

**Location** 129 Millway London NW7 3JL

**Reference:** 24/0589/OUT Received: 14th February 2024  
Accepted: 14th February 2024

Ward: Mill Hill Expiry: 10th April 2024

**Case Officer:** Emily Bell

Applicant: Mr Oliver Bruh

Proposal: Outline planning application for construction of 2no. two storey single dwellinghouses with rooms in roofspace. Associated amenity space, hard and soft landscaping and provision of off-street parking. Landscaping a reserved matter.

## **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:
  - PA-001 REV 3
  - PA-002 REV 3
  - PA-003 REV 3
  - PA-004 REV 3
  - PA-005 REV 3
  - PA-006 REV 3
  - PA-007 REV 3
  - PA-008 REV 3
  - PA-009 REV 3
  - PA-010 REV 3
  - PA-011 REV 3
  - PA-012 REV 3
  - PA-013 REV 3
  - PA-014 REV 3
  - Site Location Plan

Planning Statement  
Proposed Section A-A REV 04 2024/03/11  
Preliminary Ecological Appraisal dated 13/3/24  
Fire Safety Strategy dated 03/05/2024  
Tree Survey dated 23/08/2013

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 Application for the approval of the reserved matters (Landscaping) 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5 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).

- 6 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 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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), Policy SI 2 of the London Plan 2021.

- 7 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (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.

- 8 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.

- 9 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, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

10 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- 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 contractors 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

11 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.

12 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).

13 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 to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 14 Before the building hereby permitted is first occupied the proposed window(s) in the southern side elevation facing 127 Millway shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 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 use of the dwelling hereby permitted the approved access, circulation/turning areas and parking spaces shall be fully implemented and shall be retained thereafter and used only for purposes of access, circulation, turning and parking.

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 CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 17 Prior to occupation of the development the details of Biodiversity Enhancement Strategy be submitted and approved by the local planning authority.

The document shall contain the location, height, orientation, specification of all ecological enhancement feature including 2 x purpose integrated built bat roost boxes, 2 x Barcelona Open Nest Box 2 x Vivara Pro swift nest box, 2 x sparrow terrace bird nest boxes, be installed on the building and/or trees nearby as in accordance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA)'.  
Details shall also include all native biodiverse planting and seedings, and enhancements of the gardens including 2 x purpose-built log piles, 2 x hedgehog homes, and 1 x insect hotel.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan and 2021 Environment Act 2021.

- 18 The hereafter approved development shall be undertaken in strict accordance with the precautionary working method statement relating to, reptiles, mammals, and nesting birds outlined within the Preliminary Ecological Appraisal (PEA) (Arbtech, March 2024).

No vegetation clearance or log removal shall commence until an appropriately competent ecologist has been appointed and is present onsite to undertake supervision all site clearance activities and works that involve the disturbance or loss of habitats that may support protected speices onsite e.g. reptiles, nesting birds, amphibians and hedgehogs.

If protected or notable species are discovered during the approved works than works must halt and the project ecologist and/or Natural England (in the event of European Protected Species e.g., bats, being discovered), as further surveys and appropriate mitigation measures may be required prior to the recommencement of works.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan

- 19 Prior to occupation details of the location of at least 3 x hedgehog highways (13cm x 13cm gaps) at the base of the boundary fencing are to be submitted and approved by the local planning authority.

The approved hedgehog links must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden.

Reason: To ensure the continued habitat connectivity for hedgehogs, common toads, and wildlife in general through residential gardens.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan

- 20 Prior to the occupancy of works details of a low impact artificial lighting shall be submitted and approved by the local planning authority. Any artificial lighting scheme designed for development shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Reason: To ensure that any protected species present are not adversely affected 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), and the relevant statutory wildlife protection legislation.

21 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), the Sustainable Design and Construction SPD (adopted October 2016) and G5 and G7 of the London Plan 2021.

22 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and G7 of the London Plan 2021.

