## REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS

Reference No: HGY/2015/0507 Ward: Fortis Green

Address: Thames Water Land off Woodside Avenue N10 3JA

**Proposal:** Change of use of land to horticultural use related to an existing educational establishment. Construction of 12 planting beds, 1 shed and two polytunnels which will be capable of being moved around the site. Erection of a 1.8m fence with access from the existing footpath and management of trees located on the site including those subject to Tree Preservation Orders. (AMENDED PLANS)

**Applicant:** Mr Paul Terry Ambitious About Autism

Ownership: Private

Case Officer Contact: Gareth Prosser

Site Visit Date: 23.04.15

Date received: 18/02/2015 Last amended date: 19/05/2015

Drawing number of plans: 001, 002, 003, 201B & 202C

# SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The siting, scale and appearance of the proposed structures would be very small in nature and ancillary to the land designation as significant local open land (SLOL) with no effect on its openness and adjoining sites.
- Appropriate management practices are outlined in the application submitted in terms of impact on ecology and trees with any such minimal impacts outweighed by the educational/ community value derived from the use of the land for horticultural activities. A further management plan and commitments are conditioned.

## RECOMMENDATION

That the Committee resolve to GRANT planning permission and that the Head of Development Management is delegated authority to issue the planning permission and impose conditions and informatives and/or subject to sec. 106 Legal Agreement to secure the following matters:

## Conditions

- 1) Development begun no later than three years from date of decision;
- 2) In accordance with approved plans and reports submitted;
- 3) New fencing to be in a dark green colour;
- 4) Replacement trees to be planted;
- 5) Provision of updated Ecological Management Plan.

#### Informatives:

Requirement to comply with the Wildlife and Countryside Act 1981

TABLE OF CONTENTS			
3.0	PROPOSED DEVELOPMENT AND SITE LOCATION DETAILS		
4.0	CONSULATION RESPONSE		
5.0	LOCAL REPRESENTATIONS		
6.0	MATERIAL PLANNING CONSIDERATIONS		
7.0	RECOMMENDATION		

8.0 APPENDICES:

Appendix 1: Consultation Responses

Appendix 2 : Plans and images

Appendix 3: Images submitted by Fortis Green Allotments Trust

#### 3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS

## **Proposed development**

- 3.1 The application has been submitted by Treehouse School, a purpose built school and centre for autism education, located immediately to the east of the application site. The application which has been amended slightly from that initially submitted is for the:
  - Change of use of land to horticultural use related to an existing educational establishment:
  - Construction of 12 planting beds, 1 shed and 2 polytunnels;
  - Erection of a 1.8m fence (with access from the existing footpath) on the eastern boundary and a 1.2m high fence on the northern boundary;
  - Management of trees located on the site including those subject to a Tree Preservation Order.
- 3.2 The proposal facility would also be used by the nearby Tetherdown School.

# Site and Surroundings

- 3.3 The site is a small area of land (less than 1ha) located on Thames Water Land to the north of Woodside Avenue. The site is bounded by an access road/pedestrian route to the east, to the north by Fortis Green Allotment with the covered Thames Water reservoir to the west of the site.
- 3.4 The site consists of a small semi mature deciduous woodland and an area of grassland with scrub encroachment and some semi-mature standing trees. The site is located outside the Fortis Green and Muswell Hill Conservation Areas. The land is designated as Significant Local Open Land (SLOL) and a Site of Nature Conservation (SINC) (Borough Grade II) within Haringey's Local Plan 2013. Records show that historically the site was used as a bowling green.

