



Officer Report

Application Number:	HGY/2026/1143
Application Type:	Full planning permission
Address:	Old Station House, 7A Coppetts Road, Hornsey, London, N10 1NN
Proposal:	Erection of new boundary treatment; resurfacing of the forecourt; installation of nursery play equipment; freestanding sign; changes to front elevation door.
Case Officer:	Nathan Keyte
Valid Date:	22/04/2026
Applicant:	Mrs Linda Symons
Agent:	Mr - Avery

1. SITE AND SURROUNDING

The application site comprises two detached single-storey buildings, known as Old Station House, which have historically been in employment use. The site is located on the western side of Coppetts Road within the Muswell Hill Conservation Area, occupying a position on its western edge. The site occupies a modest plot within an established residential neighbourhood and is situated close to the junction of Coppetts Road and Creighton Avenue.

The surrounding area is characterised by late Victorian and Edwardian housing, generally two storeys in height, with modest front gardens and mature boundary planting that contribute to a strong sense of enclosure and a leafy residential character.

The site itself differs from the prevailing residential pattern owing to its historic commercial use and single-storey form. The existing buildings are set behind a forecourt area comprising predominantly hardstanding, with mature trees positioned within both front corners of the site. The site frontage is defined by a low brick wall and associated planting, while the side boundaries are enclosed by timber fencing.

2. PROPOSED DEVELOPMENT

This application seeks planning permission for a series of physical alterations to the site associated with its occupation as a nursery. The proposed nursery use would occupy the existing buildings and, as a change of use within Class E, is not itself subject to planning control, as discussed further below in this report.

The proposed nursery would be operated by Kidzkabin, an established childcare provider already operating within the immediate area. The operator currently occupies premises within the nearby Fortismere School site, specifically at the northern end of the wider campus fronting onto Creighton Avenue adjacent to Eden Primary School and proposes to relocate that existing operation to Old Station House. As such, the proposal would not introduce a new nursery use to the ward or wider locality but would instead facilitate the relocation of an existing nursery approximately 200 metres from its current premises. This is a relevant consideration in terms of the nursery's catchment area and the community it currently serves.

The nursery is described as a forest school nursery and would accommodate up to 35 children and 10 members of staff. It would operate Monday to Friday between 7:30am and 6:30pm and would be closed on bank holidays and during the winter holiday period.

The proposed development comprises the erection of new boundary treatment, resurfacing of the forecourt and the installation of nursery play equipment to facilitate the operation of the nursery.

The proposed boundary treatment includes a 2m-high acoustic fence along the boundary shared with No. 7 Coppetts Road. A 1.8m-high black metal fence is proposed along the front boundary and behind the existing hedging in the north-eastern part of the site, which is to be retained.

An existing hedge within the south-eastern section of the site would be removed and replaced with new landscaping. Alterations are also proposed to the northern building, including modifications to the front elevation to accommodate a new entrance door.

A non-illuminated free-standing sign is proposed in the north eastern section of the site, behind the existing fence. The sign will sit atop a 1.8m tall post, and measure 0.7m in height, and 1.0m in width. The sign will display information relevant to a proposed nursery operation on the site.

3. SITE HISTORY

OLD/1957/0117,

Address: 7 A, Coppetts Road, N10

Proposal: Conversion of Gas Sub-station into builders offices and store and two new stores.,

Decision Date: 24 July 1957

Decision: Approve with Conditions

OLD/1960/0595,

Address: 7 A, Coppetts Road, N10

Proposal: Office addition to builders store.,

Decision Date: 8 August 1960

Decision: Refuse

OLD/1978/0196,

Address: 7 A, Coppetts Road, N10

Proposal: 16/6/78 Removal of temporary storey shed & extend and alter existing garage/store.,

Decision Date: 22 August 1978

Decision: Approve with Conditions

OLD/1979/0808,

Address: 7 A, Coppetts Road, N10

Proposal: 29/12/78 Conversion of garage/store to office/store and create new first floor directors office/meeting rooms.,

Decision Date: 27 February 1979

Decision: Refuse

OLD/1982/0961,

Address: 7 A, Coppetts Road, N10

Proposal: 7/11/82 Use of premises for car repairs.,

Decision Date: 21 December 1982

Decision: Refuse

OLD/1984/1000,

Address: 7 A, Coppetts Road, N10

Proposal: 13/12/83 Use of part of garage as an office.,

Decision Date: 19 June 1984

Decision: Refuse

HGY/1990/0645,

Address: 7a, Coppetts Road, London, N10, London

Proposal: Change of use of existing garage/warehouse to office use involving internal and external alterations.,

Decision Date: 29 January 1991

Decision: Approve with Conditions, including:

4. No detriment to the amenity of the neighbourhood shall 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.

5. That the total number of people employed and working on the premises shall at all times be strictly limited to 8 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.

