

Location **Rushgrove Park London NW9 6RD**

Reference: **20/3817/FUL** Received: 19th August 2020
Accepted: 20th August 2020

Ward: Colindale Expiry 15th October 2020

Case Officer: **Elizabeth Thomas**

Applicant: Ruth Miller

Proposal: Upgrade to existing park including: Vegetation removal works along Silkstream. Minor regrading of river bank to form flood alleviation wetland. Minor works to connect existing pond to river via swale. Two new pedestrian bridges across river. New boardwalk across proposed wetland. Make good and rerouting to some existing pathway. New playground. New planting. New scooter path. New outdoor gym trail. New entrance feature for Rushgrove Avenue

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

027-RUS-ST2-000 Rev C
027-RUS-ST2-001 Rev C
027-RUS-ST2-002 Rev C
027-RUS-ST2-011 Rev C
027-RUS-ST2-013 Rev C
027-RUS-ST2-010 Rev C
027-RUS-ST3-011 Rev C

027-RUS-ST3-012 Rev C
027-RUS-ST3-013 Rev C
027-RUS-ST3-014 Rev C
027-RUS-ST3-015 Rev C
027-RUS-ST3-016 Rev C
027-RUS-ST3-017 Rev C
027-RUS-ST3-021 Rev C
027-RUS-ST3-031 Rev C
DR-0002 P01
DR-0003 P01
1001 P01
0001 Rev P01
SK-0007 Rev P01

EVA studio ecological appraisal May 2021
Civic engineers flood risk assessment 26 March 2021
LUC extended phase 1 habitate survey
Writtle Forest Consultancy tree surbey and tree constraints plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) The site shall not be brought into use or first occupied until further details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM16, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected

around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 7 Prior to the commencement of works, details of a Sensitive Lighting Strategy shall be submitted and approved by the local planning authority. Any artificial lighting scheme designed for the park; including lighting relating to works during the operational phase, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To safeguard protected species and nature conservation in accordance with Policy DM01 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) Policy G5, G6 & G7 of the London Plan and 2021 Environment Act 2021.

- 8 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To ensure improvements the biodiversity of the site in order to comply with

Policy DM16 of the Barnet Local Plan (2012).

- 9 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure works and improvements to the river and the local nature reserve are within Rushmore Park secured. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details. 1 For instance, to establish the effectiveness of new nesting and roost features in a barn conversion by monitoring their use (recording distribution and abundance) by locally occurring bird and bats species.

Reason: To ensure improvements the biodiversity of the site in order to comply with Policy DM16 of the Barnet Local Plan (2012).

- 10 a.) No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation, enhancement and restoration of Rushgrove Park ecological features, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.

j) Details for disposal of any wastes arising from works.

b.) The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter

Reason: To ensure improvements the biodiversity of the site in order to comply with Policy DM16 of the Barnet Local Plan (2012).

- 11 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Giant hogweed, Himalayan balsam and Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To help prevent the spread of the two species of Japanese knotweed and other invasive species identified on site in accordance with policies DM04 and DM16 of the Development Management Policies DPD (Adopted) September 2012.

- 12 No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- details of maintenance regimes
 - details of any new habitat created on site
 - details of treatment of site boundaries and/or buffers around water bodies
 - details of management responsibilities
 - details of INNS identified on site and the management plan in place to control them

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM04, DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

- 13 No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:
- plans showing the extent and layout of the buffer zone.
 - details of any proposed planting scheme (for example, native species).
 - details demonstrating how the buffer zone will be protected during development

and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

- details of any proposed footpaths, fencing, lighting, etc.
- details of any proposed bridges over the watercourse.
- details of any bank reprofiling or in-channel changes.

