

Location **Land Adjacent To 1-15 Warwick Close Barnet EN4 9SF**

Reference: **16/3259/FUL** Received: 17th May 2016
Accepted: 20th May 2016

Ward: East Barnet Expiry 15th July 2016

Applicant:

Proposal: Demolition of existing pram sheds and garages and erection of a 3-storey building comprising 6no. self-contained flats with associated car parking and access, cycle storage, refuse storage, with landscaping and additional surface car park

Recommendation: Approve subject to conditions

- 1 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

15-290-02 D03-001 Rev A; 15-290-02 D03-002 Rev A; 15-290-02 D03-010 Rev A; 15-290-02 D03-011 Rev A; 15-290-02 D03-050 Rev A; 15-290-02 D03-051; 15-290-02 D03-100 Rev A; 15-290-02 D03-101 Rev A; 15-290-02 D03-200 Rev A; 15-290-02 D03-201 Rev A; 15-290-02 D03-202 Rev A; 15-290-02 D03-203 Rev A; 15-290-02 D03-204 Rev A; 15-290-02 D03-300 Rev A; 15-290-02 D03-301 Rev A; 15-290-02 D03-500 Rev A; Design and access statement (BPTW); Ecological Assessment (AGB Environmental); Land contamination assessment (AGB Environmental); Statement of Community Involvement (BPTW); Sunlight/daylight and overshadowing assessment (HTA); Sustainability Statement with energy statement (BBS Environmental); Transport Statement with parking survey (Campbell Reith); Tree survey/Arboricultural impact assessment method statement (AGB Environmental); Utilities - site investigation report (Premier Energy Services).;

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).

3 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 2011.

4 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety 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 April 2013) and Policy 5.21 of the London Plan (2011).

5 Prior to the commencement of development, details of the proposed fenestration including details of materials, glazing bars and frames and reveal depths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed with the approved details.

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 2011.

6 Details of balustrades, fixtures and fittings shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details.

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 2011.

- 7 Refuse and recyclables storage shall be provided and made ready for use prior to the first occupation of the proposed development and shall be retained permanently thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 8 Prior to the first occupation of the proposed development, the relocated refuse and recyclables storage and residents' stores for existing residents shall be constructed and made ready for use. These structures shall be retained permanently thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 Notwithstanding the approved plans, prior to the commencement of development, details of replacement communal washing lines shall be submitted to and approved in writing by the Local Planning Authority. The replacement facilities shall be erected prior to the commencement of development and shall be maintained permanently thereafter.

Reason: To ensure that the facilities and amenities for the existing residents at 1 - 15 Warwick Close are satisfactorily maintained. Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

- 11 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and the Residential Design Guidance SPD (adopted April 2013).

- 12 Prior to the commencement of development of the proposed dwelling units, the existing garages within the site at its eastern end shall be demolished and the land resurfaced and laid out as parking for nine car parking spaces as indicated on drawing 15-290 D03 050 Revision A.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 14 The development shall be carried out in accordance with the details, recommendations and measures of the submitted Tree Survey/Arboricultural Impact Assessment and Method Statement (AGB Environmental)

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

- 15 Notwithstanding the approved plans and elevations, prior to the commencement of development, a proposed roof plan shall be provided indicating the design and position of the proposed photovoltaic panels to be installed on the roof surface of the proposed development. The development shall be constructed in accordance with these approved details and be retained permanently thereafter.

Reason: To ensure that the proposed development contributes to sustainable development and to ensure that the design and appearance of the proposed PV array does not harm the character and appearance of the building and the wider area to ensure that the development complies with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 17 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 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 18 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise from the adjoining premises on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance

with policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 19 The level of noise emitted from the adjoining potentially noise generating premises hereby approved shall result in a noise level that would be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a dwelling house within the proposed development.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 20 Notwithstanding the approved drawing D03.050 Revision B (12/07/2016), the car parking layout at the western end of Warwick Close is not approved and a further drawing showing a re-arranged parking layout with regard to crossovers and the separation between them shall be submitted to and approved in writing prior to the commencement of development. The development shall be carried out in accordance with this detail.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

- 21 Part 1

Before development commences other than for investigative work:

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

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

- a risk assessment to be undertaken,

- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Y

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

- 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 or by telephoning 0208 359 7294.

- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 5 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 6 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

- 7 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (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 applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's

ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit www.thameswater.co.uk.

- 9 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- 10 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

Planning permission is sought for the erection of a three storey building comprising of six flats comprising of three, one-bed units and three, two-bedroom units on land currently used for the drying of residents' washing at the western end of the hardstanding area. The proposed development would be situated close to the western and northern boundary wall of the site and would be situated a short distance away from the northwestern elevation of the existing building. The proposed development would be arranged as two gable ends facing north and south. The north elevation would have no activity with the exception of a column of obscure glazed windows. On the southern elevation, there would be an active frontage in respect of balconies and windows to habitable rooms over one gable end. The other gable end would be situated directly opposite the gable end of the existing building. The eastern elevation of the building would face outwards over the area of hardstanding. As a result the units would effectively be single aspect, however, the aspect would be either south facing or east facing. The proposed development would be constructed from brick to match the adjoining development. New residents' stores and bin stores would be provided elsewhere within the site. Nine spaces at the far eastern end of Warwick Close would be rationalised and the scheme would provide an additional six spaces on a grassed area at the western end of the site.

4. Public consultation

Consultation letters were sent to 346 neighbouring properties.
5 responses have been received with 5 letters of objection.

The comments received can be summarised as follows:

- o The wider area has seen vast amount of new building work and is becoming over crowded with the character of the plan changing significantly
- o Although the proposed development is not as attractive as the previous scheme, this proposal would be far better than the current site conditions which contains a construction site.
- o Children's safety will be affected.
- o The street cannot accommodate any more traffic.
- o The planned parking will affect safety within the street.
- o The playground in the middle of the site should not be supported as it might attract people from outside of the site.
- o The proposed development would not give rise to anti social behaviour.
- o The angle of the new development would directly look over into people's homes and would exacerbate shadowing of the site.
- o Additional residents would give rise to further noise.
- o The scheme would remove residents' amenities from the site.
- o The street is already of excessively dense development.
- o The public consultation event was not an effective forum to allow residents to influence the form of development taking place on the site.
- o Overlooking and loss of light to residential properties and gardens in Victoria Road.

Highways - No objection subject to conditions

Environmental Health - No objection subject to conditions

5. Planning Considerations

5.1 Policy context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

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, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

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

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to

vulnerable users. The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide an acceptable level of amenity for future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact on security in the vicinity of the site
- Whether the proposals would make adequate provision for drainage
- Sustainability Issues

Whether the principle of the development is acceptable

Planning permission is sought for the erection of a three storey building to provide six flats adjoining an existing residential apartment block. The proposed development would comprise of three, one bed flats and three, two bed flats. The development would be for the benefit of Barnet Homes.

The National Planning Policy Framework promotes a presumption in favour of sustainable development requiring local authorities to permit development which accords with the development plan.

Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough. Borough wide target for 40% affordable housing provision.

Land use - the provision of new housing

The provision of new housing would be supported in respect of the stated aim to meet London Plan and Local plan targets for the Borough. The provision of new housing should be supported as sustainable development provided that it complies with other policies in all other respects.

Land use - affordable housing provision

Policy DM08 (Ensuring a variety of sizes of new homes to meet housing need) states that development should where appropriate provide a mix of dwelling types and sizes in order to provide choice within the Borough, having regard to the borough wide target of 40% affordable housing provision. Policy DM10 (Affordable housing contributions) seeks the maximum reasonable amount of affordable housing to be provided on all new sites that provide 10 or more units, having regard to the Borough wide target for 40% affordable housing provision.

The National Planning Policy Framework and the National Planning Policy Guidance states that where small scale development of less than 11 units come forward for determination, they should not need to make a contribution towards either affordable housing or other tariff style obligations.

During the pre-application phase and within the application documentation, Barnet Homes have advised that the proposed residential accommodation coming forward for all the sites for both the DCLG defined categories of major and minor applications would be delivered as affordable housing. These units would be brought forward as affordable rent with a rent level indicated as being 65% of the market rent. Based on this commitment, the provision of affordable housing constituted a significant material consideration which was dominant in the planning balance evaluation if there were any disbenefits associated with particular schemes.

