

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS	
Reference No: HGY/2015/0507	Ward: Fortis Green
<p>Address: Thames Water Land off Woodside Avenue N10 3JA</p> <p>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)</p> <p>Applicant: Mr Paul Terry Ambitious About Autism</p> <p>Ownership: Private</p> <p>Case Officer Contact: Gareth Prosser</p> <p>Site Visit Date: 23.04.15</p>	
<p>Date received: 18/02/2015 Last amended date: 19/05/2015</p> <p>Drawing number of plans: 001, 002, 003, 201B & 202C</p>	
<p>SUMMARY OF KEY REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> • 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 minimal impact on its openness. • 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 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

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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. To the south is open space still within the ownership of Thames Water.
- 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) LBH Education – No Objection
- 2) 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) Fortis Green Allotment Trust – 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) Muswell Hill CAAC – The appearance of the proposed chain link fencing would not preserve or enhance the appearance and character of the Conservation Area. (Officer comment: Given the distance between the site and Muswell Hill Green Conservation Area the proposal here would not impact on its designation)
- 3) Cllr Newton - 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. Principle of development;
2. Design and appearance;
3. Impact on ecology/Significant Local Open Land (SLOL)
4. Impact on Trees.

Principle of development

6.2 In terms of land designation the site in question is designated as significant local open land (SLOL). Saved UDP Policy OS3 sets out a range of criteria that should be met if SLOL land is to be developed. These include the requirement for the development to be ancillary to the use of the open space, to be small in scale and to enhance activities associated with its open nature. London Plan Policy 7.18 seeks to resist the loss of protected open spaces and recognises the importance of local open spaces in terms of health and biodiversity. In terms of the health and well-being of communities the NPPF (para. 73) also recognises the importance of access to high quality open spaces and opportunities for sport and recreation.

6.3 As per the use of the land as allotments to the immediate north of this site, with its associated structures, the proposed use here in connection with a horticultural use/project would also be ancillary and compatible with the designation of the land as SLOL. As set out further in this report the siting, scale

and appearance of the proposed structures are viewed to be small in nature and also ancillary to the land's designation as SLOL with minimal effects on its openness.

- 6.4 Officers would point out that 'Metropolitan Open Land', which has a higher designation in comparison to SLOL, allows for essential facilities for outdoor sports and recreation where they do not have an adverse impact on the openness and nature conservation value of a site.
- 6.5 It is important to bear in mind that the land in question was historically used as a bowling green and that parts of this broader SLOL site are used for sports and recreation (e.g. Aquarius Archery Club), including use by the nearby Tetherdown Primary School.
- 6.6 The site is also designated as a 'Site of Importance for Nature Conservation' (SINC); a designation used by local authorities in England to protect sites of substantive local nature conservation value. Local Plan Policy OS13 seeks to protect and enhance SINC's and in particular seeks to protect species, habitats and areas from inappropriate and harmful development. As set out in the report below the proposal is considered to have minimal impact on the site's ecological value.

Design and Appearance

- 6.7 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.
- 6.8 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 here would fall under permitted development to a height of 2m as permitted by 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 1.8m 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 with some openings at the base of the fence to allow for animals to move between the sites in question.
- 6.9 The proposed 1.8m high fence on the eastern boundary would be approximately 30cm higher than the existing railings and is considered to have minimal impact on the character and appearance of the area 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). Therefore, the additional fencing will not be

alien to the existing situation and will not adversely impact on the character of the lane. It is required that the chainlink fencing be finished in a dark green colour. Given the distance between the site and Muswell Hill Green Conservation Area the proposal here would not impact on its designation.

- 6.10 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 aesthetic considerations and the safety needs of the children who would use this space.
- 6.11 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 lane. The low level planting beds would be set back approximately 7m in from this boundary. The structures here will not be highly visible from outside the site and are not uncommon features in respect of allotment/ horticultural use.
- 6.12 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

- 6.13 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.
- 6.14 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.
- 6.15 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.
- 6.15 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

- 6.16 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.
- 6.17 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.
- 6.18 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 lying vegetation or the removal of dead or diseased trees in line with good arboricultural practice.
- 6.19 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

- 6.20 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.
- 6.21 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

- 7.1 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.

