitted. The assessment concludes that the vehicle movements would not result in any adverse noise effects upon the occupants of the neighbouring properties, when assessed against relevant standards and guidance. The noise levels calculated would be equivalent to those calculated and assessed previously, when considering the alternate access with the mitigation measures proposed considered acceptable and in compliance with the relevant British Standard: BS28233:2014 for designs of buildings.

Environmental Health Officers have reviewed the noise assessment and raise no objection, subject to conditions.

In the absence of side facing windows serving main habitable rooms and based on the conclusions of the noise assessment report, officers consider that internally, noise and disturbance to the occupiers of no.53 will be negligible. The acoustic fence located along the common boundary will mitigate against external noise to this property.

Notwithstanding the above, for the occupants at 51 Beresford Avenue it would be necessary to request a vibration monitoring report during construction when there are likely to be a significant number of HGVs leaving and entering the site and this can be secured by a planning condition .

For all the above reason the impact on the living conditions of neighbouring residents will not be compromised by this proposal, subject to conditions and compliance with the noise assessment.

### **The living conditions of future residents**

While this is an outline application only, access, appearance, layout and scale are to be considered with only landscaping reserved for future consideration.

The development would create 6no. new dwellings with the retention of Nos 49 and 51 (a net gain of 6 dwellings). The Sustainable Design and Construction SPD requires the following minimum residential space standards for new dwellings:

#### **Plots 1-6:**

Plots 1-6: 4-bed/6-person, 112sqm required, 157sqm proposed

The dwellings exceed the minimum internal space standard for the relevant dwelling size, as per the councils Sustainable Design and Construction SPD.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m<sup>2</sup> and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. It is considered that the proposed dwellings would benefit from adequate internal ceiling height.

The sustainable design and construction SPD ,section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the

room. All proposed rooms are either dual-aspect or / and benefit from adequate levels of light and outlook.

The sustainable design and construction SPD, Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for houses with seven or more habitable rooms, there should be a minimum provision of 85 sqm of outdoor amenity space. The proposal provides private rear amenity space for each dwelling, well in excess of the minimum standard.

### **Part demolition of 51 Beresford Avenue and proposed access arrangements:**

To facilitate the new access the two storey side extension of no.51 is to be demolished together with a reduction in the private amenity space currently afforded to the rear of the property. Due to the size of the plot the reduction in the size of the rear garden area is not contentious as it retains in excess of 60 square metres of usable private amenity space, which exceeds the 40 square metres minimum standard for houses with up to four bedrooms. However, the new access arrangements will result in vehicles manoeuvring and passing in close proximity to the front door of this property and this was a reason for refusing the previous application, particularly in the relation to the absence of defensible space. To address this issue defensible space is now proposed in the form of a landscape strip and low level picket fence (with a gated access located at the far end of the front garden), This provides a clear demarcation between vehicular and pedestrian movements. In addition, a secondary door is to be inserted along the flank wall of no.51 to provide direct access from the 2no. parking spaces located at the rear of the property. This will reduce the need to access the property from the front.

In the officers view the measures now introduced would safeguard the safety of occupiers to and from the property in compliance with Policies CS5 and CS9 of Barnet's Core Strategy DPD (2012) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012).

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

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's policies in regard to providing safe, effective and efficient travel.

The site is located at the rear of Nos 49 to 51 Beresford Avenue, a residential no through road. No CPZ or parking restrictions are active within the road. The site lies in an area with a PTAL score of 2 (low), however, 3 bus routes (251, 34, 264) can be accessed from stops within 6 minutes walking distance of the site.