The applications which have been submitted by Barnet Homes are at present a mixture of small schemes of less than 11 units (so far forming the greater majority) and a small number of major schemes delivering 11 or more units. Nevertheless, all the applications which have been put forward to the Planning and Environment Committees on 14 and 27 July, contained a planning condition which the applicant to enter into a legal agreement to secure affordable housing on an affordable rent basis at 65% of market rent. The planning consultants representing Barnet Homes are firmly of the view that the amendment to the NPPG following the West Berkshire District Council and Reading Borough Council v Secretary of State for DCLG means that the Council should not be seeking to secure affordable housing by condition or by legal agreement for the smaller schemes. In addition, the applicant is of the view that the imposition of a requirement to enter into a legal agreement to secure affordable housing would have an impact on the ability of the developer to secure the levels of further funding to provide more homes in the future.

Barnet Homes is a wholly owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rental properties. Barnet Homes is in the process of setting up a new Registered Housing Provider known as Open Door Homes as a further subsidiary, committed to providing affordable housing. Utilising a loan from Barnet Council, the first programme of homes will be let at affordable rents. This position will be protected by the terms of the loan agreement and by the transfer of the sites from Barnet Council. Barnet Homes are therefore contractually obliged to provide affordable (rent) housing.

With respect to the larger sites where both Local Plan Policy DM10 supported by the London Plan and the NPPF states that there is a Borough wide target to bring forward 40% of new dwellings in a tenure that meets the definition of affordable housing in the NPPF. Barnet Homes is willing to enter into a legal agreement to secure these units. Barnet Homes and subsequently Opendoor have indicated their willingness to enter into a legal agreement in order to deliver a policy compliant affordable housing level. However, as stated, an onerous legal agreement would reduce the ability of Opendoor to raise future funds to continue the development cycle. Barnet Homes have a programme to deliver 326 affordable homes in order to alleviate homelessness in the borough. However, some sites may not be able to deliver the 100% provision on all sites and the monies raised will enable Barnet Homes to deliver more than the identified 326 units.

Barnet Homes recognises the concern that affordable housing secured outside of a legal agreement under Section 106 of the Planning Act, would be susceptible to disposal through Right to Buy, however the monies raised will be recycled for further investment and further build.

The overarching aim of Opendoor Homes is to build 750 units by 2020. Some dwellings will be delivered on the open market which will not be possible if the land value is based on having to provide affordable housing above policy. However, despite the absence of a legal agreement, Opendoor have every intention to provide affordable housing at affordable rent levels based on a local nominations agreement.

Ultimately, the provision of no affordable housing units on the smaller sites and the provision of at least 40% of units in affordable tenure on the larger sites would be policy compliant in respect of all the relevant tiers of policy. Nevertheless, an interpretation of the NPPF and NPPG would suggest that contributions or provision should not be sought, as opposed to must not be sought. As such, the Council could be entitled to secure affordable housing through a legal agreement on the smaller schemes. Furthermore a Council may be able to seek affordable housing at a proportion greater than 40% just as a developer may choose to deliver housing in affordable housing on a small scheme or at a ratio of greater than 40% on larger schemes.

Undoubtedly, the position promoted by Barnet Homes since their engagement with planning officers in December 2015 has been based entirely on a 100% affordable housing provision. Supporting planning documents including the planning statement and the application form has been clear in stating that it is the intention to provide this. The applications came before Committee carrying a condition seeking a legal agreement.

Nevertheless, there is a clear intention to provide affordable housing through other means and securing this for at least the first occupants under a Barnet Nominations procedure. The schemes, both small and large are policy compliant. Barnet Homes will be providing affordable rented housing on these sites although Members are being asked to consider these schemes purely on the basis of them being new dwellings only. Barnet Homes will be able to secure and raise funding on more advantageous site values allowing them to invest and earn greater sums of money. This would enable Barnet Homes to deliver effectively the stated aim of 326 units in this next phase and 750 in total by 2020. In a holistic view, this is a tangible planning benefit and it is considered that there would be an inherent risk to the programme that could be compromised.

On balance, the amended approach is considered to be acceptable.