4. CONSULTATION

LBH Conservation Officer: Objects, including to fencing, signage and changes to front façade of building. Suggests changes that would lessen impact on the site and the Conservation Area. [Officer comment: changes have since been made to the scheme, including amending the proposed front door, providing additional landscaping, and reducing the size of the signage.]

LBH Arboricultural Officer: Additional information sought regarding permeability of rubber mulch, whether boundary treatment and sign will be hand dug and outside of root protection areas, and any planting or landscaping planned. [Officer comment: the proposal has since been revised to avoid much of the reduction of existing landscaped area around the front trees. A condition will be added to ensure digging within the root protection area of the trees will be hand dug.]

LBH Transport Officer: Acceptable provided matters relating to servicing, cycle parking and drop-off/ pick-ups is clarified – noting narrow width of Coppetts Road and the existence of single yellow lines. Further, a s278 agreement will be required in relation to the removal of the pre-existing crossover and reinstatement of the kerbside. [Officer comment: Additional information on drop-off/ pick-up procedures have been provided, and where the site is large enough to accommodate cycle parking and waste storage.]

LBH Children's Services Officer: Provider has 2 settings within Haringey and another in the Borough of Barnet and is therefore aware of the requirements for compliance. Ofsted will ensure any compliance matters relevant to nurseries.

LBH Air Quality and Contamination: No objection on air quality following consideration of the development and existing background pollution concentrations. Conditions were recommended to account for any potential contamination on the site.

5. LOCAL REPRESENTATIONS

The application has been publicised by the way of letters and public notices. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Objections: 34

Support: 17

Representations: 0

It is noted that the objections noted above include multiple objections made by the same parties.

An objection was also received from Apcar Smith Planning, stated to be on behalf of 18 local residents. A second letter was received from Apcar Smith Planning on behalf of residents, dated 14 July 2026 and which includes commentary on a Addendum letter by WEA Planning on behalf of the Applicant, dated 22 June 2026.

Objections raised material to planning:

- Ecological harm from removal of boundary vegetation and gravel forecourt which has already occurred. [Officer comment: The site is located outside of a SINC or other ecological priority area. Noting the scale and nature of changes to the existing landscaping, landscaping proposed, and the urban setting of the site, there will be no material ecological harm resulting from the proposal].
- Breach of planning conditions (HGY/42068) where there are staffing restrictions conditioned for the site – Council should clarify the lawful planning status of the premises. [Officer comment: addressed in assessment below].
- Questions use and frequency of use of rear garden area, as access is shown to be retained to this. [Officer comment: The agent has clarified that due to its limited size, the rear garden would be used for a small number of the youngest children at the nursery. There would be no large or permanent play structures installed in this area. The use of the rear garden does not require operational changes that necessitate planning permission]

- Parking stress and highway safety resulting from traffic generation, parking, drop-offs and pick-ups, obstruction of roundabout sightlines. [Officer comment: addressed in assessment below].
- Questions transport assumptions, and Travel Plan, such as numbers of children to be dropped off by car v active or public transport, noting site is within PTAL 2 area. [Officer comment: addressed in assessment below].
- The site is not in a CPZ and is stated to already experience significant parking stress associated with nearby schools and local traffic. [Officer comment: addressed in assessment below].
- Impacts on neighbour amenity and failure to provide acoustic assessment, as well as details on how outdoor activity will be supervised and controlled. Impacts of proximity and intensity of use, as well as nature of the noise. [Officer comment: addressed in assessment below].
- Impacts of overlooking and loss of privacy. [Officer comment: addressed in assessment below].
- Council not to give much weight to forest school model as measure by which use of front courtyard is used, as is an operational choice and not secured by any condition. [Officer comment: addressed in assessment below].
- Urban drainage and surface water failures impacted by removal of gravel driveway, and where no Sustainable Drainage System (SuDS) or surface water runoff assessment has been provided. [Officer comment: the impervious area of the site will not significantly alter, and where the site is located outside of a Critical Drainage Area]
- Harm to setting of the Conservation Area, including associated signage, fencing, and removal of landscaping. [Officer comment: addressed in assessment below].
- Impacts to children's health from air quality due to proximity to road, and overcrowding. [Officer comment: addressed in assessment below].
- Nursery does not meet an unmet local need, and council should carefully weigh claimed benefit against impacts. [Officer comment: this comment is noted].
- Overdevelopment of the front garden. [Officer comment: addressed in assessment below].
- Safety and security of children. [Officer comment: the proposal includes fencing of the site and where certification by Ofsted will be required in order for the nursery to operate].

6. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Land Use & Principle of development
2. Design and heritage

3. Impact on neighbouring amenity
4. Impact on trees
5. Highways and Transport
6. Air quality and contamination
7. Planning conditions

Land Use & Principle of development

Legislative Position

The application seeks planning permission for a series of physical alterations associated with the occupation of the site as a nursery. The proposed works comprise new boundary treatment, resurfacing of the forecourt, landscaping works, installation of play equipment and minor alterations to the northern building. The principle of these physical works falls to be assessed against relevant development plan policies relating to design, amenity, heritage and highway impacts.

