

1 tMEETING

PLANNING COMMITTEE B

DATE AND TIME

WEDNESDAY 28TH FEBRUARY, 2024

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE B (Quorum 4)

Chairman: Councillor Claire Farrier
Vice Chairman: Councillor Arjun Mittra

Gill Sargeant Micheal Mire
Tony Vourou Lachhya Bahadur Gurung

Substitute Members

Tim Roberts Richard Barnes Nick Mearing-Smith
Shuey Gordon

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 23 February 24 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Service contact: planning.committees@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

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ORDER OF BUSINESS

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Pages: 11-20

Item: 6

Reference: 23/4101/FUL

Address: 1 Ravenscroft Park, London, EN5 4ND

Following the deferral of the item from the previous committee on 31st January, a meeting was held between the applicant and neighbouring residents on 12th February 2024. Subsequently, a letter was sent on behalf of the applicant to residents that objected to the application which stated the following suggestions:

1. *Light Issues*

Internal Lighting – Suggestion that this issue can be mitigated every evening by blackout blinds and curtains being drawn just as it becomes dark (subject to the residents occupying the rooms being satisfied).

External Lighting – Suggestion of low level lighting plan – kept to the minimum. These can be dimmable and switched off when not required and largely for the use of evacuating residents and staff in an emergency.

2. *Noise Issues*

Mr Patel, the owner of the nursing home, can provide double glazing into the rear elevations of the property and secondary glazing to any side and front elevations (subject to Local Authority approval).

All staff are to be briefed that if any residents are shouting in the summer months and windows are open, the manager will be informed. Management will ensure residents with dementia are placed away from the boundaries of Number 1.

As a normal rule, to provide ventilation to the rooms, the windows remain open from 8am to 2pm, and occasionally, on resident's requests, will remain open at other times.

Neighbouring residents can call, email or pop around to the nursing home to remind the staff of the closing of windows and any concerns, so the care home management can see how they may be able to assist (but not to the detriment of the Care Home residents).

Management contact details have been provided.

3. *Privacy Issues*

We will maintain the boundaries with fencing and, if agreed, be prepared to plant Laurel to provide sufficient edge screens up to 2m in height.

4. *Skip Issue*

Suggestion that as and when a skip is required, this should be an enclosed skip with a tarpaulin, to avoid rubbish blowing around the area and to look tidier for the residents.

The following comments have been received from neighbouring residents in response to the above letter:

1. Light Issue

This requires the nursing staff to follow operational procedures and policy, which should refer to this agreement. We question what objection there can be to curtains being drawn when it is dark? We would ask that this is made a rule and made a part of strict operational procedures.

It was clarified that in an emergency residents would assemble in the area behind the nursing home and exit the property via the car park adjacent to number 18

Ravenscroft Park. Can we note this in the response and, in particular, that no external lighting would therefore be installed to the front or side of number 1 Ravenscroft Park. It was confirmed that the policy of the home was not to have motion sensor lighting externally, and external lighting would be low level, down lighters so as not to intrude. We would suggest that any external lighting be positioned so that they are inward/downward pointing.

2. Noise Issues

If local authority approval is not given, then other solutions must be identified. We welcome the offer and would like to see the specific windows that would be double or secondary glazed, and confirmation that the windows which already have some form of double glazing be secondary glazed as well.

We suggest that the procedures should go further, that upon noticing that a resident is making a disturbance, the windows are immediately closed; if outside, the resident is immediately brought indoors; and, of course that the residents needs and concerns be promptly dealt with to prevent/diminish their upset state.

We welcome the confirmation that residents with dementia will not be placed in Number 1 Ravenscroft Park. This should be included in the policy and procedures.

We do not know whether residents are in the garden howling, or whether the sound comes, through closed or open windows. In addition, we are concerned about the light wells described by Mr Patel, can the windows to these be closed and double glazed, as it is possible that the sound will go up in a chimney-like effect.