Reasons:

To protect the existing biodiversity within the area, the watercourses and wildlife in accordance with policies CSNPPF, CS5, and CS7 of the Core Strategy DPD (Adopted) September 2012; policies DM01, DM04 and DM16 of the Development Management Policies DPD (Adopted) September 2012; Policies 5.12, 7.18 and 7.19 of London Plan (2016); and the NPPF

- 14
- a) A scheme of defensive landscape planting, including details of size, species, planting heights, densities and positions of defensible landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the works to upgrade the park.
 - b) All work comprised in the approved scheme of defensive landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory security and appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01, DM02 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 The landscape proposals will be maintained by Barnet Council's Parks and Green Spaces therefore as the client for this application it is assumed the proposals are to their design.

New tree planting proposals will offset the loss of trees removed and provide a good level of enhancement.

The landscape planting pallet will need to be guided by the recommendations given by the project ecologist to strengthen the SINC and riverside bio-diversity.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 2 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine

- 3 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 4 For use of herbicides in or near to water, prior consultation and approval from the Environment Agency is required before the first application. This is to ensure that the herbicides will not have a detrimental effect on the riverine habitat.

OFFICER'S ASSESSMENT

1. Site Description

Rushgrove Park is a small local park (2.69 hectares) within a suburban setting located in Colindale.

The Park runs north to south and its boundary is marked on the northern side by Colindeep Lane and the Crossway to the south. Along the east and west sides, the park is surrounded by semi-detached houses most of which back onto the park.

The park currently benefits from a Multi-Use Games Area (MUGA) and tennis court along its southern boundary. The park also has a small children's playground.

A footpath currently runs the full length of the park adjacent to Rushgrove Avenue connecting Colindeep Lane and Crossway.

There are 4 pedestrian access points at the moment with the entrances located on Rushgrove Avenue, Colindeep Lane (western corner) and Crossway. The topography of Rushgrove Park is broadly level across the park, with the streets around the site on an incline with houses set at a higher level to the park with rear gardens sloping down towards the park. The park features the Silk Stream, which cuts off the eastern edge of the park and runs the full north to south length. With a low-level base in comparison to the surrounding housing, the park is prone to flooding, with a higher risk along the banks of the stream.

Rushgrove Park has an extensive area covered by tree canopy, predominantly down the eastern border, along with the water body.

2. Site History

N/A

Other relevant

17/1929/FUL

Montrose Playing Fields, Montrose Avenue, Colindale, NW9 5BY

The refurbishment of Silkstream Park and Montrose Playing Fields; the creation of new entrances; the installation of new footpaths and cycleways with 9 racks which would accommodate 18 bicycles; the installation of new hard paved public realm areas; the installation of new bridges and refurbishment of an existing bridge; the creation of a new pedestrian and cycle crossing of Montrose Avenue; the installation of new road surfaces and road design details on Montrose Avenue; the demolition of the existing pavilion building; the refurbishment of the existing tramshed building; the creation of new flood attenuation areas through amendments to levels and cut and fill operations; the installation of new playground facilities; the installation of new skateboarding facilities; the installation of new outdoor sports facilities including a multi-use games area, tennis courts, a green gym and basketball hoops; the provision of two no. 9 x 9 grass football pitches; the installation of occasional play equipment; new tree planting; new soft landscape planting
Approved subject to conditions committee decision 21st February 2018.

This scheme was for the refurbishment of two parks within the Colindale area which were identified within the Colindale Area Action Plan. The improvements to the Montrose and Silkstream Park have some similarities to those now proposed at Rushgrove including new entrance points and bridge links over the Silkstream; new play facilities and gym equipment; the creation of a skate park - comparable to the proposed scooter track.

3. Proposal

The proposal is submitted on behalf of the Council and relates to the upgrade of Rushgrove Park. As part of this upgrade new entrances will be provided to give increased permeability through the site and connectivity to the residential streets at this part of Colindale. New pedestrian bridges will allow for access over the existing silkstream.

