

APCAR SMITH PLANNING

Chartered Town Planning Consultants

Our Ref: CA/cb/3395

Your Refs: HGY/2026/1143 & HGY/2026/1188

By Email

Planning, Regeneration & Economy
London Borough of Haringey
Alexandra House
10 Station Road
London N22 7TY

FAO Matthew Gunning & Nathan Keyte

15 June 2026

Dear Sirs,

OLD STATION HOUSE, 7A COPPETTS ROAD, HORNSEY, N10 1NN

We are instructed by 18 local residents - please see the attached list of names and addresses - to submit objections, on their behalf, in respect of the current application for the erection of new boundary treatment, resurfacing of the forecourt, installation of nursery play equipment, freestanding sign and changes to the front elevation door (Ref HGY/2026/1143) and the associated advertisement application (Ref HGY/2026/1188).

Background Information/Enforcement Issue

We note that the planning application form refers to the existing use as being a nursery within Class E. This is factually incorrect. The premises are not currently in use as a nursery although it is clear that is the site owner's/Applicant's intention. Works are currently underway on site in connection with this proposed use. It is clear from the Applicant's website (www.kidzkabin.com) that it is intended to relocate their existing Fortismere premises to the application site sometime during summer 2026 with reference, if you progress to the Old Station House registration form on the website, of the intention to begin settling all new children at this site from 1st September 2026.

We suspect that the reason behind the reference on the application form to the nursery use being existing is to try and avoid the Local Authority considering the use itself, which would include consideration of staff numbers, children and associated vehicular activity. Also no doubt to try and ignore the fact that, for the reasons which we discuss below and are referring to in our correspondence with your Enforcement Team, mean that planning permission is actually required for a change of use to nursery, or, at the very least, removal or variation of conditions attached to the last planning permission, granted in January 1991, in respect of the change of use of the previously existing garage/warehouse to office use (permission Ref

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HGY/1990/0645).

Permission Ref HGY/1990/0645 (or, as it is referred to on the decision notice itself, HGY/42088) is subject to the following conditions of particular relevance:

Condition No 4 - No detriment to the amenity of the neighbourhood should be caused by noise or other disturbance than is reasonable as a result of the use of the premises hereby authorised.

Reason - To ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

Condition No 5 - That the total number of people employed and working on the premises shall at all times be strictly limited to eight persons and that there shall be no increase in staff working on the premises without the prior permission in writing of the Local Planning Authority.

Reason - To ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties or the free flow and general safety of traffic on the neighbouring highway by reason of the intensification of the use of the site.

As is discussed below it is considered that the proposed children's playground will be detrimental to the amenity of the neighbourhood by reason of noise and disturbance, so conflicting with condition 4. It is also clear from the Transport Statement submitted on behalf of the Applicant that 13 members of staff are required on site (consisting of nursery teachers, assistants, a cook and manager etc. This will be contrary to condition 5 of the 1991 permission which limits number of people employed and working on the premises to eight.

We have been advised that, during a site visit, it was suggested by one of the planning officers that these conditions are no longer applicable. However, with respect, that is factually incorrect. There has been no permission sought or granted to vary or remove the conditions. Nor has there been any Certificate of Lawfulness of Existing or Proposed Use that these conditions have been breached for in excess of 10 years and thus are no longer applicable.

The above needs to be considered by way of the background to the history of the site and matters in respect of the intended use itself. This is despite the fact that there is no application

in respect of change of use. It would be wholly inappropriate for the Council to ignore this background that the intended use is not lawful, when considering the applications themselves. We would respectfully suggest that the Local Authority should advise the Applicant that the applications should be withdrawn and, if the Applicant so requires, she should then submit revised applications that incorporate the proposed change of use or, at the very least, submit a S73 application to vary or remove condition Nos 4 and 5 of the January 1991 permission before resubmitting the current applications.

Given the past uses of the site, which we refer to below as part of our consideration of planning history, and the proposals being intended to facilitate the forecourt becoming the children's play area, there could also be a contamination issue that needs consideration. The planning application form ignores this by claiming there to be no contamination issues on any part of the site and that the proposed use would not be one that would be particularly vulnerable to the presence of contamination.