# **Relevant Planning and Enforcement history**

3.1 HGY/2014/0840 - Erection of shed and two moveable polytunnels for horticultural purposes in conjunction with Treehouse School – Withdrawn 26-06-14

### 4. CONSULTATION RESPONSE

4.1 The following statutory bodies, internal consultees and local groups were consulted on this application:

LBH Transportation
LBH Education
LBH Arboriculture
LBH Nature Conservation
Fortis Green Community Allotments Trust
Muswell Hill and Fortis Green Association

Muswell Hill CAAC Tree Trust for Haringey Thames Water

4.2 The following responses were received:

#### Internal:

- 1) <u>LBH Education</u> No Objection
- Nature Conservation Officer Requires the following points to be conditioned:
- Revised management plan with map showing the location of key features/compartments including woodland exclusion zones, pond, grassland, etc.
- 6 bat boxes or more.
- Bat and bird boxes to be put up in advance of site use.
- Pond to be installed prior to site use.
- Adequate access for foxes and hedgehogs in fence lines.

#### External:

- 1) <u>Fortis Green Allotment Trust</u> The Trust support Treehouse's horticultural activities but raise the following objections:
- Proposed fence with detract from sites open nature and character and not add to the sites biodiversity. A tunnel effect will be created and the view from allotments damaged.
- Shed, polytunnels and fence will not contribute to the biodiversity of the site and will be visually instructive in the landscape.
- Proposal will interfere with local wildlife and exclusion zones are not shown on plans.
- Proposal does not comply with all the criteria of local plan policy OS3.

(Images submitted by Fortis Green Allotments Trust are included in Appendix 3)

- 2) <u>Muswell Hill CAAC</u> The appearance of the proposed chain link fencing would not preserve or enhance the appearance and character of the Conservation Area. (Officer comment: site is not located in a conservation are).
- 3) <u>Cllr Newton</u> Proposed chain link fence is a concern both visually and for wildlife.

# 5. LOCAL REPRESENTATIONS

5.1 The residents of 81 properties were consulted on the application. The number of representations received from residents in response to notification and publicity on this application are as follows:

Objecting: 67

Supporting: 22 Others: 5

- 5.2 The following issues were raised in representations and are material to the determination of the application and are addressed in the next section of this report:
  - 1. Damage to a natural wildlife habitat/destruction of ecological corridor;
  - 2. Proposed fencing is too high/out of character;
  - 3. Proposal will undermine SOL designation;
  - 4. Disturbance to wildlife/loss of biodiversity:
  - 5. Treehouse has enough facilities/can accommodate on existing land;
  - 6. Fencing a smaller site area would be more appropriate;
  - 7. This facility for children suffering from severe autism will serve to develop skills and improve their quality of life:
  - 8. Land is underutilised;
  - 9. Scheme is sensitive to the local environment;
  - 10. Low intensity/low impact use comparable to the neighbouring allotments.

#### 6. MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the proposed development are:
  - 1. Design and Appearance
  - 2. Impact on Ecology/Significant Local Open Land (SLOL)
  - 3. Impact on Trees

#### **Design and Appearance**

- 6.2 London Plan Policies 7.4 'Local Character' and 7.6 'Architecture' require development proposals to be of the high design quality and have appropriate regard to local context. Haringey Local Plan Policy SP11 and Saved UDP Policy UD3 'General Principles' continue this approach.
- 6.3 The application proposes to install a 1.8m high chain link fence inside the eastern boundary of the site set behind the existing Victorian fence, which will be retained and made good. A chain link fence is also proposed to be installed along the northern boundary of the site at a height of 1.2m. This will also be set inside the existing fence which will be maintained. Notwithstanding the objections received, the construction of both fences falls under permitted development to a height of 2m as stated in Class A of Part 2 (Minor Operations) of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, in response to objections received, this aspect of the proposal has been amended from that initially submitted; changing it from 1.83m to 1.2m on the northern boundary. In addition to being set in from this boundary the new fence here will be flexible/ stepped in order to get around trees along this boundary.
- 6.4 The proposed 1.8m high fence on the eastern boundary would be approximately 30cm higher that the existing railings and is considered to have minimal impact on the character and appearance of the area including the

neighbouring conservation areas, largely maintaining views to the site from the public footpath. Boundary fencing to this height is present in the immediate vicinity on the opposite side of the footpath (enclosing Treehouse School's primary site) and within the boundaries of the Muswell Hill Conservation Area. Therefore, the additional fencing will not be alien to the existing situation and, on balance will not have a significant detrimental impact on the character of the Muswell Hill Conservation Area. Given the substantial distance between the proposal and the Fortis Green Conservation Area, there is no concern regarding an impact on this designation.