A significant proportion of the objections received relate not to the physical works themselves but to the lawfulness and planning status of the proposed nursery use. In particular, reliance is placed on Conditions 4 and 5 attached to planning permission HGY/42088 (1991), with objectors arguing that those conditions restrict the use of the site and require a separate planning permission for a change of use. The LPA however does not share this interpretation by virtue of planning law.

We are reminded that planning permission is required where development takes place, with development defined by Section 55 of the Town and Country Planning Act 1990 as including both operational development and the making of a material change in the use of land or buildings. However, the Act also makes clear, through Section 55(2)(f), that a change of use from one use to another within the same use class does not constitute development and therefore does not require planning permission. This position was substantially reinforced by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which introduced the broad Class E ("Commercial, Business and Service") use class and brought together a range of previously separate uses, including offices and nurseries. In explaining the purpose and effect of those reforms, the Government's Explanatory Memorandum states that:

"A change of use within a single use class is not considered to be development and therefore does not require planning permission."

The Explanatory Memorandum further explains that Class E incorporates a range of former uses, including offices and nurseries, and that: "Changes to another use, or mix of uses, within this class do not require planning permission."

The Government expressly introduced Class E to provide flexibility between offices, nurseries and other commercial, business and service uses, reducing the need for planning applications where no material change of use arises.

In this case, the previous lawful use and the proposed nursery use both fall within Class E and as such consequently, the move from the site's previous use to a nursery does not, in itself, constitute development requiring planning permission.

Conditions 4 and 5 of the 1991 Permission

The LPA has carefully considered the objection that Conditions 4 and 5 attached to the 1991 permission preclude the proposed nursery use. Conditions 4 and 5 are properly interpreted as operational controls imposed in response to the specific office use assessed under planning permission HGY/42088, rather than conditions restricting the lawful planning use of the premises in perpetuity. The wording and stated reasons accompanying those conditions demonstrate that they were imposed to regulate noise, disturbance, staff numbers, traffic generation and impacts on neighbouring amenity arising from the intensity of the office use proposed at that time.

Importantly, no condition was imposed restricting the premises to office use only, nor was any condition imposed expressly removing flexibility under the Use Classes Order.

Established case law confirms that any restriction intended to remove the flexibility otherwise available under the Use Classes Order must be expressed clearly and unambiguously. In 'I'm Your Man Ltd v Secretary of State' and 'Cotswold Grange Country Park LLP v SSCLG', the Courts confirmed that restrictions preventing future changes of use cannot be implied and must be expressly stated. No such restriction apply in relation to the 1991 consent.

The LPA therefore considers that Conditions 4 and 5 regulate the operational impacts of the office use approved in 1991 and cannot reasonably be interpreted as preventing a lawful Class E nursery use.

Ability to control the Nursery Use

Given that the proposed nursery use does not constitute development, there is no requirement for planning permission and no ability for the LPA to regulate the nursery use itself through this application.

Accordingly, matters such as the overall acceptability of the nursery use, staffing arrangements, catchment area and general operation of the business do not form part of the formal planning assessment of this application. However, whilst the use itself is not before the LPA, the proposed works are clearly intended to facilitate the operation of the nursery. It is therefore appropriate to consider the effects of the proposed physical alterations, including the manner in which the forecourt would function, insofar as they give rise to material planning considerations relating to design, heritage, amenity, landscaping and highways and as such are discussed further below in this report.

Support for childcare and community facilities

Whilst noting the planning position set out above, it is important to recognise that childcare facilities attract support at both the local and national level as an important form of community infrastructure. The Development Management DPD recognises the importance of community infrastructure in supporting sustainable communities, with Policy DM49 seeking to maintain and enhance the provision of such facilities and Policy DM51 specifically addressing the provision of day nurseries and childcare facilities to meet the needs of local families and communities.

This approach is consistent with the NPPF, which seeks to promote healthy, inclusive and sustainable communities through the retention and development of local services and community facilities that meet day-to-day needs. Childcare facilities form an important part of this social infrastructure, assisting families, supporting employment and contributing towards sustainable neighbourhoods.

It is also relevant that nurseries frequently operate within established residential areas and often co-exist alongside other educational and community uses, including schools. In this instance, the proposed operator already occupies premises within the nearby Fortismere School site and is seeking to relocate an existing local nursery rather than introduce a new childcare use into the area. As such, significant weight is afforded to the social and community benefits associated with maintaining local childcare provision.

Scale and nature of the proposed nursery/ suitability of the site

As already discussed above it is material that the proposed nursery is relatively modest in scale. The nursery would accommodate a maximum of 35 children together with approximately 10 members of staff. The submitted information confirms that no more than 12 children would use the front outdoor play area at any one time.

Furthermore, the nursery would operate as a forest school model, with children regularly undertaking activities away from the site, including visits to nearby Coldfall Wood. The proposed outdoor area would therefore not be occupied continuously by all children attending the nursery throughout the day.

