

BIODIVERSITY NET GAIN STATEMENT

TO SUPPORT PLANNING APPLICATION FOR CONSTRUCTION OF PART TWO STOREY AND PART SINGLE STOREY ATTACHED DWELLINGHOUSE; PROVISION OF REFUSE / RECYCLING STORAGE, AND AMENITY SPACE

AND

ASSOCIATED ALTERATIONS TO 15 TAYBEN AVENUE; (FOLLOWING DEMOLITION OF EXISTING WORKSHOP / STORAGE TO 15 TAYBEN AVENUE, GARAGE TO 13 TAYBEN AVENUE

AND

RE-POSITION OF BOUNDARY

1. INTRODUCTION

This **Biodiversity Net Gain Statement** is submitted in support of the planning application, to the London Borough of Richmond Upon Thames Planning department (the “Council”), for the:

- Demolition of the existing garage to 13 Tayben Avenue,
- Demolition of the existing storage / home workshop to 15 Tayben Avenue,
- Removal and re-positioning of boundary between 13 and 15 Tayben Avenue,
- Erection of a two storey extension with rear single storey extension to the side of 13 Tayben Avenue to form a new self-contained dwelling (the “Proposed”), and
- Associated alterations to 15 Tayben Avenue; (the “Proposed Development”).

Where, in this Statement:

- Measurements are given, they are approximates and in metres.
- Extracts of plans, maps and or drawings are shown, they are not to scale.
- Photographs are shown, they are also not to scale and, unless otherwise stated, are as at 2023.
- Lettering and numbers are in:
 - ‘curved’ brackets, they are drawing numbers of architectural plans.
- Quotations are coloured in:
 - **Brown**, they are text from the quoted caselaw; and
 - **Blue**, they are text from the quoted planning legislation / policy / guidance.

The planning application for the Proposed Development (the “Planning Application”) is essentially an amended submission for the development proposed under planning application 22/3276/FUL (the “Original Planning Application”). The Original Planning Application was refused by the Council on 12.05.2023.

The matter was referred to appeal, under appeal reference APP/L5810/W/23/3332811 (the “Appeal”). The Appeal was assessed by Inspector C Livingstone MA (SocSci) (Hons) MSc MRTPI (the “Inspector”) on 23.07.24. The Inspector dismissed the Appeal on 23.07.2024 (the “Appeal Decision”) because “...*there is no suitable mechanism before me to secure an affordable housing contribution or restrict parking...*”; i.e. no completed Unilateral Undertaking, pursuant to section 106 of the of the Town and Country Planning Act 1990 (as amended) had been provided.

1. PLANNING POLICIES & GUIDANCE

The Applicant understands the following:

- Below legislation / national policy is the London Plan, which forms part of the ‘development plan’.

- The 'development plan' contains a set of policies and guidance for development of the borough and the Council's 'local plan' (adopted by the Council on 03.072018) (the "Local Plan") also forms part of this 'development plan'.
- The legislation provides that planning decisions must be taken in accordance with the 'development plan' unless there are material consideration that indicate otherwise.
- The Council's Local Plan is within the framework of material planning considerations.
- The Council's Supplementary Planning Documents ("SPD") provide greater detail on policies.
- The Council have prepared a new 'local plan'. This was made available for public consultation on 09.06.2023 and this ended on 24.07.24. The Applicant understands that, by submitting the Richmond Publication Version Local Plan (Regulation 19 version) (the "Draft Plan") for independent examination, the Council has formally confirmed its intention to adopt the Draft Plan and its supporting documents is now a 'material planning consideration'.

2.A. National / Development & Local Plan Policies

The main development plan policies are as follows:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Nationally Described Space Standards (2015)
- London Plan Guidance Fire Safety Policy D12(A) Pre-Consultation Draft, March 2021
- Building Regulations
- London Plan 2021
 - Policy D12
 - Policy SI 15 – Water Infrastructure
 - Policy GG 6 – Increasing Efficiency and Resilience
 - Chapter 6 – London's Transport
- Local Plan
 - Policy LP 1 Local Character and Design Quality
 - Policy LP 2 Building Heights
 - Policy LP 8 Amenity and Living Conditions
 - Policy LP 21 Flood Risk and Sustainable Drainage
 - Policy LP 22 Sustainable Design and Construction
 - Policy LP 34 New Housing
 - Policy LP 35 Housing Mix and Standards
 - Policy LP 36 Affordable Housing
 - Policy LP 37 Housing Needs of Different Groups
 - Policy LP 39 Infill, Backland and Backgarden Development
 - Policy LP 45 Parking standards and servicing

2.B. LBRUT's Supplementary Planning Documents / Guidance

The main SPDs are as follows:

- House Extensions and External Alterations SPD (2015) ("HEAEA SPD")
- Residential Development Standards SPD (2010) ("RDS SPD")
- Sustainability Construction Checklist SPD (2011) (SCC SPD")
- Design Quality SPD (2006) ("DQ SPD")
- Planning Obligations SPD (2014) ("PO SPD")
- Affordable Housing SPD (2014) ("AH SPD")
- Refuse and Recycling Storage Requirements SPD (2015) ("RARSR SPD")
- Front and Other Off-Street Parking Standards (2006) ("FAOOSPS SPD")

2.C. National Requirements

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. The word biodiversity refers to the variety of living organisms that are present in a particular habitat, including animals (such as birds, bats and moles), insects, plants, bacteria and fungi – all of which play a fundamental role in creating a healthy happy local ecosystem.

Biodiversity net gain (the "BNG") is required under a statutory framework introduced by the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) (the "TCP Act").