NOTED: However, on the evening of the 12th (9pm), following our meeting with you, two of our group were walking past the front of the care home following consultations with our neighbours and they could distinctly hear howling coming from the care home. We don't know whether these rooms are double glazed, but it was a cold night, and the windows were closed. This is a disturbing development. Please confirm whether the windows at the front of the care home are in fact double glazed.

The nursing home needs to have written procedures and regular staff training regarding noise nuisance.

3. Privacy Issues

We ask that the laurel hedge be inset from the boundary to allow the care home gardener to prune both sides so as to avoid encroachment.

The proposal for a fence/hedge, whilst welcome, does not address the concern regarding sightlines from the several upper floors into the rooms and gardens of adjacent houses. We suggested frosting up to eye level; Mr Patel suggested one way glass as a better solution. One-way glass would resolve the majority of our concerns, but a few windows would additionally benefit from discrete strategically placed etching/frosting. At the time, we discussed etched glass or film or shutters to obscure the view. This should not block daylight for care home residents. It is common to see such treatments in houses where rooms can be looked into from the street. Again, it would be good to see which windows would be obscured and in which manner. It was mentioned that it may not be necessary to treat all windows the same

Mr Patel said he would plant two/three 'mature' trees along the old boundary between the garden of No.1 and the care home. These trees were suggested to be ones which would be limited in height, but let's say that they grow no taller than ceiling height on the first floor of the care home.

Mr Patel said there would be no further sheds nor outbuildings and the old garden at No.1 Ravenscroft would be kept as a garden with no machinery, waste or equipment.

Mr Patel confirmed that the side access next to No.1, where there is an existing garage would no longer be used for access or exit and would be sealed off, so no night lighting needed.

4. Skip Issue

This is more than covering the skip. There shouldn't be a semi-permanent skip parked outside the front of the property.

Comments were also made about commercial waste being collected in the very early hours on at least one occasion at 4.30 am. We would ask that this be kept to daytime.

Officer response:

Additional conditions are suggested as follows:

Condition 4:

The measures set out in the letter from Steven Gray on behalf of Abbey Ravenscroft Park Nursing Home dated 15th February 2024 shall be implemented prior to first occupation of the property as a care home and the management measures shall be implemented on first occupation and maintained as such thereafter.

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 D14 of the London Plan 2021.

Condition 5:

Prior to installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with the approved details and retained as such thereafter.

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 D14 of the London Plan 2021.

Further comments have been received from neighbouring residents following the receipt of the above letter. These comments are summarised below:

- Development will result in noise nuisance and light pollution
- Change of use will cause loss of amenity to neighbouring residents
- Fence between the business and 1 Ravenscroft Park taken down prior to planning permission and area used for business
- A second meeting with Mr Patel was requested however he considered this to be unnecessary. We request that the application be adjourned until such time as the planning officer has convened a meeting between the parties and there has been reasonable engagement by the nursing home, with a defined set of enforceable remedial steps which can be put in place prior to further consideration of this application by the planning committee.
- Alternatively we consider the planning officer reconsiders the recommendation to grant the change of use, in light of the admitted amenity issues. There can be no comparison between a 24/7 business and two family flats. The fact that people live there is unrealistic and fails to take account of the intensity of occupation, the number staff passing and repassing as well as visitors, this is totally different to the way in which a residential dwelling is used. If it were not there would be no requirement for a change of use application, there would be no differentiation between a C2 and C3 in this circumstance. Therefore, there is a risk that the planning officer by making this recommendation without properly taking into account the loss of amenity impact risks the accusation that any decision which follows will be Wednesbury unreasonable. This suggestion is bolstered by the fact that when rebutting our loss of amenity points made at the last committee meeting, we were told by the planning officer that 1 Ravenscroft Park is still going to be a building with residents living there, and if the house were to be occupied as a private dwelling it could have extended families of noisy people looking out of all the windows all of the time with the lights on all night, and therefore there is nothing which can be done by the planning committee. This was a particularly bad analogy, it is wrong in law, it is the obligation of the committee to weigh the loss of amenity especially in circumstances that the existing admitted issues, if transferred to 1 Ravenscroft Park, would be magnified by the very close proximity of the properties.
- The skip was removed prior to the committee visit which does not show the nursing home in a good light