It is considered that the proposed development would provide a compelling factor in the consideration of all the relevant matters in the planning balance.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

The proposed development would be located at the western end of the site on an area of hardstanding that is used for residents' washing lines. There is secondary but inferior area to the east of the site. This part of the site adjoins an area of low rise commercial uses which are used for the sales, repair and servicing of cars. The site is surrounded by an unduly high boundary wall to separate the residential building from the commercial uses. The western boundary of the site features a line of mature leylandii trees which fall within the ownership of the adjoining car business.

The existing estate forms its own character as a standalone form of development within the immediate area, given that surrounding residential streets such as Victoria Road and the southern side of Warwick Close comprise two storey terraced dwellings. The proposed development has been designed to relate to a three storey block with ridged roofs and gable ends. The block is orientated from southeast to northwest and the development is proposed to continue this orientation with an opposing gable end before the block then fills in the western corner of the site with the development arranged over three storeys. The proposed development is of a similar architectural form using a gable end and a ridged roof. The proposed development would not appear out of keeping with its immediate surroundings. The proposed development would draw from a similar palette of materials and would not be unduly dominant from either the street or from beyond the site boundaries. The site is not located within a conservation area and there are no statutorily or locally listed buildings within close proximity to the site which may be affected by the proposed development.

The proposed development also provides for additional car parking and changes to existing car parking within Warwick Close. It is noted that Warwick Close is extensively parked and the carriageway width is narrow which may relate to its layout as a cul-de-sac. A garage block would be demolished and would be laid out as 9 surface car parking spaces. This would reduce the quantum of development within the site and would permit more effective parking within the street. A new area of off street parking would be provided at the far western end of the site on existing green space. This would result in a reduction in the green amenity area available. However, it is considered that this green area, detached from the principal buildings would not have significant open space value and it is considered that the parking is on balance an acceptable use of this land in this part of this site.

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

The design and layout of the proposed building has been developed to have regard to the amenity of the existing occupiers of the block. The windows in the projecting gable end facing north which would be separated by a short gap to the proposed development are bathroom windows and do not enjoy protections in respect of the amenity relating to light and outlook.

The rear (or north facing) principal elevation of the development would also not be affected, with the closest three window columns closest to the position of the development being a communal staircase, bathrooms and kitchens which are not rooms for which the

amenity impact should be prevented and as a result, it is considered that there would not be any harmful loss of outlook. There would be very limited and therefore insignificant sense of enclosure and impact on visual amenity. The southwestern elevation of the existing development consists of windows serving habitable room windows, however, it is considered that their orientation away from the proposed development and positioned to their northwest would result in no harm to these windows.

The northeast facing elevation of the proposed development would feature windows facing out over the existing hard landscaped area. These windows face out perpendicular to those on the rear elevation of the existing block. However it is considered that the principal aspect would be along the rear of the block over the area of hardstanding.

An area of soft landscaping within the site would be lost following its development as car parking. The loss of this open space would normally be contrary to Development Plan policy which seeks to both protect and enhance open space within a development. However, it is considered that the loss of a grass area is acceptable. The area of open space in question is not functional or of any significant streetscene quality. In addition, the proposal seeks to enhance the existing retained the open space within the development.

Beyond the site to the north is a large site used as a car repairs, sales and servicing centre. As well as using a large area of land between Warwick Close and Victoria Road, this use is accommodated within a series of extended storey properties. As a result, the nearest property in Victoria Road to the site is situated at 179 Victoria Road, a distance of 27.5m from boundary to boundary. A property at 173 Victoria Road from which an objection has been received on amenity grounds (overlooking and loss of light) is 40m to the north. As such, there would be very limited impact on amenity.

Whether the proposals would provide an acceptable level of amenity for future residents

Each of the proposed six new residential units exceed the standards for internal floorspace set out in the London Plan (as modified in March 2016).

The proposed one bed units across the development would be provided with either an enclosed private garden at the ground floor or recessed balconies at the first and second floor. The ground floor two bedroom unit would be provided with an enclosed garden, However, the first and second floor units would each be provided with no private amenity space. The development takes advantage of a provision within the London Plan Housing SPG which allows for a lack of private amenity space to be compensated for by an increase above the standard in relation to internal amenity space. Nevertheless, all existing and future occupiers would be provided with access to communal open space across the development which would benefit from improve landscaping.