A number of representations raise concerns regarding the suitability of the site for nursery use, including the proximity of neighbouring residential properties and the use of the forecourt as an outdoor play area.

These concerns are acknowledged, however, it is also recognised that many nurseries operate from constrained urban sites and frequently function with site-specific operational limitations arising from their physical context. This includes a number of nursery facilities operating within residential areas elsewhere in Muswell Hill and the wider borough.

In the present case, Officers do not consider there to be compelling planning grounds to conclude that the site, including the associated forecourt area, is inherently incapable of accommodating a nursery use. The forecourt is capable of physically accommodating the proposed play equipment, landscaping and boundary treatments and would provide a defined and secure external area associated with the use. The relatively limited number of children expected to use the area at any one time, combined with the forest school operating model, further reduces the intensity of its use.

Whilst the use of the forecourt is capable of generating impacts which are material to the assessment of the proposed operational development, particularly in relation to amenity and heritage considerations, these matters are assessed elsewhere in this report. On the evidence before the Council, there is no substantive basis for concluding that the site is unsuitable for nursery use in principle.

Conclusion

For the reasons set out above, the proposed nursery use benefits from the flexibility afforded by Class E of the Use Classes Order and does not require planning permission. Conditions 4 and 5 attached to the 1991 permission do not alter that position and are not considered to restrict the lawful use of the premises as a nursery.

Whilst the nursery use itself falls outside the scope of this application, the proposed operational development has been assessed against the relevant planning policies and material considerations. The provision of nursery facilities at this location is supported by local and national planning policy objectives relating to community infrastructure and childcare provision and, subject to the detailed assessment set out elsewhere in this report, there is no objection to the development in principle.

Design & heritage

London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings conserve their significance. This policy applies to both designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance. In relation to alterations to existing buildings, the policy requires proposals to be of a high-quality, site-specific and sensitive design that respects and complements the form, setting, period, architectural character and detailing of the host building. The policy similarly requires the use of high-quality matching or complementary materials appropriate to their context. DPD Policy DM1 ("Delivering High Quality Design") requires development to relate positively to its locality, whilst Local Plan Policy SP11 and London Plan Policy D6 seek development of a high design quality that responds to local character and context.

The proposal would result in a number of modest alterations within this part of Muswell Hill Conservation Area, with its character referenced at the start of the report.

With regards to the proposed front boundary treatment, the amended plans show a black metal railing fence set behind new and retained planting. Whilst the frontage would change from its existing appearance, the intention is that landscaping within and behind the railings would soften their appearance and assist in integrating the boundary treatment into the streetscape. The Council also notes that properties and community facilities within the immediate locality frequently display a relatively high degree of enclosure through the use of walls, railings, fencing and planting.

Furthermore, the site is unusual in the local context in that it currently presents a very wide opening to the street and a large expanse of hard surfaced forecourt, which does not make a particularly positive contribution to the appearance of the streetscape. The introduction of railings, planting and additional landscaping would provide greater definition to the site frontage and soften views into the forecourt area.

The proposed acoustic fence adjacent to No. 7 Coppetts Road would replace an existing timber boundary fence and is not considered to impact upon the character or significance of the Conservation Area given its largely screened location and limited public visibility.

The proposed alterations to the front entrance have also been amended during the course of the application in response to concerns raised by the Conservation Officer. The revised door design more closely reflects the existing architectural detailing, retaining the panel arrangement and rhythm of the frontage, with materials and finishes matching the character of the existing building.

With regard to the proposed play equipment within the forecourt area, this would be limited in scale, with a maximum height of 1.6 metres, remaining below the height of the proposed boundary treatment. The equipment, together with the associated rubber play surfacing, would be finished in muted and natural colours and could be removed in the future without any permanent impact upon the building or wider Conservation Area.

The freestanding sign within the forecourt has similarly been amended and reduced in scale from that originally submitted. The sign would have an overall height of 2.5 metres and an advertisement area of approximately 0.7 sq.m. Given its modest size and location within the site frontage, it is not considered to result in any material visual harm.

The Conservation Officer initially objected to the scheme, including aspects of the fencing, signage and alterations to the front elevation. Officers attach significant weight to the Conservation Officer's comments but conclude that amendments secured during the application process adequately address the identified concerns. Amendments secured include revisions to the entrance door, additional landscaping and a reduction in the scale of proposed signage, all of which lessen the visual impact of the development within the Conservation Area.

Overall, the proposed changes are relatively minor in scale and largely reversible. When considered in the context of the site, the surrounding townscape and the significance of the Muswell Hill Conservation Area as a whole, the proposals would not harm its character and appearance, leaving it preserved. The development is therefore considered to comply with the policies outlined above.

Impact on neighbouring amenity

London Plan Policy D6 requires development to achieve a high standard of design without causing unacceptable harm to the amenity of neighbouring occupiers, whilst Policy D14 seeks to reduce, manage and mitigate adverse noise impacts. At the local level, Policy DM1 ("Delivering High Quality Design") requires development proposals to protect the amenity of existing and future occupiers, including in relation to privacy, outlook, daylight, sunlight and general living conditions.

