

PREVIOUSLY DEVELOPED LAND/BROWNFIELD LAND DEFINITIONS ANALYSIS - June 2013

<p>London Plan: PDL Previously developed land ¹ is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition includes defence buildings</p>	
<p>Exclusion</p>	
<p>Land that is or has been occupied by agricultural or forestry buildings</p>	<p>Not applicable - (as far as can be ascertained from the historic record, the history of the site shows it was undeveloped agricultural land, without any buildings, before the construction of the sewage treatment works but since that was over 5 decades ago it is assumed that this exclusion does not apply)</p>
<p>Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures</p>	<p>Not applicable - (there is no history of permitted development for waste disposal by landfill, on this site. Unlawful tipping, fly tipping and dumping of eg municipal street lampposts took place on parts of the site sporadically over the years, the last known such activity was in 1980.²)</p>
<p>Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed</p>	<p>(see comments at NPPF definition below)</p>
<p>Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)</p>	<p>A visual inspection of the site leaves no doubt in the mind of any impartial objective bystander that any remains of permanent structures have 'blended into the landscape in the process of time' and can 'reasonably be considered as part of the natural surroundings'</p> <p>There is no evidence that there are hard standings on the site from the previous use as a sewage works or any other use. Hollickwood Park has been created out of the site, the Pegasus Bridge has been built since the previous uses ceased. The topography of the site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club. The three sites form a continuous rising plane that makes a southward ascent from its North end, where Hollickwood Park and the Pinkham Way site abut the A406, continuing southward and upward all the way to the southern edge of the Muswell Hill Golf Course. No significant land mass features</p>

¹ London Plan 2011, Glossary, p306

² Record from Environment Dept extract (attached)

	distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.
NPPF: Previously developed land³: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:	
Exclusion	
Land that is or has been occupied by agricultural or forestry buildings	Not applicable - (as far as can be ascertained from the historic record, the history of the site shows it was undeveloped agricultural land, without any buildings, before the construction of the sewage treatment works but since that was over 5 decades ago it is assumed that this exclusion does not apply)
land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures	Not applicable - (there is no history of permitted development for waste disposal by landfill, on this site. Unlawful tipping, fly tipping and dumping of eg municipal street lampposts took place on parts of the site sporadically over the years ⁴ , the last known such activity was in 1980.)
land in built up areas such as private residential gardens, parks, recreation grounds and allotments	The site has been used as a recreation space over many years by people in the locality. Reference in Jacobs to dog walking ⁵ and in Atkins to private recreational space ⁶ An OS map of 1951-2 shows allotment gardens in the western corner of the site ⁷ .
Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time	A visual inspection of the site leaves no doubt in the mind of any objective bystander that any remains of permanent structures have 'blended into the landscape in the process of time' There is no visible evidence that there are hard standings on the site from the previous use as a sewage works or any other use. The topography of the site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club. The three sites form a continuous rising plane that makes a southward ascent from its north end, where Hollickwood Park and the Pinkham Way site abut the A406, continuing southward and upward all the way to the southern edge of the Muswell

³ NPPF Annex 2 p55

⁴ Jacobs land use plan

⁵ extract Jacobs Botanical Survey Report June 09 para 4.1 (attached)

⁶ Fig 3.2 – Open Space by type - Atkins 2003 Open Spaces Sport Assessment report LBH (attached)

⁷ OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

	<p>Hill golf course. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.</p>
<p>London Plan: Brownfield Land⁸ Both land and premises are included in this term, which refers to a site that has previously been used or developed and is not currently fully in use, although it may be partially occupied or utilised. It may also be vacant, derelict or contaminated. This excludes</p>	
<p>Exclusion</p> <p>open spaces</p> <p>(The NPPF⁹ definition of open space “All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”)“</p> <p>(London Plan definition¹⁰ “All land in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.”)</p>	<p>The site is open space of borough wide public value. It acts as a visual amenity for Hollickwood Park, Muswell Hill Golf Club and for passing traffic on the busy NCR. It acts as buffer from the NCR for the local residents and also as a ‘lung’ absorbing pollutants etc from the heavy passing traffic.</p> <p>It offers an important opportunity to address the overall open space deficiency in the borough as a whole and in the Bounds Green ward in particular as there is a potential cycle/footpath access route through to the site from Bounds Green via Cline Road or Blake Road.</p> <p>Prior to development of the sewage works in the late 1800-s the site was undeveloped agricultural land. There were allotments in the western corner of the site in the early 1950-s¹¹. Jacobs Former Land Use Plan shows this western area as having an “Unknown history. Fly tipped”¹². It would appear therefore that this area of the site remained undeveloped.</p> <p>Ownership permits the site to fall within the definition of open space. Access permits the site to fall within the definition of open space. There are no buildings or other permanent structures on the site, therefore the site is presently undeveloped. That leaves for consideration, for planning purposes, whether the fact that the site was <u>previously</u> developed counters its obvious present appearance as being open land. The definition of “previously developed land” in planning policy must be considered. I have already shown that the site falls within the exception to the definition of “previously developed land”, whereby it is not, for planning purposes, to be regarded as previously developed land. It is</p>