Site and Surroundings

The application site is located within a wholly residential area. It adjoins the rear garden boundary of the 47 Creighton Avenue; the side boundary of the garden of 49 Creighton Avenue and side boundary of 7 Coppetts Road. It is directly opposite 10, 12 and 14 Coppetts Road and in close proximity to all of our clients listed on the attached document.

There are two buildings on the site, both single storey, part pitched and part flat roof. The front boundary of the site is currently established by way of two dwarf brick walls to the rear of which is hedgerow, with the central portion of the frontage being open (no wall, hedgerow or gates). The surface of the site's frontage is referred to on the existing plan as gravel. From visual inspection it appears to be a mix of gravel and concrete/hardstanding with planting beds to the rear of the two sections of dwarf brick walls.

Whilst Coppetts Road is not within one of the Borough's Controlled Parking Zones, roads in very close proximity are. To the south of the junction of Coppetts Road with Eastwood Road, Tetherdown Road, Kings Avenue and adjacent roads are within the Muswell Hill West CPZ where on street parking is restricted to resident permit holders only between the hours of 10am and 2pm. Slightly to the west, the roads south of Creighton Avenue are within the Fortis Green CPZ where on street parking is limited to resident permit holders only between the hours of 11am and 1pm. As a result the nearby roads, including Coppetts Road itself, Eastwood Road, Creighton Avenue and Pages Lane (ie the roads that surround the application site) tend to be heavily parked by those who are not eligible for resident parking permits and therefore need to find places to park on the surrounding road network. This includes staff at, and visitors to, Fortismere School, Blanche Nevile School and Eden Primary School, as well as those using the sports facilities at Fortismere School which are let out to the community during evenings, weekends and school holidays.

Furthermore, as is acknowledged by the Transport Statement as submitted with the planning application, the site has poor public transport accessibility with a PTAL rating of 2. As a result, despite the uncorroborated statistics quoted in the Transport Statement, it is anticipated that many of the staff, and children attending the proposed nursery, would be coming by car. This is relevant given that the proposals result in the loss of off street car parking with the planning application form confirming there to be four existing spaces, all of which are to be lost.

As is referred to above, due to its past uses the site potentially suffers from contamination. We comment on this further in connection with planning history below. Given that the proposals are intended to facilitate the forecourt becoming the children's play area, this needs full consideration, with a detailed survey to assess the contamination and, if appropriate how this would be remedied. The planning application form ignores this by claiming there to be no contamination issues on any part of the site and that the proposed use would not be one that would be particularly vulnerable to the presence of contamination.

The site is within that the Muswell Hill Conservation Area. Therefore the proposals also need to be considered in terms of the impact on the character and appearance of the Conservation Area. It is noted that the Conservation Area Character Appraisal identifies Nos 1 to 7 (odds) Coppetts Road as being buildings which make a positive contribution to the area.

Planning History

The 1991 planning permission referred to above is the only history showing on the Council's website. However, from an appeal statement produced by the Local Authority in respect of application Ref HGY/28577 in December 1984 (which has been uploaded with the 1991 documentation) it is evident that there is earlier planning history dating back to 1957 with all decisions clearly demonstrating the Local Authority's concern in respect of intensification of use. This consistent theme, since 1957, remains equally applicable today.

In July 1957 permission was granted for the conversion of the existing gas substation to builders office and store and erection of two new stores. Condition (iv) refers to no nuisance or annoyance being caused to the occupiers of adjoining or neighbouring properties. Given the previous existence of a gas station the site could potentially be contaminated.

Then in 1960 permission was refused for the erection of an extension to an existing store for use as an office with the reasons for refusal referring to intensification of a commercial use in the residential area and the proposal being detrimental to the enjoyment of neighbouring occupiers.

In July 1967 permission was granted for the erection of a store shed, albeit subject to a condition that the building only be used as a store and not as an office or any other purpose. The reason for the imposition of this condition was stated as being to prevent the intensification of a commercial use in a residential area.

Subsequently, in 1979, permission was refused for the conversion of the existing garage/store to office/store and creation of new first floor office space with one of the reasons for refusal referring to the expansion of a non-conforming use in a residential area being detrimental to the amenities of local residents. The reference to an existing garage is another reason to suspect that the site could be contaminated.