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 commencing;
- 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.

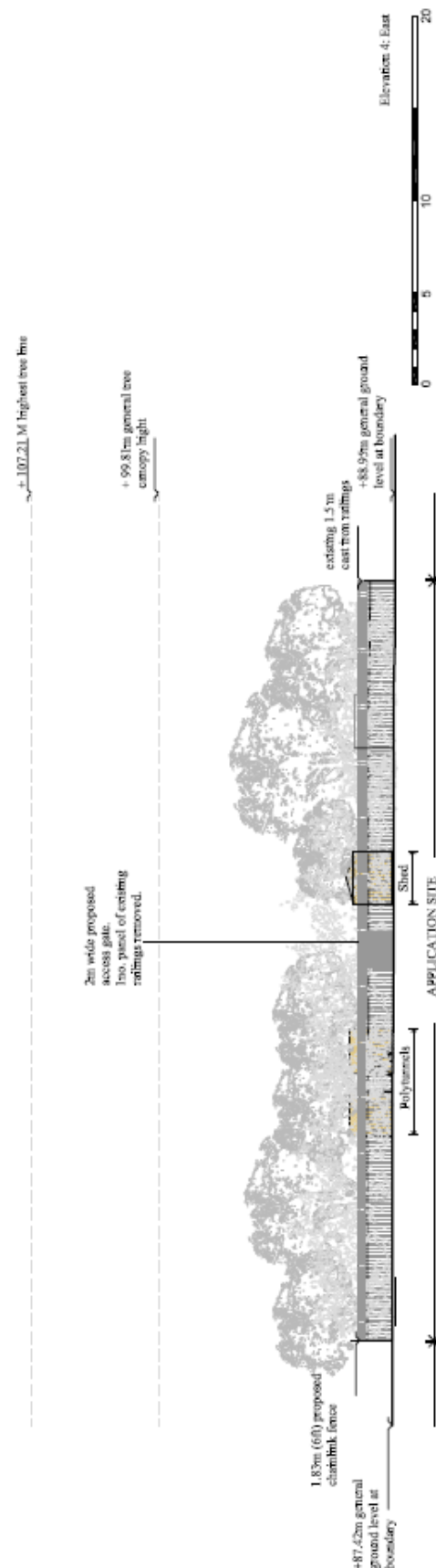
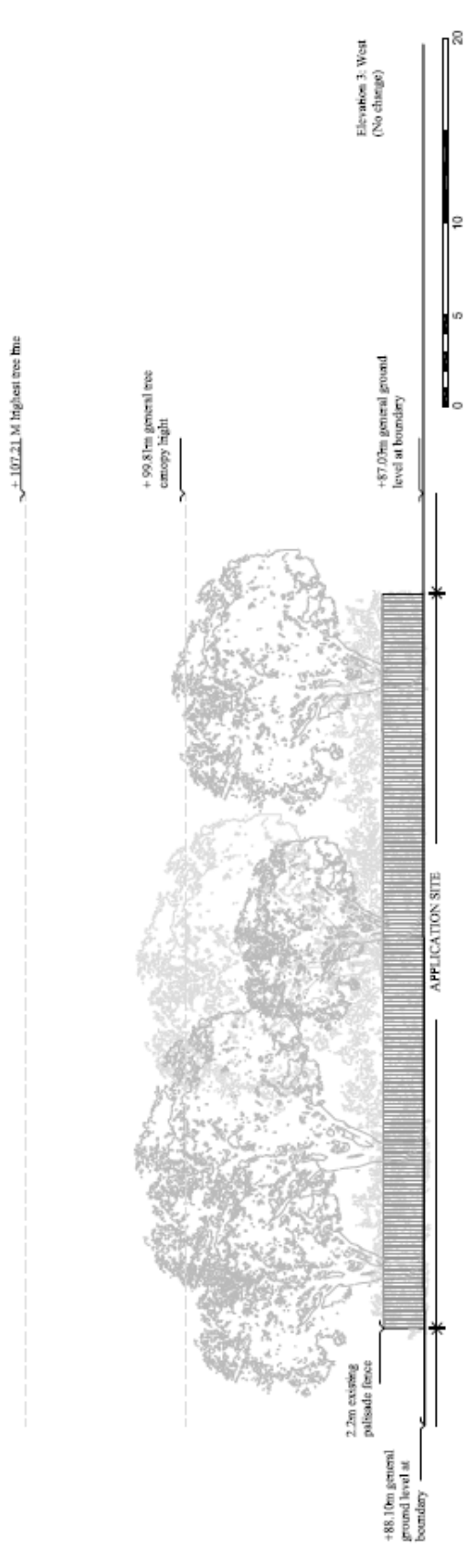
Appendix 1: Consultation Responses from internal and external agencies