23 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 G7 of the London Plan 2021.

**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 Under the Biodiversity Gain requirements (Exemptions) Regulations 2024 the development is not required to meet the Biodiversity Net Gain objective as per Section 90 of the Town and Countryside Planning Act (TCA) (inserted as S.90A and Schedule 7a Biodiversity Gain in England) as enacted by Schedule 14 of the Environment Act 2021, this application falls under the exception rules of the act. Therefore, this permission granted is not subject to the General Biodiversity Gain Condition as obligated under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990; as enacted by Schedule 14 of the Environment Act 2021, to submit a Biodiversity Net Gain Plan for approval by the Local Planning Authority. The reasoning for this determination is set out within the delegated report attached to the application.

In the context of Biodiversity Net Gain irreplaceable habitats are identified within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 e.g. veteran and ancient trees. No planning application would be approved where unacceptable levels of harm were to occur to such habitats

- 5 The removal of the invasive non-native species (e.g. rhododendron) is advised to be undertaken by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) Property Care

Association or the Invasive Non-Native Specialist Association View Our Members - INNSA. An invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of "controlled waste" under the Environment Protection Act 1990 (EPA 1990). Controlled waste is defined as any plant material or contaminated soil under the Environment Protection Act 1990.

- 6 Soft landscaping should be designed where feasible with areas of planting consisting of 70/30 native grass to flowering plants to provide high quality habitat for pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

A purpose-built wildlife friendly pond is recommended to be created for the benefit of amphibians. Such a pond should ideally be shallow along the margins, planted with a variety of wetland emergent and submerged plant species and free of fish to encourage the presence of a diverse array of invertebrates and amphibians. For further details on the construction of wildlife ponds refer to Wildlife ponds / RHS Gardening website.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan

- 7 Vegetation clearance is advised to be undertaken outside of the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.
- 8 Tree and shrub species selected for landscaping/replacement planting shall provide long term resilience to pest, diseases and climate change. A diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below:

An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine.

To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier that can be found here: <https://planthealthy.org.uk/certification>

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While trees are alive they provide many benefits for wildlife including food and shelter. When a tree dies or needs to be removed these habitat niches are lost. However, where it is safe and appropriate to do so, the retention of large diameter logs and/or standing dead trees (conventionally at a reduced height) is encouraged, as the natural decay process provides equally important habitats for wildlife.

To help maintain and improve wildlife habitats and diversity within Barnet, the retention of logs and/or standing timber on site is encouraged. Logs can be arranged in many different ways - guidance can be found here: [www.rhs.org.uk/wildlife/dead-wood-compost-heap-habitats](http://www.rhs.org.uk/wildlife/dead-wood-compost-heap-habitats) or [www.wildlifetrusts.org/actions/how-make-log-shelter](http://www.wildlifetrusts.org/actions/how-make-log-shelter). Further information on the importance of deadwood habitats, published by The World Wide Fund for Nature, can be found here: [www.forestlife.gr/en/publication-afterlife-tree/](http://www.forestlife.gr/en/publication-afterlife-tree/)

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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.

- 11 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 12 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 licences 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).
- 13 Any gates must open inwards and not out onto the public highway for health and safety reasons.

## **OFFICER'S ASSESSMENT**

This application has been called before the committee by Cllr Simberg for the following reason(s):

"I wish to call this application into committee for consideration.

My reasons for this are. Rear garden development. Potential flood risk to neighbouring properties. Access to emergency vehicles limited."

### **1. Site Description**

The application site relates to a parcel of land located at 129 Millway, London, NW7 3JL which is situated on the western site of Millway. The site is irregularly shaped and deep, particularly in comparison to the immediately surrounding plots. The existing site currently contains a two-storey detached dwelling with a frontage to the Millway.

The site is surrounded by residential dwellings. The immediate area is characterised by detached and semi-detached single family dwellings.

The site is not indicated as being subject to flooding hazard and is not located within a Conservation Area. Further, the site does not contain any listed buildings or protected trees.