Upgrade to existing park including: Vegetation removal works along Silkstream. Minor regrading of river bank to form flood alleviation wetland. Minor works to connect existing pond to river via swale. Two new pedestrian bridges across river. New boardwalk across proposed wetland. Make good and rerouting to some existing pathway. New playground. New planting. New scooter path. New outdoor gym trail. New entrance feature for Rushgrove Avenue

4. Public Consultation

Consultation letters were sent to 222 neighbouring properties.

21 responses have been received, comprising 19 letters of objection, 2 letters of comment.

Site notice was also posted on 21st August 2020.

The objections received can be summarised as follows:

Concerns about rates of burglary particularly for homes backing on to the park.

Anti-social behaviour; smoking; drug taking.

Opening entrance behind Colin Crescent and Colin Gardens will increase safety concerns and opportunity for burglaries. Easier access to houses with the new entrance.

Increased littering and fire risk if the wooden area is opened up

Money better used on roads and infrastructure.

FOI will be requested as to how much money spent on the project

Safety concerns about opening entrance through the tree lined area

Littering is an existing problem and should be addressed.

The cost of the bridge from Colin Crescent will be enormous with no real benefit. There are sufficient entrances as established.

No indication how children will be safeguarded from the stream. When in full flood this can be extremely dangerous. If the constraints are removed the lack of access from Colin Gardens side and the existing undergrowth on the park side, this would make it a safety concern.

The bridge will be dangerous to cross especially when dark as leads into a heavily tree screened area

Loss of trees and landscaping

Loss of ecology and wildlife - herons; kingfishers have been spotted. Owls and bats also roost in these areas.

Houses are on a flood plain - need reassurance this will not increase likelihood of flooding.

Scooter ramp will increase noise; late night loiterers and gangs.

5. Statutory Consultees

Natural England - No objections

Environment Agency - During the lifetime of the application a Flood Risk Assessment was submitted. The EA withdrew their initial objection to the proposal. The EA are supportive of the application subject to conditions securing details on the riverside buffer zone area and landscape plan.

Environmental Health - No objections with the inclusion of a construction method statement condition being secured. Particular reference to the scooter park has been considered in terms of potential noise generated - the EH team consider that given the siting this is unlikely to generate noise and the position has been sited with consideration to minimise noise to neighbours.

Trees - No objection subject to conditions to secure additional information

Ecology - No objection subject to conditions to secure additional information

Designing out crime team - Additional security measures have been recommended. Addressed within the report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM15, DM16.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (2021)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Green Infrastructure 2017

This document identifies that 'the provision of Green Infrastructure in and around urban areas contributes towards creating places where people want to live, work and invest; delivering benefits not only to the environment but also to the development of better places. Green infrastructure planning enables a co-ordinated and cross-sectorial approach to be taken across many different sectors. It can increase access to open spaces, contribute to urban cooling, allow greater appreciation of valued landscapes and support healthy living'.

This document states that:

Colindale Parks Improvement scheme 5.3.23 The improvement and enhancement of parks in Colindale will deliver significant support to the Council's regeneration initiatives in that area. In support of the Council's regeneration area policies new investment in the parks and open spaces of Colindale and Burnt Oak includes improvements to Montrose Playing Fields, Silkstream Park, Heybourne Park and Colindale Park to be completed by 2021. The application for planning consent for the Silkstream Valley Park project has been submitted and work has commenced on the development of proposals for improvements to Colindale and Rushgrove Parks.

Barnet Parks and Open Spaces Strategy (2016)

The strategy proposes that parks and open spaces can deliver a range of positive benefits for the borough and its residents in respect of economic, social and environmental outcomes. 42 23 This strategy 'recognises that a clear vision is needed to deliver a whole range of benefits for people who live and work in the borough.' The benefits identified in this document include: - enhancing the physical and mental health of residents - making Barnet a better place to live, work, learn and play - joining communities together by creating new green links between different parts of the borough - preparing the borough for the impacts of climate change by controlling flooding, - reducing pollution and moderating temperatures - protecting and enhancing the borough's cultural and natural heritage.