No.	Stakeholder	Question/Comment	Response
	INTERNAL	<p>Nature Conservation – any development should be subject the provision of the following:</p> <ul style="list-style-type: none"> - 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 	<p>The following condition has been added:</p> <p>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.</p> <ul style="list-style-type: none"> • 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 commencing; • Pond to be installed prior to use commencing; • Adequate access for foxes and hedgehogs to be incorporated in the new northern fence line.
1.	Muswell Hill CAAC	<p>We would suggest that the Council should satisfy itself that the impact of the proposal on the open nature of the site is as minimal as possible, especially bearing in</p>	<p>The site is not located within the boundary of the Conservation Area. However, the character and appearance of the proposal</p>

No.	Stakeholder	Question/Comment	Response
		<p>minds its SLOL status.</p> <p>The objection is to the appearance of the proposed chain link fencing. This would certainly not preserve or enhance the appearance and character of the Conservation Area. Nor is it appropriate for this location</p> <p>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.</p> <p>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.</p>	<p>has been considered and the proposed fence to the northern boundary reduced in height.</p>
2.	Cllr Newton	<p>1. Proposed chain link fence is a concern both visually and for wildlife.</p>	<p>1. The fence is with Permitted Development 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 boundary has been reduced.</p>
3.	Fortis Green Community Allotment	<p>1. Proposed fence with detract from sites open nature and character and not add to the sites</p>	<p>1. The proposed fence is only 30cm taller on the eastern boundary and is</p>

No.	Stakeholder	Question/Comment	Response
	Trust	<p>biodiversity. A tunnel effect will be created and the view from allotments damaged.</p> <p>2. Shed, polytunnels and fence will not contribute to the biodiversity of the site and will be visually instructive in the landscape.</p> <p>3. Proposal will interfere with local wildlife and exclusion zones are not shown on plans.</p> <p>4. Proposal does not comply with all the criteria of local plan policy OS3</p>	<p>with Permitted Development 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.</p> <p>2. The proposal is modest in size and scale. The submitted tree survey states that the proposal will have 'minimum impact' on the woodland and no healthy trees removed.</p> <p>3. 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.</p> <p>4. This is discussed in the report above.</p>
4.	Local Residents	<p>11. Damage to a natural wildlife habitat/Destruction of Ecological Corridor</p> <p>12. Proposed fencing is too high/out of character</p> <p>13. Proposal undermined SOL designation</p> <p>14. Disturbance of wildlife/loss of biodiversity</p> <p>15. Reducing fencing to a smaller site is more appropriate</p>	Addressed in report above.

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



Drawing 2: Existing eastern boundary 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.