## 2. Site History

Reference: 16/0317/FUL

Address: 129 Millway, London, NW7 3JL

Decision: Refused

Decision Date: 24 May 2016

Description: Erection of a two-storey dwelling house with provisions for parking and amenity space

Reference: 16/0318/FUL

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 31 May 2016

Description: Erection of 2 no, two storey semi-detached houses with provisions for parking and amenity space

Reference: 16/5653/FUL

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 8 November 2016

Description: Construction of 2 no. two storey single dwellinghouses with rooms in roofspace. Associated amenity space, hard and soft landscaping and provision of off-street parking

Reference: 18/1048/FUL

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 4 May 2018

Description: Construction of 2 no. two storey single dwellinghouses with rooms in roofspace. Associated amenity space, hard and soft landscaping and provision of off-street parking

Reference: 20/0908/FUL

Address: 129 Millway, London, NW7 3JL

Decision: Refused

Decision Date: 23 April 2020

Description: Demolition of existing garage and erection of two storey building with roof level accommodation to provide 5no. self-contained dwellings with 5no parking spaces. Associated refuse and recycling, cycle store and amenity space.

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 10 November 2020

Reference: H/05640/13

Address: 129 Millway, London, NW7 3JL

Decision: Refused

Decision Date: 21 January 2014

Description: Erection of a two-storey single family dwelling following demolition of existing garage with access from Millway. (AMENDED ADDRESS AND DESCRIPTION)

Appeal Decision: Appeal Allowed

Reference: H/00463/13

Address: 129 Millway, London, NW7 3JL

Decision: Withdrawn

Decision Date: 18 March 2013

Description: Erection of a two-storey single family dwelling in rear garden, following demolition of existing garage

### **3. Proposal**

This application seeks outline permission for the construction of a pair of two storey dwellinghouses, with rooms in the roof space, hard and soft landscaping including the provision of off-street car parking.

The proposed new dwellings would be a of contemporary style and would each measure approximately 7.5 metres in width, 14 metres in depth and with hipped roof forms to 8.5 metres in height (6.3 metres to eaves).

Each dwelling would contain 5no double bedrooms and would therefore be capable of accommodating a maximum of 10no people. The ground floors would comprise an internal garage, toilet, laundry and large kitchen/dining/living room. The first floors would comprise three double bedrooms and three bathrooms. The proposed loft floor would contain two double bedrooms and bathroom.

Hardstanding is proposed at the front of each dwelling. An internal garage is proposed to the front of each dwelling which provides for one car parking space and there is provision for an additional car parking space outside the garage. This results in a total of 4 car parking spaces, being 2 for each dwelling.

### **4. Public Consultation**

Consultation letters were sent to 80 neighbouring properties. 12 responses have been received, summarised below:

- o Increase in traffic on the road
- o How will the environmental impact be effectively managed
- o Parking availability already strained in the area
- o The new properties do not blend in visually with the surrounding area
- o Concerns regarding emergency vehicle access and noise pollution
- o Given the soil composition in the vicinity, there is a heightened risk of subsidence
- o Increased risk of flooding
- o Overdevelopment
- o Previous planning inspectorate found the vehicle movements associated with one house to be not too oppressive but two houses would be much greater
- o Biodiversity net gain regulations have changed since previous approval
- o Comings and goings would result in overdevelopment
- o Loss of mature trees would exacerbate flooding
- o Size and scale of the development would have a detrimental impact on visual and residential amenity of neighbouring properties, including loss of privacy and overbearing
- o Precedent would be set
- o Bin storage will be carried to the street and left
- o Dropped curb is too narrow

## **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 revised National Planning Policy Framework (NPPF) was published on 19th December 2023. 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.

#### 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

Relevant Development Management Policies: DM01, DM02, DM17.

#### Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan ([LINK](#)). These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.