### **Parking:**

The proposal comprises of the erection of 6 x3 bed semi-detached dwellings and the retention of no. 51 Beresford Avenue. A total of 10 car parking spaces are provided, which includes 2no. spaces at the rear of no.51 to replace the parking provision removed at the front of the property to allow for the proposed access. A total of 12 long stay and 2 short stay enclosed cycle parking spaces are proposed at the site frontage. The parking arrangement for the 6 dwellings has already been approved and does not form part of the highway assessment for this application. The 2no. parking spaces proposed to the rear of 51 Beresford Avenue are essentially a like for like replacement of the original parking provision allocated at the front of the property and are therefore compliant with the requirements of policy DM17, which attracts a minimum parking provision of 1.5 spaces

and a maximum of 2 spaces for a semi detached house.

**Access:**

Planning permission has already been granted for access to the site via a lane running parallel with the side elevation of No.49 Beresford Avenue. The reasons for not utilising this approved access are unknown to the Council but this should have no bearing on the determination of this alternative access as each application is to be determined on its own merits. Should this new access be considered policy compliant then there is no reason to refuse the application on highway grounds.

The proposed access arrangement is similar to the previous application (22/3511/OUT) that was refused under delegated authority due in the main to the absence of information to make an informed decision on the likely impact of the access on highway safety (and character and appearance). A similar vehicular access arrangement was also sought in 2017, under planning application 17/3663/OUT. The application was refused and subsequently dismissed on appeal as it contained unsatisfactory and inadequate details of the potential impact of the development on the highway. In this current case more detailed evidence has been submitted to support the application. This comes in the form of visualisations, site section drawings, a road safety audit, road sections, and a swept path analysis for service vehicles; all of which have been reviewed by the Councils highway officer.

With the loss of the side extension and hardstanding at no.51, the access route is proposed between nos.51 and 53 Beresford Avenue. Accessed directly off the turning area at the head of the cul de sac the access initially provides one way traffic movement (3.5m width) for a distance of 17 metres and then widens to 4.8m metres to allow two way traffic movements.

The site itself will generate in the region of four vehicle trips in each peak hour, and 36 vehicle trips daily. This includes arrivals and departures. The level of trip generation by the development is considered by Highway officers to be unlikely to have any significant safety or highway network impact as the recommendations of the road safety audit commissioned by M & S Traffic dated 5th January 2023 have been implemented. These measures include a priority working system using appropriate signage (not visible from Beresford Avenue), and clear demarcation of the proposed access with a low level acoustic fence proposed along the boundary of no.53 and a picket fence defining the boundary with no. 51. In addition, and perhaps most importantly, it has been clearly demonstrated in the swept path analysis that 30 metre vehicular intervisibility can be achieved at the entrance to the site thereby avoiding the need for vehicles to reverse back into Beresford Avenue to allow for oncoming vehicles to exit.

There are concerns from residents that a service vehicle cannot approach the entrance to the access as identified in the swept path analysis due to vehicular parking within the turning head of Beresford Avenue. However, vehicular parking in this location is prohibited and subject to parking controls to ensure safe movement of vehicles to and from the properties. To this end, the positioning of the service vehicle as depicted in the swept path is considered by highway officers to be a safe and workable solution.

The proposed development will involve demolition and construction works so a demolition and construction logistics plan is requested and this can be secured by way of a condition. Before and after highway condition surveys will need to be undertaken prior to commencement of the development. A s184 agreement will need to be obtained by the

applicant for reinstatement/renewal of the existing dropped kerb which is on the adopted highway. An informative is provided providing details of a Waiver of liability and indemnity agreement in relation to the non-adopted roads. 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.

Electric vehicle charging points should be provided in accordance with London Plan standards. 20% active and 80% passive. This is to be secured by way of a planning condition. This equates to 2 active and 8 passive points. This is to be secured by way of a planning condition.

For all the above reasons this application is considered policy compliant in terms of safeguarding highway and pedestrian safety within Beresford Avenue and is recommended for approval on this basis.

### **The impact of the proposal on trees and landscape features, biodiversity and protected species habitats**

Hard and soft landscaping measures and ecological enhancements have been considered and proposed within the AIA and Habitat Plan numbered BAB002, but no ecological report has been submitted. With 'Landscaping' being a reserved matter the protection of existing habitats and the enhancement of landscaping (both within the site and its boundaries) will be determined through a reserved matters application, and secured by a planning condition.