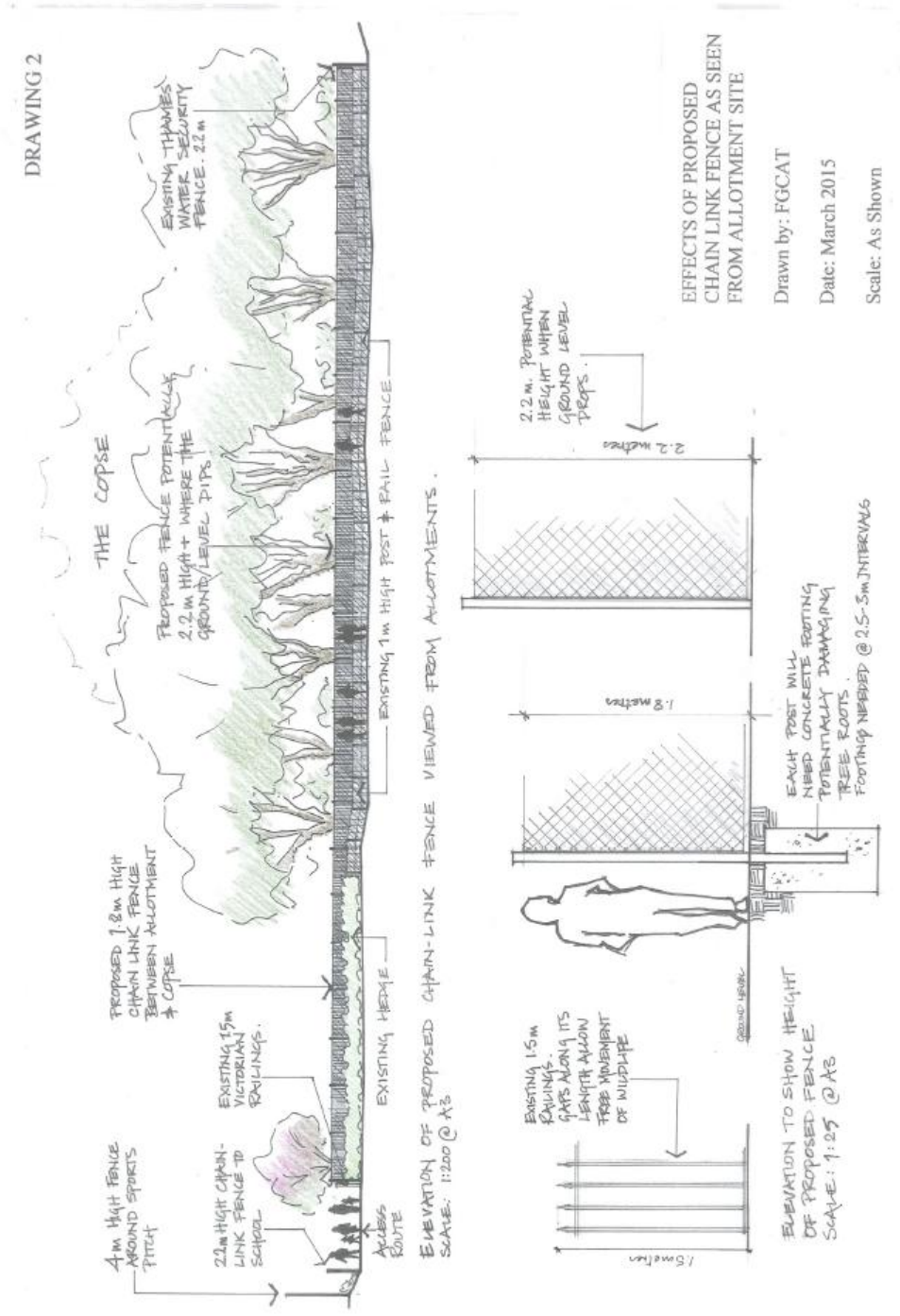


Photo 4: Indicative scale of structures

Appendix: 3 Images submitted by Fortis Green Allotments Trust

FORTIS GREEN COMMUNITY ALLOTMENTS TRUST

85 Fortis Green, East Finchley, London N2 9HU