Units would have a primary aspect facing southwards or southwest. Two bedroom units would have another significant elevation facing east to northeast. The one bedroom units would be most constrained by the boundary wall and the off-site conifer/leylandii trees to the west. Each window within the proposed development has been subjected to an assessment of the average daylight factor and the daylight distribution. The average daylight factor in seven rooms including the kitchen, dining and living room areas in the two bed flats and the same room use in the ground floor one bed unit is substandard. The daylight distribution assessment is also substandard in respect of the kitchen, living room and dining for the two bed units on the ground floor and also one bedroom on the ground floor. However, sunlight to all rooms would be acceptable.

Although provision of acceptable daylight to new units would not meet appropriate standards for all rooms, it is accepted that given that these deficiencies relate to new development, it would not be appropriate on balance to refuse this planning application.

The scheme is situated immediately adjacent to car sales, servicing and repair uses. At times, this use which would generally be undertaken during day time hours, may operate at increased noise levels. It is recommended that the development should be subject to background noise levels condition.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 states that for one and two bedroom units, parking should be provided at a ratio of up to 1 space per unit. This would result in the need to provide six car parking spaces for the development. An area is to be provided off street at the western end of the site by way of six spaces orientated perpendicular to the course of the highway. Vehicles would therefore have to turn off the street to access these. These spaces are located at a position where on street restrictions are in place. This prevents the loss of on street parking spaces. This would therefore meet the needs of the development without any implications on existing parking within Warwick Close.

The garage block at the far end of the site would also be demolished and replaced by nine car parking spaces. This would allow for parking to be provided to meet needs more generally where at present, garages may not necessarily be used for parking. This should free up space on street for the purposes of parking.

Whether the proposals would make adequate provision for sustainable drainage and flood risk alleviation.

The site is highly vulnerable development. However, it is located in a Flood Risk Zone 1 area and is therefore appropriately sited.

Sustainability

The applicant's energy strategy has demonstrated that the proposed development would result in a decrease of over 35% in respect of Carbon Dioxide above and beyond the 2013 building regulations. A large part of this saving arises from the use of photovoltaics at roof level.

Changes to the accessibility standards which replace Lifetime Homes, which were introduced in 2015 now require developments to provide step free access to dwellings. Where these entrances are above the ground level access, these should then be provided with a lift to provide access. In this case, the four flats at the 1st and 2nd floor level would not be M4(2) or M4(3) compliant. The London Plan states in policy 3.8 that where it can be demonstrated that the provision of a lift may cause practical difficulties, have implications for the viability of schemes or the affordability of service charges, the scheme can fall back to the implementation of standard M4(1). Given that the proposed development would need to provide a lift which would undermine the strategic objective of delivering housing, affordable to tenants who are nominees from the London Borough of Barnet, it is considered that that policy 3.8 of the London Plan supports the provision of units complying with standard M4(1)

The planning statement confirms that the proposed development would accord with the London Plan Standard in relation to water usage per occupant.

Trees and landscaping

An arboricultural method statement has been provided which demonstrates protection measures for existing trees on the site. Landscaping enhancements and new tree planting is also proposed for the site. The hard landscaped area to the rear would be retained and some storage facilities would be relocated.

Other matters

Washing and drying lines for residents are an important facility and amenity resource for residents. The proposed development is located on the site of the most exposed facility. The other facility is surrounded by trees and development and is less effective. The planning permission carries a planning condition which will seek details for the relocation of these facilities to a more appropriate location prior to the commencement of development.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm.

Response to public consultation

The matters raised through the public consultation process which are considered to be material planning considerations have been addressed in the report.

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.

Conclusion

The application proposes the redevelopment of an existing group of garages into six high quality units, which meet minimum internal and external space standards.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and

material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development. Accordingly, APPROVAL subject to conditions is recommended.

Barnet Homes

Barnet House, 1255 High Road, Whetstone, London N20 0EJ



Barnet Homes is a wholly-owned subsidiary of Barnet Council, responsible for the management and maintenance of the Council's 15,000 rented properties and is in the process of setting up a new Registered Housing Provider, Opendoor Homes as a subsidiary, committed to providing affordable housing in line with National and Local Planning Policy objectives.. Opendoor Homes' intends that its first programme of homes, funded by a loan from Barnet Council, will be let at affordable rents. This position will be protected by the terms of the loan agreement and by the transfer of sites from Barnet Council. The homes have been designed specifically to meet affordable housing standards with a mix of types of homes that has been agreed with Barnet.