It is acknowledged that the proposed use of the forecourt area would introduce activity in closer proximity to neighbouring boundaries than currently exists. However, the scheme does not include any built structures of a scale capable of causing material impacts in terms of loss of daylight, sunlight, outlook or enclosure.

Furthermore, issues relating to overlooking and privacy are mitigated by the existing and proposed boundary treatment, the limited height of the play equipment (maximum 1.6m), and the transient nature of the activity proposed. Any views from the play area would primarily be at ground level and would not give rise to a material loss of privacy sufficient to justify refusal of the application.

A number of objections have focussed on the potential for disturbance arising from the use of the forecourt play area. Whilst children's outdoor play may generate activity and associated sound that is audible from neighbouring properties, the presence of audible sound does not, in itself, demonstrate unacceptable harm to residential amenity. Many schools, nurseries and other educational facilities operate successfully in close proximity to residential properties, including sites accommodating significantly larger numbers of children than proposed here. Accordingly, the assessment must be based on the specific circumstances of the proposal, having regard to the modest scale of the use, including the restriction of the forecourt play area to a maximum of 12 children at any one time, together with the site's physical characteristics, the nature and duration of the activity, and the mitigation measures proposed.

As outlined above the proposed nursery would accommodate a maximum of 35 children, with it important to note that not all children would be using the forecourt play area simultaneously. The applicant has advised that children would be managed in separate groups and that no more than 12 children would use the forecourt area at any one time. In addition, the nursery would operate as a forest school model with regular off-site activities, including visits to nearby Coldfall Wood, thereby reducing reliance on the forecourt as the sole outdoor space.

The closest neighbouring residential property to the proposed forecourt play area is No. 7 Coppetts Road. As per the amended plans they include a 2m-high acoustic fence along the shared boundary and position the cycle store adjacent to this boundary, with the principal play equipment located further within the site. This arrangement increases the separation between the area of greatest activity and the nearest neighbouring property and assists in limiting potential impacts on residential amenity. Whilst the acoustic fence cannot eliminate all sound associated with outdoor play, it would assist in reducing noise transmission to adjoining occupiers.

The relationship with neighbouring properties, including those on Coppetts Road and Creighton Avenue, has been carefully considered. Whilst neighbouring

residential properties are situated in relatively close proximity to the site, the proposed play area would occupy a modest external space associated with a small nursery and would benefit from physical separation provided by boundary treatments, landscaping and the existing site layout. Furthermore, the use of the space would be moderated through the management of group sizes, with no more than 12 children using the forecourt area at any one time.

In assessing likely impacts on amenity, Officers have also had regard to the character of the wider area, which comprises a well-established suburban environment containing a mix of residential, educational and community uses. Within Fortis Green and Muswell Hill, schools, nurseries and other community facilities frequently operate in close proximity to housing and contribute to the day-to-day activity of the area. In this context, the use of outdoor space by children during normal daytime hours is not, in itself, incompatible with the prevailing character of the locality

It is noted from the objections received that a Noise Impact Assessment has not been submitted with this application. However, the submission of such an assessment is not an automatic requirement for all forms of development and should be proportionate to the nature, scale and potential impacts of the proposal. Noise Impact Assessments are typically required where development incorporates fixed plant or machinery, amplified sound, industrial processes or recreational facilities that may generate significant or regular noise, such as padel courts, multi-use games areas, or floodlit sports pitches.

In this case, the proposal relates to the use of a modest outdoor play area associated with a nursery, with no more than 12 children using the forecourt area at any one time during normal daytime hours. The activity proposed would be intermittent in nature and does not comprise a fixed, organised or continuous noise-generating use for which detailed acoustic modelling would ordinarily be required.

Officers have therefore considered whether further technical acoustic evidence is necessary and conclude that it is not. The likely effects can be reasonably assessed having regard to the scale of the proposal, the limited number of children using the space at any one time, the physical characteristics of the site, the daytime nature of the activity and the mitigation measures incorporated into the scheme. Furthermore, conditions are recommended requiring the acoustic fence to be installed prior to the forecourt area being brought into use, restricting use of the forecourt play area to no more than 12 children at any one time and requiring the area to be supervised by nursery staff, as well no external amplified music, public address system or amplified sound equipment to be used in this space. These measures are considered reasonable, relevant and enforceable in planning terms

Overall, having regard to the modest scale of the works, the management of the forecourt play area, the proposed mitigation measures and the recommended planning conditions, the proposal is not considered to result in unacceptable harm to the amenity of neighbouring occupiers and is therefore consistent with policies outlined above.

Impact on trees

Policy DM19 (Nature Conservation) of the Development Management DPD seeks to protect trees and other landscape features that contribute to the character, biodiversity and environmental quality of the borough. This is supported by Policies SP11 and SP13 of the Local Plan, which seek high-quality design and the protection and enhancement of green infrastructure.