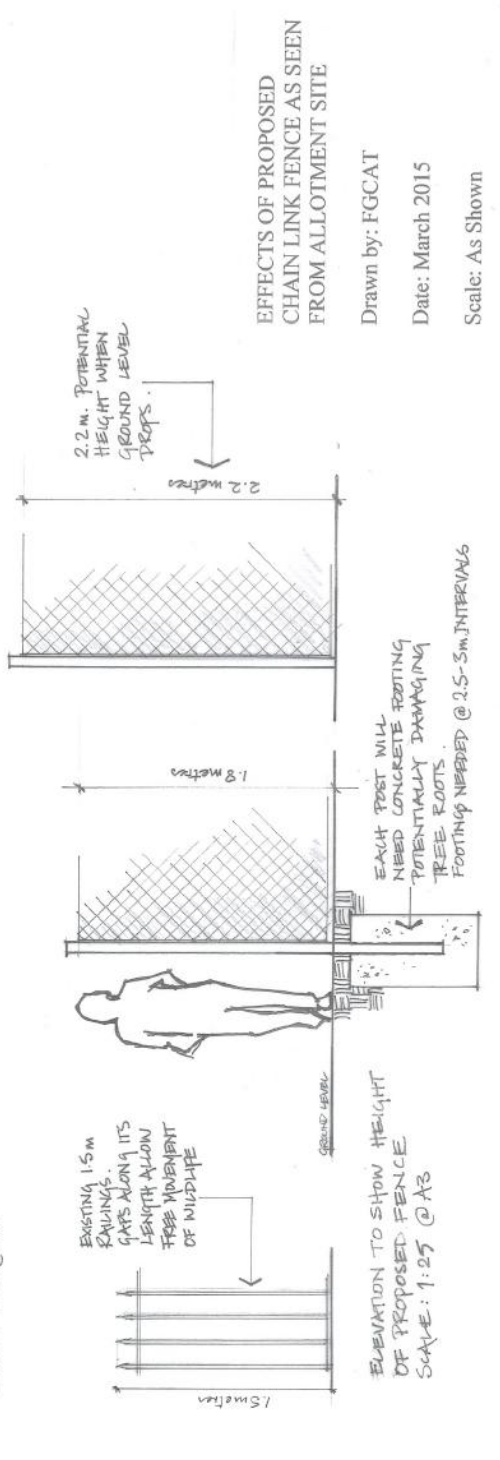
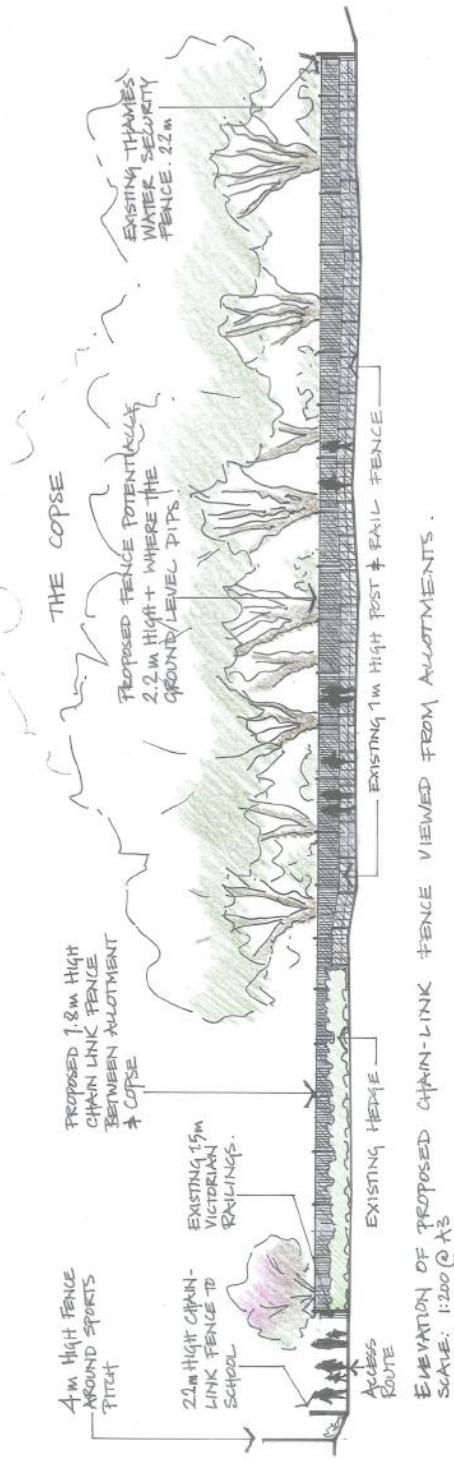


Fortis Green Community Allotments Trust (a limited company) Company number 7022582
 Registered in England and Wales Registered office 85 Fortis Green East Finchley London N2 9HU