- 6.5 The concerns of residents/ amenity groups in respect of the boundary treatment/ height have been noted and as pointed out above some changes have been made. It is now considered that an appropriate balance has been struck between safety needs of the children who would use this space and aesthetic considerations.
- 6.6 The proposed timber shed would be 2.5m in height (ridge height) and 1.9m at eaves and would have a depth of 6m. The two polytunnels would be approximately 2.4m in height and 6.2m in depth. The structures would be set back approximately 16m from the pedestrian route. The low level planting beds would be set back approximately 7m from this boundary.
- 6.6 The proposed timber shed would be 2.5m in height (ridge height) and 1.9m at eaves and would have a depth of 6m. The two polytunnels would be approximately 2.4m in height and 6.2m in depth. The structures would be set back approximately 16m from the pedestrian route. The low level planting beds would be set back approximately 7m from this boundary.
- 6.7 The proposal is also for the removal of a section of fencing along the eastern boundary to allow an access gate, which is considered to be acceptable. The application is considered to be in accordance with the policies outlined above.

## Impact on Ecology/ Significant Local Open Land

6.8 Saved UDP policy OS3 sets out a range of criteria that should be met if SLOL land is to be developed.

The Council will not permit development on SLOL unless it meets all of the following criteria:

- a) It is ancillary to the use of the open space;
- b) It is small in scale:
- c) It does not detract from the site's open nature and character
- d) It is required to enhance activities associated with the particular open nature and character; and
- e) It positively contributes to the setting and quality of the open space.
- 6.9 In addition Local Plan policy SP13: 'Open Space and Diversity' states that 'all development shall protect and improve sites of biodiversity and nature conservation through its protection, enhancement and creation of Sites of Nature Conservation (SINCs) and Local Nature reserves (LNR)'.

- 6.10 As outlined above the application comprises small scale development including planting beds, a shed, two polytunnels and changes to the boundary fencing. Such small scale structures are very common and compatible with the use and function of land for horticultural use and ancillary to the land's designation as SLOL. Officers would also point out that such structures here are removable if in the future the land ceases to be used for such a use.
- 6.11 Officers view that overall such small interventions will not adversely affect the openness of the site nor be harmful to the broader Thames Water Land's designation as SLOL in compliance with saved UDP policy OS3.
- 6.12 The applicant has submitted an Ecological Constraints report and a Tree Survey which provides a detailed understanding of the site and measures to be taken including the removal and replacement of dead and diseased trees in line with good arboricultural practice. A 5 year Ecological Management Plan for the site has also been provided outlining the specific treatment of each habitat feature of the site. As per Condition 5 below some additional detail is required in respect of the Ecological Management Plan before the development commences on site.
- 6.13 The footprint of the proposed structures cover a small section of the site, facing the existing public footpath, leaving much of the site largely undisturbed, except for the management procedures outlined in the ecological survey. The proposal is overall considered to have a minimal impact on woodland and given the educational value and site's management practices outlined, the application is considered acceptable and in accordance with Saved UDP policy OS3 and Local Plan policy SP13: 'Open Space and Diversity'.

## **Impact on Trees**

- 6.14 A tree survey has been submitted with the application identifying 11 different species on site. These have been divided into categories relating to their quality and the need for retention or removal.
- 6.15 The survey carried out by AECOM states that 'Category B' trees should be retained, which has been incorporated into the proposal. Also identified are 'Category U' poor quality trees' which are recommended for removal 'in the interests of sound arboricultural practice with the replacement with suitable replacement species.
- 6.16 Objections have been raised in relation to the clearance of trees and woodland. The tree survey states that the proposal will have 'minimum impact' on the woodland and recommends that a formal management plan be put in place. As set out in the submitted Ecological Management Plan the measures to be taken are acceptable to maintain and manage the trees of amenity value within this woodland area. Clearance here will be largely limited to low tying vegetation or the removal of dead or diseased trees in line with good arboricultural practice.