### **Refuse Strategy**

A household refuse and recycling collection area is proposed within the site at the rear of no.51 Beresford Avenue in close proximity to the turning head. A swept path drawing submitted in support of the application provides details of service vehicles entering and exiting the application site in a forward gear. The highway logistics for doing so have been discussed above and agreed by the Councils highway officers, who conclude that both highway and pedestrian safety will not be compromised by this arrangement. The storage area has been reviewed by the Councils Commercial services who support the waste strategy, subject to a planning condition seeking more detailed information on the storage facilities being proposed.

### **Network Rail**

It should be noted that there is a hidden tunnel shaft in the rear garden of No.51. Whether this has been filled in is unknown by Network Rail so on this basis they raise no objection to the application subject to ground investigation works (under the supervision of our Asset Protection team, to ensure no inadvertent danger to the railway beneath) being carried out prior to the commencement of the development. This can be secured by planning condition

## **6. Response to public objection, including Member 'call in'**

The application has attracted a significant number of objections, much of which has been addressed in the main body of this report.

Objections relating to the six units at the rear of the site cannot be substantiated as access

arrangements (within the red hatched area shown on the site plan) and layout are the same as the application allowed at appeal in 2019. Appearance, scale and landscaping were subsequently approved by the Council under application 21/5999/RMA in 2022. The outline permission remains extant until 11 February 2024. Concerns for loss of unity and symmetry following the removal of the side extension at no.51 are not supported by the Council's urban design officer as the dwelling will be brought back to its original form, and in any event, the removal of the extension does not require planning permission. Further concerns relating to the visual impact of the proposed access cannot be supported as this will have a minimal impact on the overall character and appearance of the area. The benefits arising from this development in the form of much needed family homes offsets this impact. Objections relating to gated access are welcomed with a condition being imposed that no gate or any means of enclosure shall be erected along the proposed access, at any time without the prior written consent of the local planning authority

Noise and disturbance to no.51 cannot be supported due to the absence of side facing windows serving habitable rooms, the provision of an acoustic fence along the shared boundary and the absence of objection from Environmental Health Officers, following a review of the noise assessment.

Residents concerns for highway and pedestrian safety are paramount, and for this reason detailed evidence has been requested and submitted to support this current application on highway grounds. This comes in the form of visualisations, site section drawings, a road safety audit, road sections, and a swept path analysis for service vehicles; all of which have been reviewed and considered acceptable by the Councils highway officer, due in the main to the unrestricted intervisibility available between vehicles entering and exiting the site, thus preventing the need for vehicles (including service vehicles) from reversing out into the turning head of Beresford Avenue. Priority signage will also assist. Within the Beresford Avenue turning head, dropped kerbs provide direct access to properties thus prohibiting vehicular parking in and around this turning area. A residents meeting was held on 3rd February to explain these highway safety measures.

Objections relating to utilities, caveats and title deeds in and around the applications site are not material planning considerations and as such have not been referred to in this report. Certificate Of Ownership (Certificate A) has been duly completed with the applicant certifying that that on the day 21 days before the date of the application nobody except the applicant was the owner of any part of the land or building to which the application relates. Network Rail have been consulted and raise no objections, subject to ground investigation works being secured by condition.

Members have raised an additional issue relating to the provision of affordable housing but this application seeking the provision of 6 houses does not trigger the 10 unit (major development) threshold for seeking such provision as set out policy H4 of the London Plan 2021.

## **7. Equality and Diversity Issues**

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

## **8. Conclusion**

Having taken all material Planning considerations into account, the application is

recommended for APPROVAL, subject to a suite of planning conditions, including s184 agreement for reinstatement/renewal of the existing dropped kerb, which is on the adopted highway.

Site Location Plan