FORTIS GREEN COMMUNITY ALLOTMENTS TRUST

85 Fortis Green, East Finchley, London N2 9HU

DRAWING 2



EFFECTS OF PROPOSED CHAIN LINK FENCE AS SEEN FROM ALLOTMENT SITE

Drawn by: FGCAT

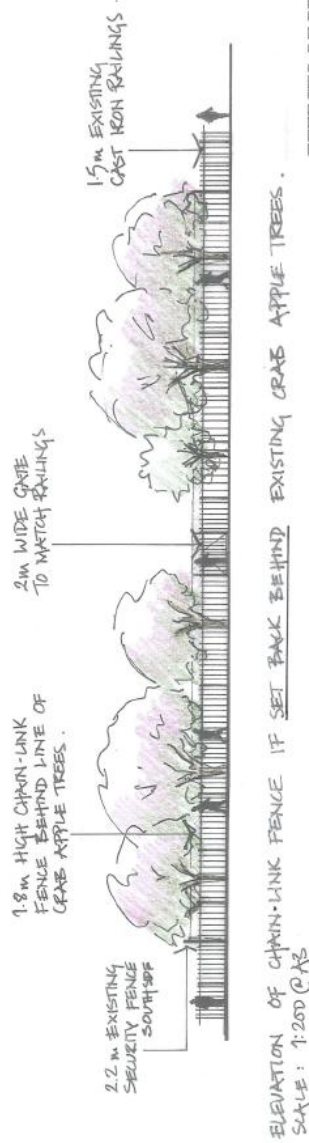
Date: March 2015

Scale: As Shown

FORTIS GREEN COMMUNITY ALLOTMENTS TRUST

85 Fortis Green, East Finchley, London N2 9HU

DRAWING 3

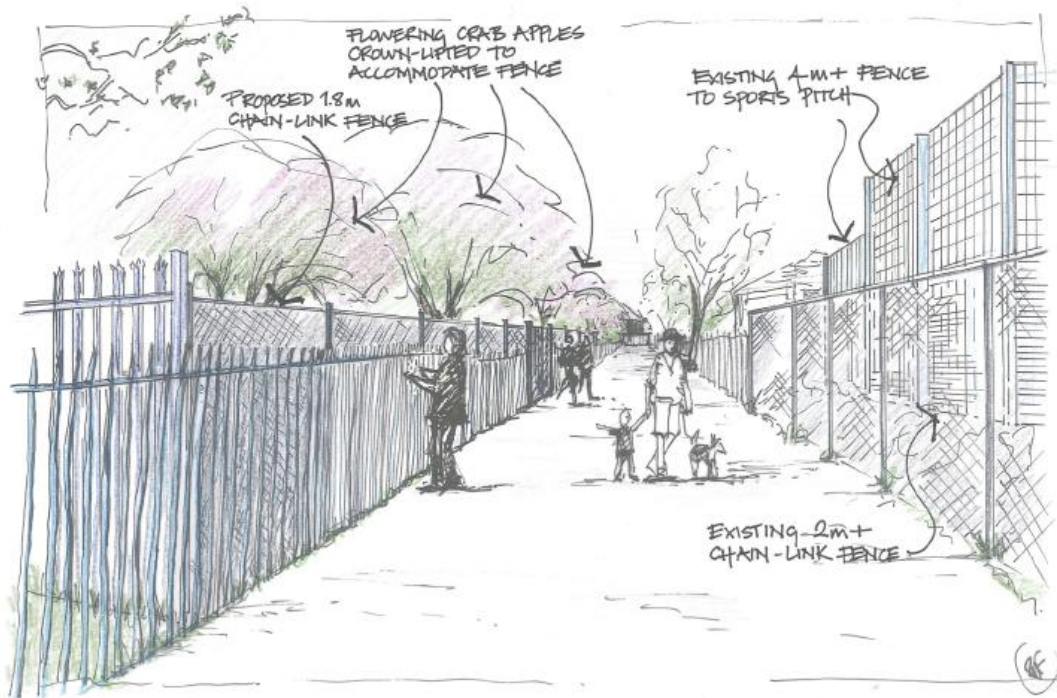


EFFECTS OF PROPOSED CHAIN LINK FENCE BESIDE PUBLIC ACCESS ROUTE

Drawn by: FGCAIT

Date: March 2015

Scale: 1:200 @ A3



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