⁸ London Plan Glossary p297

⁹ NPPF p54

¹⁰ London Plan 2011 p305

¹¹ OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

¹² Jacobs Fig 3 Former Land Use Plan April 2009

<p>land where the remains of previous use have blended into the landscape,</p> <p>or have been overtaken by nature conservation value</p> <p>or amenity use</p> <p>and cannot be regarded as requiring development</p>	<p>therefore submitted that Pinkham Way site is neither previously developed nor presently developed. In that case, it cannot be deemed “developed” and must be considered to be “undeveloped”. The site therefore falls into the London Plan definition of Open Space as being “predominantly undeveloped”, indeed wholly undeveloped in this case.</p> <p>A physical inspection of the site will show that the remains of the previous sewage use (and subsequent unlawful tipping) have blended into the landscape.</p> <p>Over the years the site has developed into a valuable nature conservation site. It is now a verdant green open space whose importance has been recognized by its designation of an important nature conservation site of No 1 borough wide importance.</p> <p>The site has been used as a recreational amenity for the local population for many years, see comments above. References to the site have included “evidence of recreational activity on the site” and “private recreational space.”¹³ There were allotments in the western corner of the site in the early 1950-s.¹⁴</p>
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¹³ See Fig 3.2 Open Space by type – Atkins (attached)


¹⁴ OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

Footnote 2

ENVIRONMENT AGENCY RECORD

Historic landfill (Grid reference: X: 528,895.25; Y: 191,597.17)

Page 1 of 1 (2 results for selected location)

Site name	Site address	First waste received	Last waste received
Friern Barnet Sewage works	Pinkham Way, Bounds Green, Friern Barnet	31 DEC 1940	31 DEC 1980 

Inert:Waste which remains largely unaltered once buried such as glass, concrete, bricks , tiles, soil and stones.

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Footnote 5

Extract: Friern Barnet Former Sewage Works

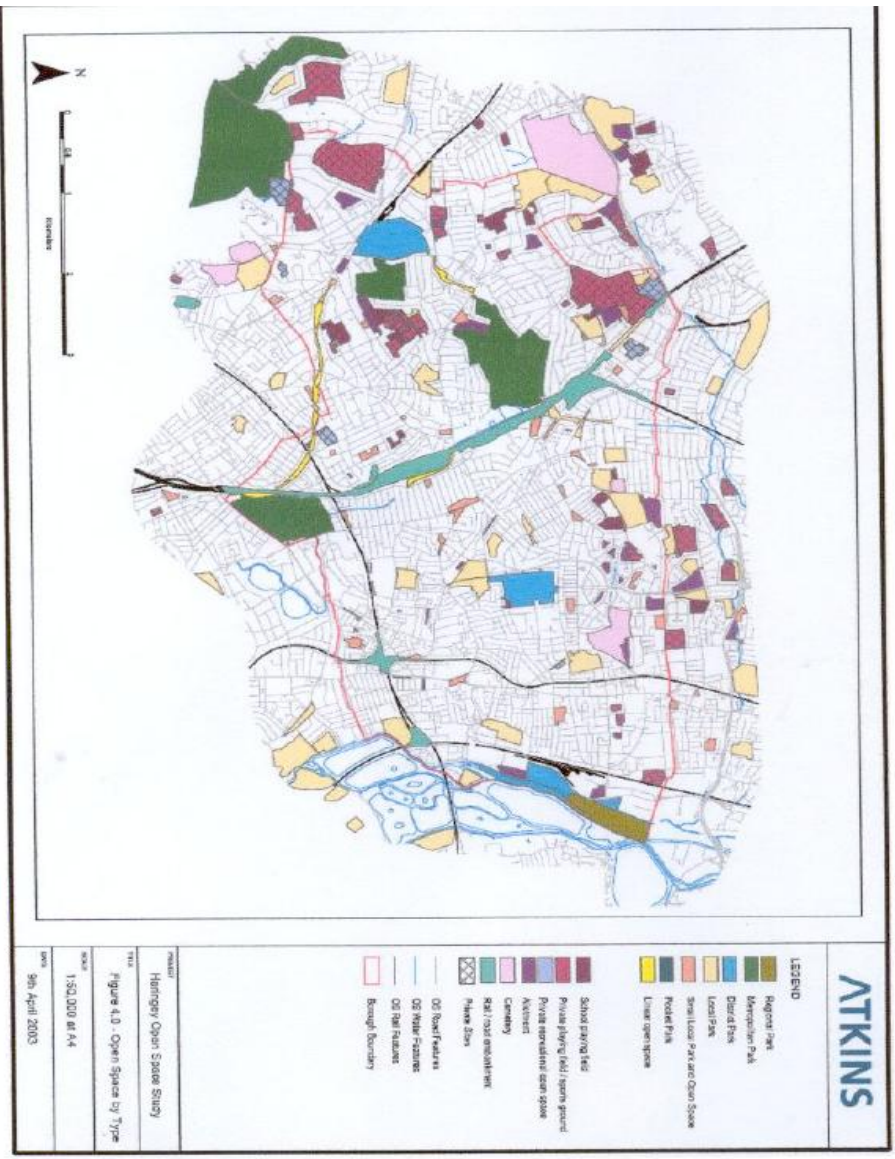
Botanical Survey

June 2009

4.1 Site value assessment

The site is used on occasion by dog-walkers and in the past has clearly been subject to fly-tipping in the form of dumped burnt-out cars, however public access during the summer months appears far more limited – probably due to the dense nature of much of the vegetation. The site is not currently subject to any habitat management and it is likely that this has been the case for several decades. Due to this many of the mature trees on the boundary of the site have suffered from wind damage or become decayed causing branches to fall off leaving open wounds, splits and cracks. These trees may potentially be used by roosting bats and breeding birds, thereby supporting protected species.

The site at Friern contains a high diversity of plant species and is designated as a Site of Borough Grade I Importance for Nature Conservation, the citation of which notes that it is a typically diverse wasteland site with high botanical diversity and supports a good range of wildlife. The site is therefore considered to be a valuable habitat, especially due to the size and location in such an urbanised environment, with the most valuable habitats being the more diverse woodland-edge areas, the ruderal areas and the mature trees.



Source: Open Space and Sports Assessment – Volume 1, Atkins, 2003

Figure 3.2 - Open Space by Type