The proposal complies with the aims of this strategy as it makes improvements to water courses, increases accessibility to green spaces and preserves and provides improved opportunities for play and sport with the creation of an enhanced playground and new scooter track and the upgrade of a MUGA for sport.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing park, the street scene and the wider locality;
- Whether harm would be caused to the ecology of the site;
- Whether harm would be caused trees and landscaping;
- Impact on the flood risk;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Impact on safety and security to surrounding residents and residential properties

5.3 Assessment of proposals

Background

Rushgrove Park is situated in one of Barnet's main regeneration areas, Colindale; where over 10 000 new homes will be built.

There are key initiatives within the CAAP (Colindale Area Action Plan) that are relevant to both Colindale and Rushgrove Parks and should be considered as part of the development of Colindale and Rushgrove parks:

Editions development, adjacent to Colindale Park on the site of the former British Library Newspaper site housing over 350 new homes.

Redrow's Colindale Gardens on the former police training ground will eventually contain 3000 homes with first blocks completed in December 2017. As part of the CAAP and Redrow planning permission, a new pedestrian and cycle link is being opened from Colindeep lane, under the London Underground track through to Colindale gardens new green space and primary school. This new pedestrian link will have been an important consideration for the design of Rushgrove Park

Montrose and Silkstream parks as identified in both the CAAP and the Colindale Open Spaces Strategy are the first parks to be improved in line with both the PASS (Open Spaces Strategy) and SPP (Playing Pitch Strategy). Planning permission was granted for the upgrade of Montrose and Silkstream park to create better connectivity between the two parks and Improved facilities.

Rushgrove Park is the next existing open space to upgraded with improved connectivity and enhanced facilities.

The Colindale Area Action Plan sets out the objective of creating a network of green routes to connect public open spaces.

Public spaces will be connected to help support safe and attractive walking and cycling within and around Colindale and the surrounding area. The network will incorporate a number of green routes of high environmental quality and ecological diversity,

incorporating tree planting, linking the main open spaces of Montrose Park, Grahame Park and Aerodrome Park within the Colindale AAP area, Watling Park to the north east of Colindale and the smaller open spaces including Colindale Park, Rushgrove Park, Silkstream Park, Woodcroft Park, Lyndhurst Park and new proposed open spaces in Grahame Park Estate and Beaufort Park. Mature trees will be retained wherever possible through the redevelopment of the area.

The proposals currently under review support this objective and would enhance the connectivity of the site with the wider area.

The proposal seeks to upgrade and enhance the existing park providing improved and new facilities for local residents, the growing population within Colindale and the associated increased demand for improved facilities and open space for play, relaxation and sports. The proposal will provide better connectivity across this part of the borough and the new areas of re-development. The proposals include:

- New children's playground - with an aeronautical theme to reference Colindale's history. Play equipment to be provided for both younger and older children
- New humped scooter track - to be sited next to the children's play area. The scooter ramp will loop round a wildflower meadow in the middle.
- Picnic and seating areas
- Outdoor gym equipment
- New Multi use games area to replace the existing MUGA and new fencing and line parking and new surface.
- New entrance point from Rushgrove Avenue referencing aeronautical history of Colindale and creating a sense of entrance and arrival.
- New footbridge over the Silkstream and pedestrian access from Colin Crescent
- New footbridge over Silkstream and pedestrian access from Crossway
- New planting and landscaping
- Flood alleviation wetland and re-grading of Silkstream
- Existing water feature to be incorporated into swale collecting runoff from park feeding back into Silkstream and providing opportunity for biodiversity, whilst maintaining existing trees where possible. Existing pump house to remain.
- New composite boardwalk with steel column and beam structure and 3 new benches for enjoyment of the wetland/woodland/ecological area

The proposal has been broadly categorised into commute; discover; play and socialise. Each of these themes will be supported by the proposal.