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

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

- States that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- o Principle of the development;
- o Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
- o Whether harm would be caused to the living conditions and the amenities of neighbours;
- o Whether the building would provide suitable living conditions for future occupants;
- o Whether harm would be caused to parking conditions and highway safety

## 5.3 Assessment of proposals

### Principle of the development

The principle of residential development on this part of the application site has been established by way of an appeal decision APP/N5090/A/14/2218941, which related to the construction of a single dwelling house. A number of subsequent applications have been approved on the site for the construction of 2no two storey dwellings. In particular, it is noted that the current proposal is identical to application 18/1048/FUL. Although the time limit for implementation of the previously approved scheme is over, it is still a material planning consideration.

In relation to the principle of residential use at the site, the Inspector highlighted Barnet Local Plan Policy CS5 in paragraphs 10.7.1 to 10.7.4 which refers to the contribution development in gardens can make to housing delivery. This policy also outlines that a robust approach would be taken to proposals involving the loss of gardens, which can be detrimental to the suburban character that makes Barnet a distinctive place. The Inspector went on to establish that the scheme was not characteristic to the general pattern of development in the area, but the site is not overly visible from the public domain due to the scale and height of the development, its distance from the highway, and the surrounding boundary treatment and mature planting.

The dwellings proposed in this application would now be a pair of detached dwellings which are cumulatively wider, deeper and higher than the single dwelling approved under appeal decision APP/N5090/A/14/2218941. However, it is not considered that the proposed dwellings would be materially more prominent when viewed from the street scene or any other public domain. It is also noted that following the appeal decision, separate approvals referenced 16/0318/FUL, 16/5653/FUL and an identical scheme 18/1048/FUL have been granted for the construction of a pair of two storey semi-detached dwellings to be occupied as single family homes on the site.

As a result of the above, it is considered that the principle of developing the land for residential development is established. The principle of the proposed development for a pair of detached dwellings is therefore considered to be acceptable.

### Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area

Policy DM01 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'.

The development proposed is of a contemporary design. The proposal would be identical to previously approved scheme 18/1048/FUL in terms of the depth, height, width, design, and massing of the dwellings.

The proposed houses would have a contemporary design. In reference to the design of a previous scheme allowed under appeal decision APP/N5090/A/14/2218941, the Inspector outlined that the design of the scheme, whilst different to surrounding properties, would 'create a fresh, new entity in its own right' and that it would not be harmful to the established character of the area in the context of its siting, distance from the highway and it not being overly visible. The Inspector went on to outline that the lack of a direct road

frontage would be at odds with the majority of other dwellings, but that it 'would not result in any particular harm to the established character of the area nor erode local distinctiveness'. These considerations are directly relevant to the scheme proposed by way of this application and therefore establish the design and siting of the structures as acceptable in planning terms. Overall, it is not considered that the scale or appearance of the dwellings would be significantly at odds with that of surrounding properties or with that previously approved to the extent that it would result in adverse harm.

Given those matters outlined above, it is not considered that the proposed dwellings would harm the character or appearance of the existing building, the street scene or the surrounding area.

#### Whether harm would be caused to the living conditions and the amenities of neighbours

It is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers.

The structure would not be overbearing or visually obtrusive when viewed from adjoining properties, nor would it cause a loss of daylight, sunlight or outlook. This determination is based on the siting of the buildings being at the rear of surrounding dwellings where it is substantially separated from principal areas of surrounding outdoor amenity space.

The proposed dwellings would retain approximately 1.6 metres separation from the southern side boundary and separation of 0.9-1.6 metres from the northern boundary. Additionally, the building would be no closer than 15 metres to the western boundary and no closer than 19 metres to the nearest adjoining dwelling. The rear corner of the nearest proposed dwelling will only extend approximately 3 metres along the rear boundary of the neighbouring property. There are no windows directly facing the property. Although visible from the neighbouring property, it is not considered the development has a harmful impact on the visual amenity of neighbouring properties.