The proposal has been amended during the course of the application to retain the existing landscaped areas surrounding the two mature trees located within the front forecourt. Whilst works are proposed within the Root Protection Areas (RPAs) of these trees, these are limited in nature and relate primarily to the installation of fencing and the laying of rubber mulch play surfacing.

Some alteration to the landscaped area surrounding the northern tree is proposed. However, this would affect only a relatively small area and is not considered likely to adversely affect the health or longevity of the tree, particularly given the extent of existing hardstanding already present within the forecourt. The proposals do not involve the removal of either tree.

Additional sections of fencing are proposed within the RPAs and care will therefore be required during installation to avoid damage to roots. To ensure the continued health of the trees, a condition is recommended requiring any railings and associated foundations within the RPAs to be installed using no-dig construction techniques and appropriate ground protection measures in accordance with BS5837:2012. Subject to these safeguards, the proposal is not considered to result in harm to the retained trees and would accord with the policies outlined above.

Highways and transport

London Plan Policy T4 seeks to minimise the need to travel by private car and promote sustainable travel choices, whilst Policy T6 seeks to ensure an appropriate level of car parking provision. At the local level, Policy DM31 (Sustainable Transport) seeks to ensure that development promotes walking, cycling and public transport use and does not give rise to unacceptable highway impacts, whilst Policy DM32 requires development to maintain highway safety and the efficient operation of the highway network.

Concerns have been raised regarding potential increases in traffic, parking stress and associated highway safety impacts. In response, the application is supported by a Transport Statement and Travel Plan prepared by Paul Mew Associates.

The application site and its immediate surroundings are subject to existing parking controls, including single yellow line restrictions outside the site. These restrictions operate between 7:00am–10:00am and 3:00pm–7:00pm on weekdays, corresponding with typical nursery drop-off and pick-up periods, and serve to discourage parking and waiting in locations that could impede traffic flow or create highway safety issues.

The submitted Transport Statement explains that the nursery currently operates from the nearby Fortismere School site on Creighton Avenue, approximately 200 metres from the application site. Given the short distance between the existing and proposed locations, Officers consider it reasonable to conclude that many existing travel patterns are likely to continue following relocation to the application site. Parents would be directed towards available on-street parking on roads such as Creighton Avenue, Eastwood Road, Page's Lane and Burlington Road rather than stopping outside the site itself.

The Transport Statement notes that nursery-aged children must generally be accompanied into the premises by a parent or carer, meaning that waiting on the yellow lines directly outside the site during restricted periods would not be lawful. This reduces the likelihood of vehicles stopping immediately outside the premises at peak periods and assists in addressing concerns regarding the width of Coppetts Road and potential obstructions to traffic flow.

It is also important to note that the proposal does not involve the establishment of a new nursery operation within the area, but rather the relocation of an existing nursery currently operating approximately 200 metres away. As such, many of the journeys associated with the nursery already occur within the local area and the proposal would largely redistribute existing trips rather than generate a wholly new pattern of travel demand. The submitted survey information demonstrates that a significant proportion of staff and parents already travel by walking, cycling or public transport, with the nursery serving a relatively modest number of children. The Travel Plan estimates that vehicle movements associated with the nursery would remain low and sets out measures intended to further reduce reliance on the private car.

The submitted Travel Plan includes the appointment of a Travel Plan Co-ordinator, provision of cycle parking, travel information for staff and parents, promotion of walking, cycling and public transport, annual travel surveys and ongoing monitoring of travel patterns. The Travel Plan also contains modal shift targets and commits to

the submission of monitoring reports to the Council. These measures are secured through planning condition.

It is also noted that, separate from this planning application, the Council's Traffic Engineering team is currently consulting on a package of highway safety measures in the vicinity of Coppetts Road and Creighton Avenue. This work follows requests made by local residents and a former ward councillor, stemming back a number of years, regarding pedestrian safety associated with nearby schools.

The measures under consideration include a raised zebra crossing on Coppetts Road, high-friction surfacing, zig-zag markings and amendments to parking restrictions. It is important to note that these proposals are being progressed through a separate statutory highways process and do not form part of the current planning application. As such, they cannot be secured through, or relied upon as mitigation for, the development proposed. As already explained the nursery use itself does not require planning permission and the application relates only to a relatively modest package of operational works. Accordingly, having regard to the legal tests governing the use of planning obligations, it would neither be possible nor reasonable to secure such wider highway improvement works through a planning obligation associated with this application. This is particularly so given the modest scale of the development proposed and the fact that the measures under consideration are being promoted in response to pedestrian movement and safety considerations associated with nearby schools, which accommodate significantly larger numbers of pupils.

Nevertheless, if implemented, such measures would provide wider highway safety benefits for pedestrians using the area, including parents, staff and children travelling to and from the nursery.