The supporting text to policy G4 of the London Plan 2021 states that proposals to enhance open spaces to provide a wider range of benefits for Londoners will be encouraged. Examples could include improved public access, inclusive design, recreation facilities, habitat creation, landscaping improvement or Sustainable Drainage Systems (SuDS).

This is reinforced by the supporting text to policy DM15 which says that people need a variety of open spaces close to where they live. Open space can provide the opportunity for relaxation, play, socialising and sporting activity which contributes to healthy lifestyles. In providing enhanced connectivity and improved and new facilities to Rushgrove Park the development proposal is considered to meet the aims of policy G4 and DM15.

Play

The proposed refurbishment of the existing playground seeks to introduce a variety of play

equipment to serve the local community and improve the current facilities. The play equipment will cater for all ages. A new equipment-based playground will be re-provided in a similar position to the existing play equipment. An area of 180sqm will be fenced off to provide a safe and secure environment for younger children whilst an open area of 635sqm will cater for older children with larger equipment. The playspace has an air travel theme to continue the theme of the main entrance to the park. The ground surface of the play area design has been designed to continue the air travel theme providing opportunities for imaginative play. The siting of the playground is comparable to the existing and, therefore, in terms of any noise and disturbance to neighbouring residents it is not considered to significantly alter the current situation.

A new humped scooter ramp is to be provided adjacent to the enhanced playground. This proposed facility is considered appropriate for a park as it is a recreational use. The track will enclose an area of wild meadow flowers. The proposed scooter ramp is located centrally within the park and far enough from residential properties to not have a detrimental impact in terms of noise and disturbance.

A new outdoor gym trail will be created along an existing, underutilized path stretching from the boardwalk south along the stream. This will provide opportunities for moments of exercise amidst the rich display of natural scenery.

Finally, at the south end of the park, upgrade works will be carried out to the existing tennis court, to provide a Multi-Use Game Area, complete with new fencing and line marking. These proposed new surfaces provide a range of opportunities for sport and exercise and are, therefore, supported by the Local Planning Authority. Although there will be no further allocation of formal pitches or play surfaces opportunities for informal ball games and play across the site will be retained.

On review of Policy GG3 of the London Plan 2021, the scheme is noted to create opportunities for play, recreation and sports to the betterment of physical and mental health of the participants and spectators of the space. The upgrade of existing facilities sports facilities and new outdoor gym equipment (as is typical in other parks within the Borough) is considered to be in accordance with the aims of policy GG3 and will provide enhanced opportunities for sports and recreation within Rushgrove Park. Therefore, the proposed development is considered to be acceptable in principle.

Commute

New entrances are to be provided from Colin Crescent and Colindeep Lane which will include the provision of new bridges across the Silk stream. This will serve to open up and create connections between residential roads and create enhanced linkages to and from the current redevelopment projects underway within Colindale.

Discover

The proposal will seek to take advantage of the rich biodiversity and ecology at the park, particularly centred around the Silkstream. A new woodland walk and Boardwalk will be provided, allowing users to engage and enjoy the biodiversity of the wider park.

The proposals also take advantage of the biodiversity at the site with the creation of a new wetland; walk way and new boardwalk with associated benches for nature observation.

This area of the park enables members of the public to engage with, and enjoy, the natural and ecological setting of the park.

New planting will be provided throughout the park to contribute to the natural landscaping of the site. Meadow wildflowers will be planted to soften the appearance of the scooter track.

Socialise

The upgraded park will include provision for benches and areas to relax and socialise. A new dedicated picnic area is to be provided with picnic benches located close to the playground. The improved park will enhance opportunities for relaxation and socialising in dedicated spaces but also informal areas throughout the park.

Impact on the character of the area

The proposed new features are those that would be generally expected within a public park including play equipment and a sports area with associated fencing. The upgrade of the park is considered to improve the appearance of the park and its contribution to the wider character of the area. The design has taken reference to the area's history in aviation and this has been incorporated into the new entrance from Crossway and the play area. The new entrance will provide a sense of place and arrival at the park which is welcomed.