As part of the requirements of registering Opendoor Homes with the Homes and Communities Agency, Barnet Homes, as developer, has asked its professional consultants to prepare cost plans to inform Opendoor Homes' business plan and to make sure that development of the sites is financially viable. The loan from the Council to Opendoor Homes and the development arrangements include specific obligations on Opendoor Homes that secure further financial benefits to the Council in the future, these include on lending contributions and annual "dividend payments.

The above is set out to provide an overview to the Councillors to recognise the constraints the Opendoor Homes development pipeline is under and the amount of control and the relationship between Opendoor Homes and Barnet Council.

In return, the Council is transferring the sites to Opendoor Homes at nil value and continues to support the development process in order to fulfil its ambitions to reduce homelessness and the General Fund bill within the Borough.

Opendoor Homes will provide affordable homes in line with its responsibilities as an RP, but its responsibility is independent of planning policy.

National Planning policy is that a S106 agreement or contributions for affordable housing should not be requested for schemes of under 10 units gross, or less than 1,000m², notwithstanding that the applicant is Barnet Homes.

For larger sites, Barnet's adopted planning policy (DM10) sets a Borough wide target of 40%, and Barnet Homes/Opendoor will enter into s106 obligations to deliver this planning policy compliant level of affordable housing provision on site, which is safeguarded in the loan agreement between the Council and Opendoor Homes.

We believe a more onerous S106 than this on these sites would reduce Opendoor Homes ability to use these sites to raise future further funds to provide more homes and may impact on the future business plan of Opendoor Homes to support the existing benefits agreed. The sites are being transferred to Opendoor Homes to be used as an asset that future funds could be raised against it to provide further homes. Should Planning put S106 conditions over and beyond the standard criteria on these schemes then they are restricting our ability to realise further funds to provide further homes.

www.barnethomes.org

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Barnet Homes

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Opendoor Homes wishes to have its applications considered on the same basis as other registered providers operating within Barnet. We are happy with a S106 agreement that targets a minimum of 40% affordable housing in perpetuity on all these sites that yield over ten homes. This allows Opendoor flexibility over the remainder of the site with the possibility to cross-subsidise across the development pipeline through selling a home in a high value area and borrowing against this valuable asset in order to build more homes than the original 326 identified for the current programme.

Opendoor Homes can enter into a S.106 Agreement with the Council because it is a separate legal entity. It will be registered by the Homes and Communities Agency as a provider of affordable housing. Council members have raised concern that not securing affordable housing through a S106 agreement would expose the schemes to the new extension of the Right to Buy scheme to registered providers. Whilst this is possible it is considered that the loss of some units would be balanced by the potential to build many more homes, using the equity in the unsold homes as collateral.

Opendoor Homes has an ambition to provide 750 homes by 2020. Some may be built on sites bought on the open market. Opendoor Homes will be unable to buy these sites if the residual value is based on a higher than policy-compliant number of affordable homes. This would put us at a disadvantage not only with private sector developers but also other RP's.

It is proposed that no legal requirement is drawn up to restrict the tenure for smaller schemes of 10 and fewer units. This complies with the policy threshold. In spite of this, Opendoor Homes have every intention to continue letting these homes / this house at affordable rent levels as enshrined in the Nominations Agreement with the Borough (see below)

We have attached a standard nominations agreement received from Barnet Council's Social Housing Co-ordinator that Opendoor Homes will sign up to. It should be noted that nominations to Barnet will be protected on all S106 schemes and all existing and future schemes in perpetuity as we are funded by Barnet Council and benefit from discounted/free land.

Opendoor Homes and Barnet Council will benefit greatly from working together and aligning to the Councils strategic affordable housing policy target:

- Greater flexibility where a cash injection is required to plug a funding gap
- Future investment funding through loans based on the capital asset
- A level playing field with other RPs and developers.
- Delivery of the maximum amount of affordable housing in the future

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