6.17 Given the above, the proposal is considered to have minimal impact on the site with the removal only of 'poor quality' trees with minimum disturbance to the woodland. Given this minimal impact, the appropriate management practices and tree replacements the proposal is considered to be acceptable.

#### Conclusion

- 6.18 In terms of siting, scale and appearance the proposed development is very small in nature and ancillary to the land designation as SLOL with no effect on its openness and on adjoining sites. Equally given the appropriate management practices outlined, in terms of impact on ecology and trees, the proposal will have minimal impact with any such impacts outweighed by the educational/community value derived from the use of the land for horticultural activities. As such the proposal is considered to be acceptable in accordance with saved UDP policies UD3 and OS3 and Local Plan policy SP13.
- 6.19 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

#### 7.0 RECOMMENDATIONS

GRANT PERMISSION subject to conditions

Applicant's drawing No.(s) 001, 002, 003, 201B & 202C

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in accordance with the following approved plans and specifications: 001, 002, 003, 201B & 202C with the expetion of the chain link fence along the eastern boundary which shall be set behind the existing trees immediately inside the current fence line.

Reason: In order to avoid doubt and in the interests of good planning.

3. The chain link fences hereby approved shall be finished in a dark green colour and maintained as such thereafter.

Reason: To safeguard the appearance of the site and the character and appearance of the area.

4. All tree works must be undertaken by qualified and experienced tree work contractors and be in accordance with BS 3998:2010 recommendations for tree work. Replacement trees of a minimum 12-14cm girth must be planted within 12 months from the date of removal of the trees identified for removal as identified with the tree survey report.

Reason: Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 5. No development shall take place until an updated Ecological Management Plan has been submitted to and approved in writing by the local planning authority in specific addressing and providing clarity on the points outlined below, with the measures thereafter implemented in accordance with the approved plan.
  - A map showing the location of key features/compartments including woodland exclusion zones, pond, grassland, etc;
  - Provision of 6 or more bat boxes on site:
  - Bat and bird boxes to be put in place in advance of the use commending;.
  - Pond to be installed prior to use commending;
  - Adequate access for foxes and hedgehogs to be incorporated in the new northern fence line.

Reason: To protect the flora and fauna and ecological value of the site in accordance with saved policy OS3.

INFORMATIVE: Please note that any approval given by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), or any other Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests, whilst being built or in use. For further information contact Natural England on 020 7932 5800.

Appendix 1: Consultation Responses from internal and external agencies

No.	Stakeholder	Question/Comment	Response
No.	Stakeholder INTERNAL	Nature Conservation – any development should be subject the provision of the following:  - Revised management plan with map showing the location of key features/compartments including woodland exclusion zones, pond, grassland, etc.  - 6 bat boxes or more.  - Bat and bird boxes to be put up in advance of site use.  - Pond to be installed prior to site use.  - Adequate access for foxes and hedgehogs in fence lines	Response The following condition has been added:  No development shall take place until an updated Ecological Management Plan has been submitted to and approved in writing by the local planning authority in specific addressing and providing clarity on the points outlined below, with the measures thereafter implemented in accordance with the approved plan.  • Map showing the location of key features/compartments including woodland exclusion zones, pond, grassland, etc;  • Provision of 6 or more bat boxes on site;  • Bat and bird boxes to be put in place in advance of the use commending;  • Pond to be installed prior to use commending;  • Adequate access for foxes and
1.	Muswell Hill CAAC	We would suggest that the Council should satisfy itself	hedgehogs to be incorporated in the new northern fence line.
		that the impact of the proposal on the open nature of the site is as minimal as possible, especially bearing in	of the Conservation Area. However, the