The proposal has also been designed to take advantage of the ecological and biodiversity features of the site allowing users to interact and enjoy the more natural areas of the site, including the provision of a new boardwalk and benches along the stream to allow for nature observation. The proposal will allow for a quiet enjoyment of the open space away from the activity hubs of the playground and MUGA. The proposal will provide new fencing and line marking to demarcate the sports area.

New planting across the park will further enhance the appearance of the site. The proposals are considered to incorporate an appropriate mix of both new artificial features such as play equipment and natural landscaping to provide a well-designed area which caters for a variety of users.

Impact on ecology

Policy DM16 requires that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity. The proposal is considered to meet the requirement of the retention of biodiversity.

The proposed application relates to an upgrade to the existing park and vegetation and includes works along the Silk Stream and its riverbanks. The site is within The Silk Stream and Burnt Oak Brooks Site of Borough Importance for Nature Conservation (SINC). The Site also falls within the Impact Risk Zone (IRZ) of Brent Reservoir Site of Special Scientific Interest (SSSI).

As a result, particular regard must be had to the Silk Stream and Burnt Oak Brook SINC due to potential changes in hydrology and habitat.

It is acknowledged that the application may have an adverse effect on the Silk Stream and Burnt Oak Brook SINC due to changes in hydrology and habitat change and/or loss within Rushgrove Park. Furthermore, changes to hydrology within the Silk Stream due to the proposal may also have an adverse effect upon the downstream Brent Reservoir SSSI. Removal of riverine trees can alter riverine processes further from near natural. This is because their roots can hold the banks together and prevent erosion of the riverbanks in time of flood, indeed their removal could degrade in-river habitat for species such as fish and invertebrates. In addition, any removal of trees could alter the hydrology of the river, not only in the immediate locality, but a significant distance upstream and downstream of the site and this may mean there is an impact on the Brent Reservoir SSSI which is downstream of the site. As a result, understanding the likely ecological impact of the proposal is critical in the overall assessment.

Natural England have been consulted on the application and have raised no objection to the proposal noting that based on the plans submitted there would not be a significant adverse impact on statutorily protected nature conservation sites or landscapes.

Policy DM16 Biodiversity of the Barnet Local Plan (Development Management Policies 2012) states that: 'when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity; where development will affect a Site of Importance for Nature Conservation and/or species of importance the council will expect the proposal to meet the requirements of London Plan Policy 7.19E which states that 'When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply: 1. avoid adverse impact to the biodiversity interest 2. minimize impact and seek mitigation 3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

No works in connection with the development should commence unless the site protection measures have been implemented in full in accordance with the approved CEMP. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details as well as a mitigation and enhancement package to ensure no net loss of biodiversity. In reviewing the application and with discussion with the Councils Ecology Team further clarification was provided in respect of the removal of trees. This further clarification as outlined in paragraph 4.19 of the ecological appraisal noted that no trees with bat root potential will be removed. The applicants ecology consultant provided the following additional commentary: Vegetation removal is restricted to selective areas of low-lying scrub, with trees/tree cover being retained where feasible and no proposed lighting along the river corridor. Therefore, it is expected that the overall ecological connectivity and foraging/commuting opportunities provided by the Silk Stream will not be adversely impacted as a result of the proposals, but in fact strengthened given the provision of new habitats (wetland), riparian planting along the river bank, and proposed management of retained tree/scrub along the bank. It is also considered that any impacts associated with the selective removal of vegetation on local foraging/commuting bats would be minimal and temporary provided the clearance works are undertaken and proposed enhancements are implemented outside of the active season for bats.

Based on the submitted information, which includes additional detail as well as an ecological appraisal dated May 2021, the ecology team are satisfied that, subject to conditions, the proposal would not have a harmful impact on the ecology and biodiversity of the site.