BNG aims to improve the biodiversity of the surrounding land by 10% upon the build's completion. The Government has introduced (official) biodiversity metric, which is used to measure how many units a habitat contains before development, as well as how many units are needed to replace lost habitat to achieve 10% BNG.

A small sites metric is available for small sites (small developments which do not fall within the meaning of major development as defined by article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.C(i) Exemptions

Under the TCP Act, BNG will be mandatory for major developments from February 2024 and for small sites from 02nd April 2024, subject to exemptions.

Unless exempt, an applicant must demonstrate they have met the minimum mandatory requirement of 10% biodiversity net gain over the pre-development value of the site. A number of exemptions can apply including the 'Self-Build and Custom Build Applications' exemption if the following conditions apply to the proposed development:

1. Consists of no more than 9 dwellings,
2. One a site that has an area no larger than 0.5 hectares, and
3. Consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

The Self-build and Custom Housebuilding Act 2015 defines what self-build and custom housebuilding is as follows:

“(A1)In this Act “self-build and custom housebuilding” means the building or completion by—

(a)individuals,

(b)associations of individuals, or

(c)persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(A2)But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

The NPPF includes this definition:

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

The Right to Build Task Force says:

In simple terms, this form of housebuilding can be described as a process where “a home is built to the plans or specifications decided by the occupant”. When considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

Self-build typically involves the construction of single (usually detached) homes, including conversion projects and extensive renovations (usually demolition or rebuild). Where individuals work as a group or association, it can also include the construction of higher density homes in the form of terraced housing or apartments if those homes are commissioned or built by those individuals.

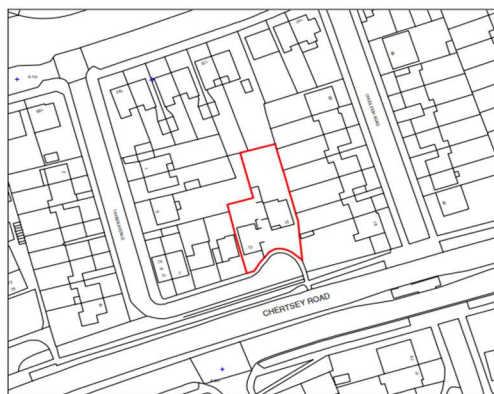
Custom build involves the construction of homes, of all types and sizes, on serviced multiplot sites. With custom build, an enabling developer, which can be a local authority, community group, housing association or commercial developer, works with individuals or groups to specify the details of appearance and internal layouts of their homes. This may involve an element of DIY build or self-finish or can be full construction and finish of the home as specified by the home buyer.

A self-build home is one built to the plans or specifications of the occupant on a single plot. A custom build home is built to the plans or specifications of the occupant on a multiplot site which is actively managed by a third-party enabler.

ASSESSMENT OF THE APPLICATION SITE AND PROPOSED SITE

3.A. The Application Site

The Application Site is identified by red edging on the ‘location plan’ (TP-574/NH01). An extract of the said ‘location plan’, is at **Figure 1**.



LOCATION PLAN
1 : 1250 SCALE

0m 10m 20m 30m 40m 50m 60m 70m 80m 90m 100m
SCALE @ 1:1250

Figure 1.

The Application Site is on the northern side of Tayben Avenue and at the end of a cul-de-sac. The Application Site consists of 13 and 15 Tayben Avenue, Twickenham, TW2 7RA and is 22.1m wide.

3.B. The Proposed Site

The Proposed is to be located within the Application Site, between 13 Tayben Avenue and 15 Tayben Avenue, measuring 5.2m wide and has a total area of 83.8m² (the “Proposed Site”). An extract of the ‘existing roof plan’ (TP-574/NH05), showing the Proposed Site within the Application Site is at **Fig. 2**.

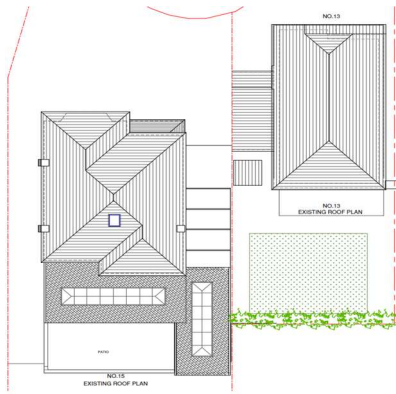


Figure 2.
Existing roof plans

4. PROPOSAL

The proposal involves the Proposed Development at the Proposed Site. Each dwelling at the Application Site is to have separate garden and refuse areas and each dwelling will benefit from allocated off street cycle storage.

The Proposed will be owned and occupied by the Applicant as an individual.

5. APPLICATION OF THE NATIONAL REQUIREMENTS AND THE EXEMPTION

The Proposed Development therefore:

1. Consists of no more than 9 dwellings,
2. On a site that has an area no larger than 0.5 hectares, and
3. Consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015;

i.e. the development meets the definition of self-build and custom housebuilding that is in the Self-Build and Custom Housingbuilding Act 2015 Act because the development involves:

- the building or completion by persons working for an individual of a house,
- where that house is built to the plans or specifications decided by the said individual, who has primary input into the final design and layout, and
- that house is to be occupied as a single home by the said individual, as initial owner and as the individual's sole or main residence, and
- Which individual intends to claim the Community Infrastructure Levy exemption and is registered on the self-build register.

6. CONCLUSION

Whilst the Proposed Site is classed as a "small site", it is exempt from using the small sites metric because the "Self-build and Custom Build Application" exemption applies.

21ST AUGUST 2024