No.	Stakeholder	Question/Comment	Response
		minds its SLOL status.	has been considered and the proposed
		The objection is to the appearance of the proposed chain	fence to the northern boundary reduced in
		link fencing. This would certainly not preserve or	height.
		enhance the appearance and character of the Conservation Area. Nor is it appropriate for this	
		location	
		it would introduce a rather grim and forbidding inner	
		city feel to this footpath. It is disappointing that the chain	
		link fencing is the same as was proposed last year which was also the subject of much adverse comment.	
		We understand that the applicant has undertaken to	
		consider fresh proposals from local residents. We	
		suggest therefore that there be a Condition requiring	
		samples of the proposed new fencing to be submitted for	
		approval, and stating that that the fencing as currently	
		proposed is not acceptable.  This final point is rather beyond the remit of the CAAC,	
		but the Council may also wish to impose a Condition	
		requiring the provision of holes at the bottom of the	
		fence to permit wildlife to pass on and off the site.	
2.	Clir Newton	Proposed chain link fence is a concern both visually and for wildlife.	1. The fence is with Permitted Developpment rights as stated in Class A of Part 2 (Minor Operations) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed fence to the northern
3.	Fortis Green	Proposed fence with detract from sites open	boundary has been reduced.  1. The proposed fence is only 30cm
J.	Community Allotment	·	taller on the eastern boundary and is

No.	Stakeholder	Question/Comment	Response
	Trust	biodiversity. A tunnel effect will be created and the view from allotments damaged.  2. Shed, polytunnels and fence will not contribute to the biodiversity of the site and will be visually instructive in the landscape.  3. Proposal will interfere with local wildlife and exclusion zones are not shown on plans.  4. Proposal does not comply with all the criteria of local plan policy OS3	with Permitted Develoopnment rights as stated in Class A of Part 2 (Minor Operations) of the Town and Country Planning (General Permitted Development) (England) Order 2015. A reduction on the northern boundary has been incorporated into amended plans.
			<ol> <li>The proposal is modest is size and scale. The submitted tree survey states that the proposal will have 'minimum impact' on the woodland and no healthy trees removed.</li> </ol>
			<ol> <li>Similarly to above, the modest size and intermittent use of the site is not seen as having a significant effect on local wildlife. The vast majority of the site remains untouched.</li> </ol>
			4. This is discussed in the report above.
4.	Local Residents	11. Damage to a natural wildlife habitat/Destruction of Ecological Corridor 12. Proposed fencing is to high/out of character 13. Proposal undermined SOL designation 14. Disturbance of wildlife/loss of biodiversity 15. Reducing fencing to a smaller site is more appropriate	Addressed in report above.

No.	Stakeholder	Question/Comment	Response
		16. Proposal will not have a significant impact on local wildlife 17. An additional facility for children suffering from severe autism to develop skills and quality of life 18. Land is underutilised 19. Scheme is sensitive to the local Environment	