Impact on the flood risk

This application lies within Flood Zone 3, which is land defined by the planning practice guidance (PPG) as having a high probability of flooding.

The Environment Agency (EA) were consulted on the application and originally raised an objection to the proposal on the basis of the Flood Risk Assessment (FRA). The EA provided guidance to the applicant as to how to overcome the objection and subsequently a revised FRA was submitted. The revised FRA included an assessment of the 1% annual probability (1 in 100 year), plus an allowance for climate change flood event, and has used this information to demonstrate how the proposed development will be safe from flooding for its lifetime, without increasing the risk of flooding elsewhere.

The EA were then consulted on the revised FRA and withdrew their objection stating that the revised FRA dated 26 March 2021 met the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA adequately assesses the flood risk of the development by including an assessment on flood depths. Conditions have been imposed to secure further details.

The proposal will also involve re-grading the silkstream banks to help with flood alleviation. An existing water feature at the site will be incorporated into a swale to help collect water runoff from the park and feedback to the stream. This will enhance the existing feature and bring it back into use and will help alleviate any flood risk at the site and to surrounding properties.

Impact on surrounding residential amenities

With regards to the impact on neighbouring residential amenity it is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The park is a long-standing area of open space that has been enjoyed by residents for some time. The applicants design and access statement indicates that Rushgrove Park was first laid out as a recreation ground by the mid-1950s and was known as Colindeep Open Space. As a result, this application does not seek to introduce a park, along with the likely activities that take place within, where none exist at present. However, additional facilities are proposed as part of this application, the impact of which does need to be assessed. The proposed new playground, scooter ramp and multipurpose sports ground and new features which will be the focus of activity and are located at a distance from neighbouring residential properties. These are considered to be the areas where the most noise is likely to be generated from the increased activities.

The scooter ramp at its closest point being approximately 33m from the back boundary of properties on Colin Gardens and 14.5m from the rear boundary of properties on Rushgrove Avenue. The proposed playground is located a significant distance from residential properties. This separation distance is considered sufficient to mitigate any disturbance resulting from the increased activity in these areas.

The MUGA will be sited approximately 18m from the nearest rear boundary of properties on Rushgrove Avenue and 37m from Colin Gardens. Whilst the play area will be at the

shortest distance 14m from the rear boundary to Rushgrove Avenue and 44m to Colin Gardens.

Furthermore, it should be noted that the playground and sports ground will replace existing facilities to a higher standard, but these are broadly being replaced in the same location.

The Councils Environmental Health team have reviewed the proposals and do not consider that the upgrade to the park would lead to undue noise and disturbance to the surrounding residential occupiers that would be likely to result in a nuisance to residents.

Security and safety

The park is an existing public open space and accordingly the assessment of security and safety should be proportionate in the context of the new facilities being provided.

A significant change is the introduction of a new entrance to Colin Crescent which is currently fenced off with trees and vegetation and the brook separating the residential street from the park. Currently anyone from this side would need to enter the park via Colindeep Lane. Objections have been received from surrounding occupiers in regard to the increased fear of crime as a result of the upgrade works, in particular the new entrance path created on Colin Crescent. The objections largely relate to the new entrance creating an opportunity for break-ins to the rear of properties which are currently backs on to an area of undergrowth and trees lined area and separated from the park by the silkstream which makes access to the rear of these properties difficult.

In consultation with the Metropolitan Police Designing Out Crime officer, a condition has been imposed to secure details of defensive planting within the area of land adjacent to the new footpath and entrance off Colin Crescent. The purpose of the defensive planting is to restrict movement alongside, and to the rear of, the private dwellings. Suitable planting such as Hawthorn would be successful in restricting movement reducing the ability of individuals to access this part of the park and, consequently, reducing the likelihood of break ins from the rear of the properties.