In 1982 permission was refused for the use of the premises for car repairs on the basis of this aggravating traffic congestion at what was referred to in the first reason for refusal of permission as being a difficult and narrow section of Coppetts Road, due to the resulting on-street parking and vehicle movements. There was also reference to the use of the premises for car repairs leading to a loss of amenity to nearby residents due to noise and general disturbance.

Then in 1984 permission was refused for the use of part of the garage as an office. The reason for refusal referred to the intensification of the commercial use on a narrow busy road to the detriment of the amenities of the locality, including occupiers of nearby residential properties, and due to the proposed development resulting in the attraction of additional persons and vehicles to the property which would add to the existing hazards to traffic and pedestrians.

It can therefore be seen that all of the past applications, from 1957 to 1991, have had a consistent theme of expressing concern in respect of intensification of use and additional pedestrian/vehicular movements to and from the site. Nothing has changed in respect of the site and its surroundings since then that would warrant a change in approach to the issues of considerations. Residents' amenities remain of utmost importance as does the free and safe flow of traffic and pedestrians on the surrounding road network.

As mentioned above the planning history indicates past uses that could result in the site being contaminated.

Planning Considerations

As referred to above the intended nursery use, given the conditions on the 1991 planning permission (all of which remain in force), would be unlawful. This is the fundamental background consideration albeit, we acknowledge, not directly relevant to the current applications themselves which have been submitted on the misunderstanding by the Applicant and her representatives/professional advisers that the proposed use (stated incorrectly on the application form as the existing use) is the lawful use of the site. That must be the background on which the current applications are considered by LB Haringey. Any failure to do so, and evident setting aside of this clear fact, would result in the decisions on the current applications being challengeable by way of a Judicial Review.

CHARACTER/APPEARANCE AND IMPACT ON THE CONSERVATION AREA

The proposals retain the existing brick walls, incorporate black metal railings above the southern stretch of wall (to the left of the existing gap when looking at the site from the street) and adding new railings and a pedestrian gate across the open part of the frontage. Nothing is proposed in respect of that stretch of dwarf brick wall along the northern part of the frontage (to the right of the opening). The proposed railings and gate will have a height (above ground level) of between 1.7m and 1.84m (the range being due to the change in ground levels with the height of 1.7m adjacent to 7 Coppetts Road and the height of 1.84m at the northern end of the frontage's opening).

These proposed railings are considered to be out of keeping with the street scene and the character of this part of the Conservation Area. Front boundaries in the vicinity are generally characterised by low level walls or hedgerow or low level fencing or a mixture of wall/hedgerow or fencing/hedgerow. Other properties have no front boundary treatment. It is only the corner sites that have a higher boundary treatment where necessary to provide privacy in back gardens.

The proposed alterations to the front elevation of the northern building, to add a new entrance door and consequential need to change fenestration, will result in the front elevation of that building becoming unbalanced. Also, as we comment on below in connection with intensity of use, it enables two separate uses on the site.

The proposed signage, even though non-illuminated, is entirely out of keeping with this residential part of the Conservation Area, drawing attention to the proposed non-confirming commercial use. Its intended position at an angle on the very front of the site, the height of the pole and size of the board will combine to make it very conspicuous in the street scene.

As a result of the above the proposed development fails to comply with the following:

- National Planning Policy Framework Paras 8(c), 9, 135(b), (c) and (d), 141, 207, 210, 212 and 215.
- London Plan Policies D3 Part D (1), (11) and (12) as well as Policy HC1 Part C.
- LB Haringey Policies SP11, SP12, DM1, DM3 Part C and DM9.

SAFETY AND SECURITY OF CHILDREN

We would also point out that the proposed boundary treatment is insufficient for the safety and security of a nursery play area. This can be seen from the Government website – www.gov.uk/government/publications/school-and-college-security/site-security-guidance - which refers to the boundary to schools being the first line of defence and being protected with a secure fence or railings, such as Weldmesh fencing to BS1722 or expanded metal or railings over 2m in height. Gates are required to be to the same height as the fencing, fitted with anti-lift hinges, locking mechanisms that do not aid climbing and secured using an approved locking mechanism. There is also reference to planting close to the base of a fence also being a deterrent but should not exceed 1m in height.