Having regard to the scale of the proposed nursery, its relocation from a nearby site, the fact that many journeys associated with the nursery already occur within the local area, the existing parking restrictions within the area, the availability of alternative on-street parking nearby, and the measures secured through the Travel Plan, the proposal is not considered likely to result in unacceptable impacts on highway safety, parking conditions or the free flow of traffic. Subject to the recommended conditions, including removal of the existing crossover and implementation of the Travel Plan, the proposal is considered to accord with the policies outlined above.

Air Quality and land contamination

Objections have been raised regarding air quality and potential land contamination, particularly in relation to the health and wellbeing of children who would attend the proposed nursery.

The proposal has been assessed against London Plan Policy SI1 and Policy DM23 of the Development Management DPD. These policies seek to ensure that development does not result in unacceptable exposure to poor air quality and that any risks arising from land contamination are properly assessed and mitigated. Policy DM23 further requires that development is only permitted where land contamination risks to human health and the environment can be adequately addressed.

The concerns raised regarding the proximity of the proposed play area to Coppetts Road and the potential implications for children's health have been carefully considered. Whilst the forecourt play area would be located adjacent to the highway, Coppetts Road is a local residential street rather than a strategic route or Red Route and traffic levels are typical of an urban residential environment. The scale and nature of traffic using the road are not considered likely to give rise to significant adverse air quality effects.

Although the application does not seek permission for the nursery use itself, the Council's Air Quality and Contaminated Land Officer has been consulted given the nature of the proposed works and the intended users of the site. No objection has been raised in relation to air quality. The proposed hedge planting and boundary landscaping would, in part, provide a degree of screening between the play area and the highway, whilst the outdoor space would be used intermittently throughout the day rather than continuously by all children attending the nursery

The site has historically accommodated a range of employment uses, including vehicle-related activities, and therefore there remains the potential for localised contamination to be present within the ground. However, the majority of the site is occupied by buildings and hardstanding, much of which is to remain in place. The proposed play area would be positioned on existing concrete surfacing, which would remain undisturbed beneath the proposed play surface and play equipment. This hard surface provides an effective barrier to any underlying soils and significantly reduces the potential for direct human contact with any contamination that may be present.

The principal areas of potential concern are the limited pockets of exposed soil surrounding the existing trees at the front of the site where new hedge planting is proposed. These represent the only readily accessible areas where direct contact with underlying soils could occur. Given the site's historic use and the fact that the facility would be used by young children, Officers consider it appropriate to adopt a precautionary approach.

A planning condition is therefore recommended requiring targeted soil investigation within these areas prior to the hedge planting being undertaken. The condition further requires the implementation of any necessary remediation measures and

prevents access to the exposed soil areas until the Local Planning Authority is satisfied that any contamination risks have been addressed.

Having regard to the consultation response received, the limited scale of the exposed soil areas, the retention of the concrete slab across the majority of the forecourt, and the recommended contamination condition, officers are satisfied that the proposal would not expose future users of the site to unacceptable risks associated with air quality or land contamination. The proposal therefore complies with London Plan Policy SI1 and Policy DM23 of the Development Management DPD and does not warrant refusal on air quality or contamination grounds.

Planning conditions

As set out in full at the end of this report the conditions imposed secure the key mitigation measures identified during the assessment of the application, including land contamination investigation and remediation, hedge planting, tree protection measures, provision of the acoustic fence, controls over the use of the forecourt play area, reinstatement of the redundant vehicle crossover and implementation and monitoring of the Travel Plan.

The conditions have been drafted having regard to the scope of the application and the extent of the Council's planning powers. As set out earlier in this report, the nursery use itself does not require planning permission and therefore the LPA's control is limited principally to the operational development proposed, namely the alterations to the forecourt area and associated works. The conditions therefore focus on matters directly arising from and related to those works, rather than the wider operation of the nursery or the use of other parts of the site.

The nursery will also be subject to other regulatory regimes outside the planning system, including Ofsted registration and inspection requirements and relevant childcare legislation.

The recommended conditions have been assessed against the relevant legal and policy tests and are considered to be necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable. They have been drafted to reflect what can properly be secured through a planning permission for a scheme comprising relatively limited physical works, whilst ensuring that the principal issues identified during the assessment process are appropriately addressed.

Conclusion

The proposed development comprises a relatively modest package of physical works to the forecourt area associated with the occupation of the site as a nursery. As set out elsewhere in this report, the nursery use itself falls within Class E and does not require planning permission. The assessment has therefore focused on the operational development proposed and its impacts in planning terms.

Having carefully considered the application, the submitted information, consultation responses and representations received, officers are satisfied that the proposed works would preserve the character and appearance of the Muswell Hill Conservation Area, would not result in unacceptable harm to neighbouring residential amenity, would not adversely affect highway safety, trees, air quality or land quality, and are capable of being appropriately controlled through the recommended planning conditions.

The proposal would also support the continued provision of childcare facilities within the local area through the relocation of an existing nursery already serving the community. In doing so, it would contribute positively towards local community infrastructure and assist in meeting the needs of families within the ward, consistent with the objectives of local and national planning policy.