The proposal does not incorporate external terraces or balconies. Subsequently it is determined that the proposal would not result in any adverse overlooking or a loss of privacy beyond that previously considered acceptable. A condition has also been recommended to ensure that windows located within the first floor side elevations are obscure glazed. Given this, it is not considered that the building would cause unacceptable overlooking or a loss of privacy.

The development is for 2 new dwellings with 4 car parking spaces. It is acknowledged that the use of the site would have an increased intensity compared to the existing use. However, the use is consistent with that previously considered acceptable at this site. On the basis of the above considerations, the proposal is not considered to result in harm to the living conditions of neighbouring residents.

#### Impact on future amenity

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. These include requirements to provide high quality indoor and outdoor spaces and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The application will therefore be assessed according to the requirement laid out in the London Plan (2021).

The proposal would provide the following dwellings:

B.1 is a 5 bed, 10 person unit over 3 storeys with GIA of approximately 239sqm

B.2 is a 5 bed, 10 person unit over 3 storeys with GIA of approximately 239sqm

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). There are no specific standards for a 5 bed, 10 person dwelling over 3 storeys, however, a 5 bed, 8 person unit over 3 storeys requires 134sqm.

Table 3.3: 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/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed units would meet the minimum internal space standards as per the Sustainable Design and Construction SPD.

All new dwellings are expected to be dual-aspect and benefit from adequate levels of light and outlook. The proposed dwellings would be acceptable in this regard.

The London Plan (2021) states with regards to housing quality and standards that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of a dwelling. The plans confirm that the dwellings would meet this standard.

The Sustainable Design and Construction SPD states that for houses up to seven or more habitable rooms, 85sqm of outdoor amenity space is required. Each dwelling would be provided with amenity space which exceeds this requirement.

Overall, the proposed dwellings are considered to provide acceptable levels of accommodation for future occupiers.

### Highways and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 states that dwellings with 4 or more bedrooms should provide 2 to 1.5 parking spaces. The submitted plans show that 4 car parking spaces would be provided on site, being 2 for each dwelling. This parking provision and manoeuvring areas are consistent with those previously considered acceptable with regards to application reference 16/0318/FUL and on this basis would comply with Policy DM17 and are therefore considered acceptable. The site is located in an area of PTAL 2. The London Plan (2021) states that dwellings with 3+ bedrooms in PTAL 2 zones should provide up to 1 space per dwelling. The proposed development would therefore provide an overprovision of parking spaces when assessed against the London Plan.

### Trees and Ecology

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

There are no TPOs on site and it is not located within a Conservation Area. A Barnet-owned Callery pear tree was situated to the front of the property, however this has been felled. The proposed access route follows the existing driveway (in part), therefore the relationship between Barnet trees and access to the property appears to remain unchanged - post development pressure to Barnet trees is not anticipated.

Some of the existing vegetation in the rear garden has been cleared to facilitate development, while boundary trees remain. Visibility of retained trees is largely obscured by dwellings when viewed from adjacent footways, therefore inclusion in a new TPO is not considered expedient. However, irrespective of constraints, adequate protection should be provided during construction in the event of approval to ensure the scheme accords with Barnet's Local Plan (Development Management Policies) - Policy DM01: Protecting Barnet's character and amenity.

A tree survey has been provided, however this lacks detail and in the event of approval, a full arboricultural impact assessment, method statement and tree protection plan should be provided. A dedicated scheme of landscaping is also recommended to ensure that any impact on private amenity is adequately mitigated via new tree and shrub planting.

DM16 states that, when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The Council's ecological officer has reviewed the proposal and submitted Preliminary Ecological Appraisal. There are no objections to the findings and recommendations of the submitted Preliminary Ecological Appraisal (PEA) (Arbtech, March 2024) as the proposed development will not significantly impact protected and notable species in a manner that cannot be sufficiently mitigated against.