The proposed boundary treatment fails to comply with any aspects of this Government guidance. Given that the front “area” of the site is intended as the young children's playground, security is obviously of utmost importance.

If planning permission is granted this means that, in due course, the Applicant is no doubt going to need to replace the currently proposed boundary treatment with the almost prison like looking Weldmesh fencing to a height of over 2m. Whilst the proposed boundary treatment is considered detrimental to the character and appearance of the Conservation

Area the secure fencing or boundary treatment the Government guidance requires would be even more detrimental. This further demonstrates the inappropriateness of this site for the intended nursery use, and, in particular, the use of the front forecourt area as the nursery's playground.

We realise that there would be at least one member of staff on the site in the intended playground area when children are out to play but this does not mean that usual requirements in respect of security fencing or railings can or should be ignored.

In addition to the insufficiency of the front boundary treatment to ensure children's safety and security, another security concern is raised in respect of the absence of a segregated pathway through to the front entrance(s) of the nursery from the street. As a result, anyone visiting the site (postman, delivery drivers, cold callers etc) would need to walk through the playground, whilst children are potentially utilising it, to enter the nursery. It appears that the Applicant has had no regard to the safety and security of the young children that would be in her care when submitting at this application.

In view of the above it is considered that the proposals fail to comply with the following:

- National Planning Policy Framework Paragraph 102.
- London Plan Policies D3 Part D (5) and (12) as well as Policy D11.
- London Borough of Haringey Policies SP11 and DM2.

CAR PARKING/HIGHWAY AND PEDESTRIAN SAFETY

The proposals involve the loss of four on-street car parking spaces despite the fact that the intended use will clearly result in increased traffic generation as a result of numbers of staff proposed (13 compared with the condition on the January 1991 permission that limits numbers of staff to eight) plus all of the children attending.

The Transport Statement assumes all children will be attending the nursery for the full day. In reality many children attend nurseries on a half day basis and therefore, around lunchtime, some children depart and others arrive. Previously the Local Authority have considered the existing number of parking spaces to be essential for eight members of staff on site. When the Council were considering the January 1991 permission the Borough Engineers are quoted, in the Officer's delegated report, as stating that the loss of parking and the intensification in the use of the site would result in an increase in traffic and parking demand. In addition they

expressed concern in respect of the high proportion of employees likely to arrive by car due to the absence of nearby public transport facilities. They also referred to traffic conditions in the area having been a source of much local concern with a high accident rate at the adjacent junction of Coppetts Road and Creighton Avenue. For these reasons the Borough Engineers objected to that 1991 proposal on the basis of adding to existing hazards in this narrow, heavily trafficked route, where traffic speeds are unduly high.

As a result it is considered that the proposals are contrary to the following:

- National Planning Policy Framework Paragraphs 109, 115 and 117(c)
- London Plan Policy T4, in particular Part F.
- London Borough of Haringey Policies SP7, DM31 Part A, DM32 Part C (as the site is not within a Controlled Parking Zone) and DM51 Part A(e) and Part B(f).

NOISE AND DISTURBANCE

The use of the front forecourt area as a children's playground will give rise to significant noise disturbance throughout the week (Mondays to Fridays) all year long with the exception of what are referred to as "winter holidays" (which might just be Christmas Day and Boxing Day) and Bank Holidays. Children could be in this play area for the entirety of the nursery's opening hours which are stated as being from 7:30am to 6:30pm with the possibility of all 35 children being outside at any one time.

We are aware that the way most nurseries operate these days is to allow free flow of children, enabling children to move independently between indoor classrooms and outdoor play areas as they wish. This child-led approach promotes decision-making, physical development, and independence. Thus a nursery does not operate in the same way as a primary school or secondary school where there are limited "play times/breaks".

The proposed playground will immediately adjoin the rear garden boundary of 47 Creighton Avenue, will be only 10.5m from rear bedroom and living room windows of that property, would be almost directly beneath front bedroom and living room windows of 7 Coppetts Road, and immediately opposite 12 and 14 Coppetts Road with those properties front bedroom and living room windows only 15m from the playground.