In reaching this recommendation, the Council has had due regard to its duties under Section 149 of the Equality Act 2010. The proposal would provide childcare facilities that support families and young children, including those with protected characteristics, and no adverse equalities impacts have been identified. Indeed, the continued provision of accessible childcare facilities within the locality is considered to give rise to positive equalities and social benefits.

All other relevant policies and material considerations have been taken into account. Subject to the recommended conditions, the proposal is considered acceptable and planning permission should therefore be granted. The detailed recommendation is set out below.

7. BNG

The development removes less than 25 sqm of vegetation and will therefore meet the exceptions for the provision of BNG.

8. CIL APPLICABLE

N/A – No floorspace is being created

9. RECOMMENDATION

The application is recommended for approval subject to the following conditions.

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this below, other than where those details are altered pursuant to the conditions of this planning permission.

CR01; CR04 Rev A; CR06 Rev A; CR08 Rev A; CR09; CR10; Travel Plan (April 2026).

Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the planting of the proposed hedge screening and prior to the forecourt area being brought into use, targeted soil investigations shall be undertaken within the proposed planting areas and the areas of exposed soil surrounding the two existing trees at the front of the site. The results of the investigation, together with details of any remediation or mitigation measures required, shall be submitted to and approved in writing by the Local Planning Authority. Any approved remediation or mitigation measures shall be fully implemented prior to the planting of the approved hedges and prior to the exposed soil areas being accessible to children. For the avoidance of doubt, the remainder of the forecourt area shall be provided with the surfacing shown on the approved plans and maintained thereafter. The existing concrete base beneath the surfaced play area shall not be disturbed, broken, excavated, penetrated or otherwise removed as part of the development, other than where necessary for the installation of essential services.

Reason: To ensure that children are not exposed to unacceptable risks from potential contamination associated with the site's historic industrial use,

	whilst recognising that the existing concrete slab provides an effective barrier to any underlying contamination, in accordance with Policy DM23 (Environmental Protection) of the Development Management DPD.
4	Following compliance with Condition 3 (Land Contamination), the approved hedge planting shall be carried out within three months or within the first planting season thereafter, whichever is sooner. The approved planting shall thereafter be retained and maintained, and any shrub or plant that dies, is removed, becomes seriously damaged or diseased within five years of planting shall be replaced during the next available planting season with one of a similar size and species. Reason: To secure a high-quality landscape setting for the development, provide biodiversity enhancements, and preserve the character and appearance of the Muswell Hill Conservation Area, in accordance with Policy SP11 of the Haringey Local Plan (2017) and Policies DM1 and DM9 of the Development Management DPD (2017).
5.	The approved railings and any associated foundations located within a Tree Root Protection Area (RPA) shall be installed using no-dig construction techniques and appropriate ground protection measures in accordance with BS5837:2012 "Trees in Relation to Design, Demolition and Construction". Reason: To protect retained trees and their root systems, safeguard their contribution to the character and amenity of the area, and ensure compliance with Policies DM1 and DM19 of the Development Management DPD.
6.	Prior to the forecourt play area being brought into use, the 2m high acoustic fence shown on the approved plans along the boundary with No. 7 Coppetts Road shall be installed and thereafter retained and maintained. No more than 12 children shall use the forecourt play area at any one time and the area shall only be used when supervised by nursery staff. Reason: To minimise noise and disturbance associated with the use of the forecourt play area and to safeguard the amenity of neighbouring occupiers, in accordance with Policies DM1 (Delivering High Quality Design) and DM23 (Environmental Protection) of the Development Management DPD 2017.

7. No external amplified music, public address system or amplified sound equipment shall be installed or used within the forecourt play area.

Reason: To safeguard residential amenity in accordance with Policies DM1 and DM23.

8. Within three months of completion of the approved forecourt works, arrangements shall be made with the Local Highway Authority, including where necessary through a Section 278 Agreement under the Highways Act 1980, for the removal of the existing vehicular crossover and reinstatement of the kerblin and footway. The approved works shall thereafter be completed in accordance with the requirements of the Local Highway Authority.

Reason: To ensure a satisfactory standard of pedestrian safety, accessibility and public realm provision in accordance with Policies DM31 and DM33 of the Development Management DPD.

9. The Travel Plan dated April 2026 prepared by Paul Mew Associates shall be implemented in full and within three months of the forecourt play area first being brought into use, a baseline Travel Plan Survey and Travel Plan Monitoring Report shall be submitted to the Local Planning Authority for approval. The report shall include the results of the baseline travel survey, details of Travel Plan measures implemented, and proposed SMART modal shift targets. Thereafter, Travel Plan Monitoring Reports shall be submitted to the Local Planning Authority at annual intervals for a period of five years from first use of the forecourt play area, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel patterns, minimise reliance on the private car and enable monitoring of travel behaviour associated with the development, in accordance with Policy DM31 (Sustainable Transport) of the Development Management DPD.