The area of dense shrub and log piles onsite provide potentially suitable sheltering and foraging habitat for reptiles, amphibians, and hedgehogs. There is concern that without adherence to the precautionary ecological mitigation measures these species if present would be either injured or disturbed by the consented works. These mitigation measures in the table of Preliminary Ecological Appraisal (PEA) (Arbtech, March 2024) including the supervision of vegetation clearance and log pile removal under ecological supervision will need to be secured by planning condition.

Due to the confirmed presence of suitable foraging and commuting habitat within the surrounding area including the areas of adjacent hedgerow and mature trees a Bat Sensitive Lighting Strategy will need to be conditioned to demonstrate that any artificial lighting that may be required as part of the proposed development will need to demonstrate compliance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Rhododendron (*Rhododendron ponticum*) was revealed to be present on site. This species is listed as a Schedule 9 species in the Wildlife and Countryside Act (WCA) 1981 (as amended) and on the London Invasive Species Initiative (LISI) list is present within the ornamental plant. The removal of the rhododendron will need to be removed by a suitable experienced non-native species removal specialist.

Biodiversity net gain is not applicable to the site.

Overall, no objections were raised on the grounds of ecology.

#### **5.4 Response to Public Consultation**

- o Increase in traffic on the road
- o Parking availability already strained in the area
- o Dropped curb is too narrow
- o Concerns regarding emergency vehicle access and noise pollution
- o Previous planning inspectorate found the vehicle movements associated with one house to be not too oppressive but two houses would be much greater

The parking requirements of both Policy DM17 and the London Plan (2021) will be met by the proposal. Further details of this have been discussed within the main body of the report.

A fire safety statement has been provided and subject to compliance with this, the proposed development would be acceptable.

The inspector found under appeal APP/N5090/A/14/2218941 that the levels of vehicle movements associated with a single dwelling would not be substantial and that careful consideration to boundary treatment would help mitigate noise and disturbance. Whilst it is acknowledged that the appeal scheme was for one dwelling and the proposal includes 2 dwellings, the additional movements is not considered to result in detrimental harm which would warrant refusal of the application.

- o The new properties do not blend in visually with the surrounding area

The impacts of the proposal on the character and appearance of the area have been addressed in the main body of the report.

- o Given the soil composition in the vicinity, there is a heightened risk of subsidence
- o Increased risk of flooding
- o Loss of mature trees would exacerbate flooding

The site is located within Flood Zone 1, and there is a low probability of flooding from both pluvial (rivers and the sea) and fluvial (surface water) sources. A condition will also be added to require details of levels and landscaping to be submitted to ensure new tree and shrub planting.

- o Overdevelopment
- o Comings and goings would result in overdevelopment

The principle of the addition of 2no dwellings in this location, as well as the impact of additional activity on the site is discussed within the main body of the report.

- o Size and scale of the development would have a detrimental impact on visual and residential amenity of neighbouring properties, including loss of privacy and overbearing

The impacts of the proposed development on amenities of neighbouring properties is discussed within the main body of the report.

- o Precedent would be set

Each application is decided on its own merits.

- o Bin storage will be carried to the street and left

The location of the refuse store will be controlled by way of a condition.

- o How will the environmental impact be effectively managed
- o Biodiversity net gain regulations have changed since previous approval

None of the trees to be removed are protected by way of a tree preservation order, and it is not considered that the loss of any trees would have an adverse impact on the amenity of the application site or the wider area. A condition has been recommended relating to landscaping on the site which includes details to be submitted of any trees to be removed and/or retained.

With regards to biodiversity, no evidence has been submitted of bats or any other animals being located on the site. Further, it should be noted that the site is not located within an area of importance for nature conservation. The proposed development retains a substantial garden area and through replacement planting creates potential for new habitats.

With regards to Biodiversity net gain, this application is not applicable due to the temporary exemption for minor developments until April 2nd, 2024, under the Biodiversity Gain requirements (Exemptions) Regulations 2024. The application was submitted and validated prior to this date.

## 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 subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