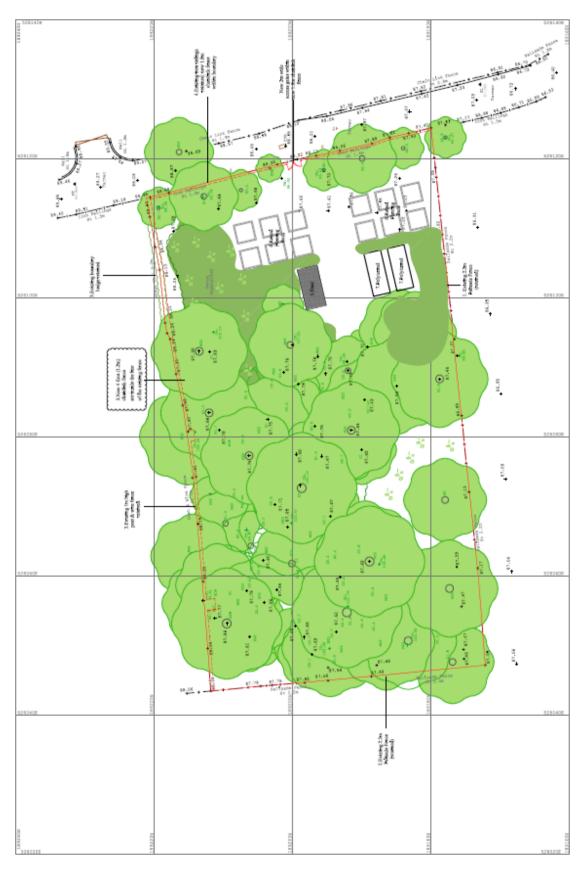
# **Appendix: 2 Plans and Images**



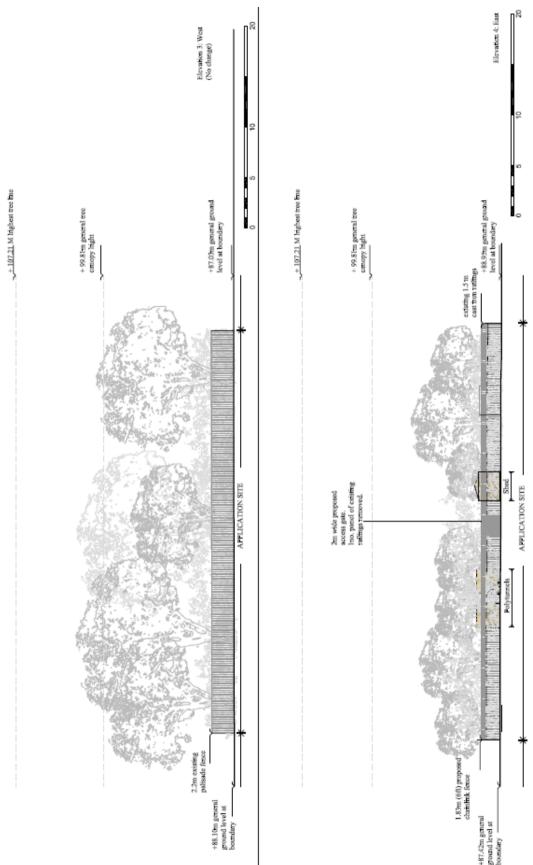
**Site Location Plan** 



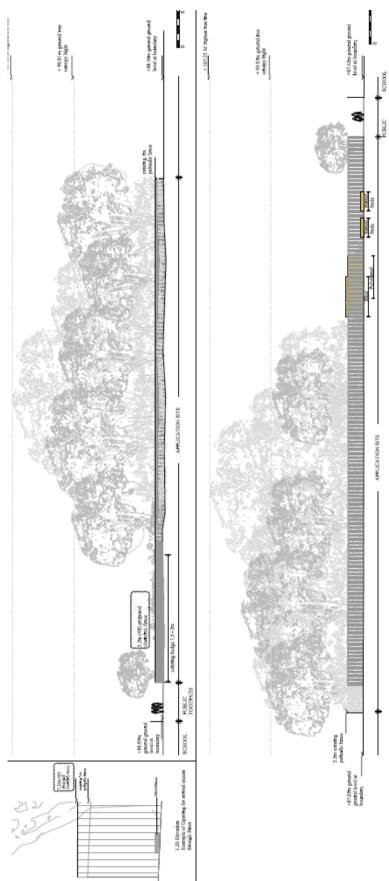
**Aerial View of Site** 



Drawing 1: Site Plan



Drawing 2: Existing eastern boundary with associated changes and outline of structures behind



Drawing 3: Northern and southern boundaries with associated changes and outline of structures behind



Photo 1: Eastern boundary of site next to public footpath. New chain link fence set behind existing boundary fence



Photo 2: Southern boundary of site – Existing fence and dense hedge retained.



Photo 3: Western boundary of site – Existing fence retained.