Officers' response to the above comments are as follows:

- The removal of a rear fence would not require planning permission and until a use commences on the garden area there is no breach of planning control
- The impacts of the use have been discussed within the main report
- Additional conditions have been attached in order to address concerning lighting and management of the site.
- Officers have considered the impacts on amenity in making their recommendation and having taken all material considerations into account, the recommendation is for approval, subject to conditions.

Officers have also been advised by a neighbouring resident that there is a restrictive covenant on the property at 1 Ravenscroft Park which states: "Not at any time hereafter to use the property or permit the same to be used other than for the purpose of a Private dwelling house or professional residence."

The applicant has provided a response letter from the Abbey Total Care Group's solicitor which states "the presence of a restrictive covenant on the title of a property is not a consideration material to the grant of planning permission. When considering the application for planning permission for the above properties the planning authority should not take the covenants on the freehold and leasehold titles into account." It is also stated that there is no restrictive covenant registered against the upper flat at 1 Ravenscroft Park.

Officers comment:

The above is noted by officers, however, the presence of a covenant does not mean that a planning application cannot be determined. The grant of permission does not override any legal restrictions on the use of land, however, that would be a civil matter.

Pages: 21-26

Item: 7

Reference: TPP/0453/23

Address: Greenlawns, Monks Avenue, Barnet, EN5 1DA

Following the deferral of the application at the committee on 31st January 2024, local objectors stated that they would obtain a second expert opinion of the trees. This has not been provided. Objectors have made a number of submissions and suggested that the use of Phosphorous Acid injections could be used to control the cypress canker. However, the local planning authority is unable to impose or enforce this on the applicant, because the disease is a natural occurrence.

The objectors submitted an alternative plan showing all the trees close to the subject trees. For the avoidance of doubt the applicants plan shows and the description agreed with them as:-

- T1 cypress has two stems one stem is much smaller than the other and is dead
- T2 cypress with significant die back and is leaning
- T3 cypress tree stump
- T4 cypress tree that is dead

A further 9 objections have been received and the reasons for the objections relate to loss of amenity and impact on wildlife, alternative treatments, loss of screening. These are similar in nature to most of the objections.

Officers have provided comments to the committee members on these submissions which have been summarised above. Residents are concerned that these works would enable the development of the site. However, the proposed works are justifiable on arboricultural grounds.

Objectors are requesting that T2 is retained, however retaining this tree would place at risk the establishment of new trees agreed with the applicant. If T2 was retained there is a high risk that the new trees would be damaged by the operation to remove it in a few years-time when it has died.

The owner has stated that the only reason the trees are being removed is because his arborist has advised that they were unsafe.

Pages: 41-72

Item: 9

Reference: 23/0227/FUL

Address: St Michaels School, Nether Street, London, N12 7NJ

-A minor typo regarding condition 17 (relating to the mosaic). The Existing Floor Plan referenced in the condition wording states revision P03, however this should read P02.

-Section 5.3 states - It is noted that the proposed building "*would be slightly taller, but narrower than the previous approval*". The previously approved development at the site - ref 20/0299/FUL would have a height of 12.8 metres. The current scheme proposes a total height of 12.308m, which proposes a slight reduction in height than the previous approval.

-Section 3 - Proposal states that the proposed building has a total height of 12.25m. However, the proposed building has a height of 12.308m.

Pages: 73-90

Item: 10

Reference: 23/1494/FUL

Address: 1325 High Road, London, N20 9HR

Condition 1 to read: ~~strikethrough~~= deletion; and underline = addition

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

1682.P1.01

1682.P1.02 REV A

1682.P1.03 REV B

1682.P1.04 REV C

~~1682.P1.05 REV B~~

1682.P1.05 REV D

1682.P1.06 REV C

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).