This practice has been involved with many nursery school planning applications. For any sites that fall within a residential area it is standard practice to incorporate a Noise Impact Assessment so that a proper consideration can be given to potential noise associated with the use. In the absence of such a Noise Impact Assessment we would respectfully suggest that a valid reason for refusal would be that the Applicant has failed to demonstrate that there would be no unacceptable noise impact harming the amenities of surrounding residents.

Given this the proposals fail to comply with the following:

- National Planning Policy Framework Pars 187(e) and 198.
- London Plan Policies D3 Part D (7) and (9) as well as Policy D14.
- London Borough of Haringey Policies DM1 Part D(c), DM23 Parts D and E and DM51 Part A(c)

COMMENTS ON THE SUBMITTED PLANNING STATEMENT

The Planning Statement as submitted with the current application refers to a number of applications elsewhere within the Borough that are referred to as being "similar". However none are within the vicinity of the application site and all relate to wholly different proposals with different site characteristics in areas of entirely different character. They do not set any "precedent" that suggests that the current proposals should be approved.

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Whilst the submitted Planning Statement alleges, at para 2.7, that the use as a Class E nursery would not be considered development, and therefore planning permission not being sought for the change of use, it is evident that the Applicant's planning consultant has overlooked the relevant conditions on the 1991 planning permission which would mean that this particular use, with the number of intended staff, could not operate either without a full planning permission for change of use or, alternatively, a S73 application seeking to vary or remove of conditions on that 1991 permission.

Para 2.8 of the Planning Statement alleges that the proposed development is to create a safe space within the existing driveway, including a safe barrier. However this ignores the Government guidance in respect of secure boundaries for such uses as we have referred to above. It also ignore the fact that visitors to the site will need to walk through the children's play area, including when children are using it.

Conclusions

As discussed in opening, the intended use of the site, given the way in which it will function and numbers of staff together with likely noise and disturbance, will be contrary to conditions on the January 1991 planning permission. As a result the Applicant and her professional advisers are incorrect in assuming that the use as a nursery does not require any form of planning permission. At the very least it requires variation or removal of conditions on the 1991 planning permission. Alternatively a full planning permission for change of use.

Contrary to a comment made by one of the planning officers when onsite recently these conditions remain applicable and in force. We would therefore suggest that the appropriate way forward, to avoid a potential Judicial Review of any decision that may be made to approve the current applications, would be for the Local Authority to advise that Applicant of the need to withdraw the applications and either apply for a change of use or submit an S73 application in respect of variation/removal of 1991 conditions. It would be wholly inappropriate to determine the current applications without the matter of the proposed use being properly dealt with first.

Should the Local Authority go on to determine the current planning application permission should be refused for the following reasons:

- Detrimental impact on car parking, highway safety and pedestrian movements due to the intensification of the use and loss of existing off street car parking. These combined factors would result in unacceptable parking pressure in an area previously identified by the Local Authority as being heavily parked and with past highway safety concerns and accidents.
- Likely noise disturbance from the use of the front forecourt area as a children's playground throughout the day from as early as 7:30am potentially through to 6pm Mondays to Fridays. No Noise Impact Assessment has been submitted to demonstrate that there will not be any harm caused in this respect.

- The proposed boundary treatment, alterations to the building and signage being detrimental to the character and appearance of the Conservation Area.
- The proposed boundary treatment and site frontage layout not ensuring the safety and security of children using the playground.

We have referred above to the numerous policies at national, strategic and local level that the proposals fall foul of.

Likewise the current advertisement application should be refused on the basis of amenity, with the signage being detrimental to the street scene, including the character and appearance of the Conservation Area

The Applicant is currently having work undertaken on site in anticipation of opening the proposed nursery in September 2026. We would respectfully suggest that the Local Authority should consider serving a Stop Notice given that the intended use is not lawful, will be contrary to conditions on the 1991 planning permission and that the proposals themselves are unacceptable in a number of ways, failing to comply with relevant planning policy. We are separately writing to the Council's Enforcement Team in respect of these ongoing works and the intended use.

Yours faithfully



Carolyn Apcar (MRTPI)