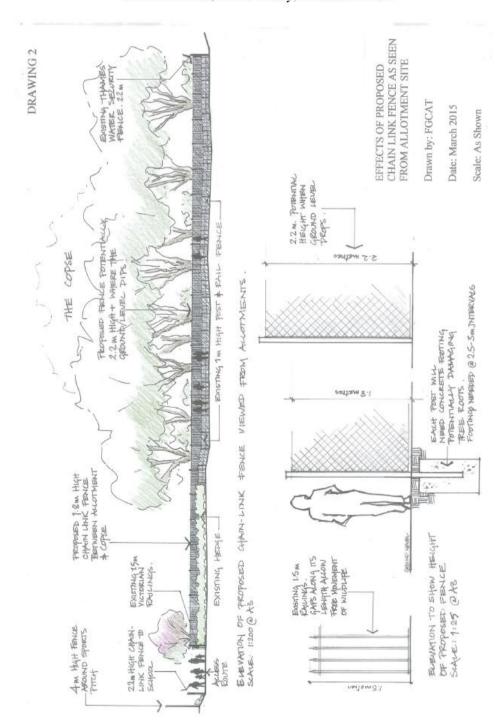


**Photo 4: Indicative scale of structures** 

# **Appendix: 3 Images submitted by Fortis Green Allotments Trust**

# FORTIS GREEN COMMUNITY ALLOTMENTS TRUST

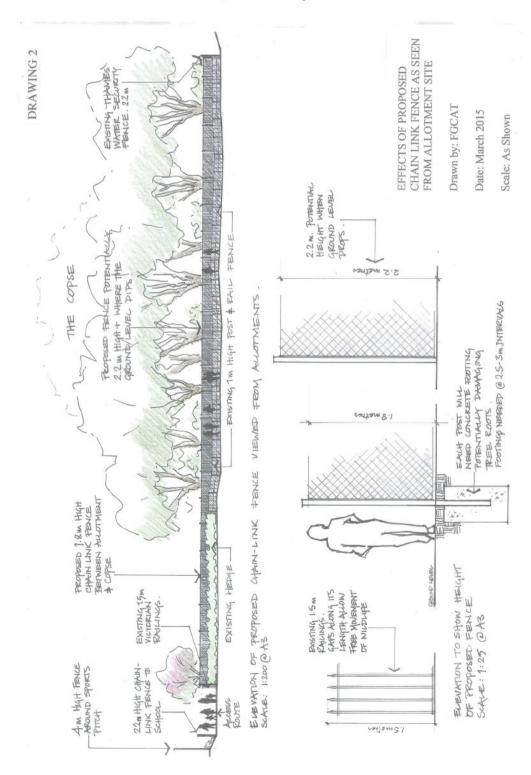
85 Fortis Green, East Finchley, London N2 9HU



Fortis Green Community Allotments Trust (a limited company) Company number 7022582 Registered in England and Wales Registered office 85 Fortis Green East Finchley London N2 9HU

# FORTIS GREEN COMMUNITY ALLOTMENTS TRUST

85 Fortis Green, East Finchley, London N2 9HU



# FORTIS GREEN COMMUNITY ALLOTMENTS TRUST

85 Fortis Green, East Finchley, London N2 9HU

**DRAWING 3** EFFECTS OF PROPOSED CHAIN LINK FENCE BESIDE PUBLIC Drawn by: FGCAT Scale: 1:200 @ A3 ACCESS ROUTE L'S M EXISTING CAST IRON RAILINGS Date: March 2015 CAST RON PALVINGS ELEVATION OF PROPOSED CHAIN-LINK HENCE, VIEWED THOM ACCESS POUTE TO WOODSIDE AVENUE SCHIE: 1200 @ AS MASTERS LEVE OF CAPA FORE TO BE SOUNT-LIFTED TO ALLOW FOR FIRST. EXISTING CRAS APPLIE TREES JAW WIDE GATH 2m NIDE CAN-LINK GKE IF SET PACK BEHIND 1.8m HOH CHAIN-LINK FENCE BEHIND LINE OF CARE KIPPLE TREES. 1.8 m HGH CHAIN-LINK FINGE SET SEFIND FASTING RALINGS ELEVATION OF CHAIN-LINK PENCE SCALE: 1:200 P.KS SELURITY PENCE | SOUTH-SIDE 2.2 % #XISTING SECURITY FENCE SOUTHWE



PROPOSED CHAIN LINK FENCE BEHIND RAILINGS ON ACCESS ROUTE FROM WOODSIDE AVENUE