In assessing the impact of a new entrance and associated footpath adjacent to residential properties, it should also be noted that the existing footpaths into the park already run alongside residential properties, so in that respect the principle of public footpaths adjacent to private dwellings is not uncommon. It is noted that the rear of residential properties on Rushgrove Avenue back directly on to the park with varying types of boundary treatment. It is not considered that the introduction of a new entrance at Colin Crescent would be any more susceptible to crime than these properties.

From the point of view of enhancing the residents offer for recreation that the park provides, permeability is important in this context to allow for ease of use and access to the park with the hope that it would increase usage. A route through to create connections in this part of Colindale, with the new and proposed redevelopment areas, is considered to be important and a key part of the proposal.

Sightlines within the park are important to allow for park users to see what is ahead of them and increase safety accordingly. As a result, the footpaths through the park are direct and can be overseen from other areas of the park. It is considered that with adequate planting (details to be secured via condition) the proposal would mitigate any perceived vulnerability to increased crime to the rear of properties along Colin Crescent and Colin Gardens.

The Park will undergo regular maintenance to remove flytipping, the improvements to the park is hoped to discourage the area from being used as flytipping as it becomes a well used and visited facility for the local residents.

In assessing the application, it has been determined that the proposals will have a number of physical and mental wellbeing benefits. The proposal accords with the aims and objectives of the London Plan that recognises the importance of outdoor space for residents' wellbeing. Taking the benefits, the upgrade of the park will bring into consideration and weighing it against the fear of increased crime, which is of course recognised, the proposal is considered to be acceptable.

It should be noted that comments made by the Police designing out crime officer such as benches potentially attracting anti-social behaviour can be managed outside the scope of the planning application. The Park is managed and maintained by the Council and a flexible approach to the siting of benches can be taken to reflect any increased incidents of anti-social behaviour. This would take place whether, or not, this planning application had been submitted.

Overall, in weighing up the planning balance, it is considered that the significant public benefits resulting from the upgrade of the park including improved play facilities; improved sports and exercise facilities; general improvements to the park and improving linkages in this part of the Borough the fear of crime, whilst it is acknowledged and careful consideration of these concerns has been made, any increased fear is outweighed by the overall benefits of the scheme and appropriate mitigation measures to limit the risk of crime. Measures have been incorporated into the scheme, as described above, to ensure that any increased vulnerability to surrounding properties has been mitigated to an appropriate degree.

Summary of assessment

In assessing the application the proposal has been considered against adopted policies and the key benefits of the proposal. Increase use of park and provide new and improved facilities for the growing population, provide linkages in this part of the Borough, alleviate flooding concerns and provide play and recreation opportunities.

The concerns of local residents in regards to potential increase in crime and anti-social behaviour have been carefully considered and through discussion with the designing out crime officer the vulnerability of opening a new entrance on Colin Gardens has been mitigated with the provision of effective defensible planting with details to be secured by way of condition.

Officers worked with the Police to agree mitigations that will help to discourage ASB whilst at the same time not detrimentally impacting on the improvements proposed for the park.

The proposals will comply with Policy GG3 of the London Plan 2021, the scheme is noted to create opportunities for play, recreation and sports to the betterment of physical and mental health of the participants and spectators of the space. On this basis approval is recommended.

5.4 Response to Public Consultation

The cost of the project is not a planning consideration.

The ecology team have reviewed the proposals and consider that the proposal can be appropriately implemented without harm to the ecology and biodiversity of the site. The application is subject to a number of conditions to provide further detail prior to commencement of works. Both the ecology team and Natural England are satisfied with the proposal and the suggested mitigation measures to manage any impact on ecology.

The trees team have reviewed the submitted information and consider the proposals to be satisfactory and appropriate.

In consultation with the designing out crime officer the proposal is considered to mitigate any increased risk of crime or anti-social behaviour. It is also considered that on balance the public benefit of enhanced facilities outweighs any perception and increased fear of crime.

The park will be locked at night in line with the management of other parks within the borough.

The new bridge to Colin Crescent will not be lit, however, this is considered to be beneficial as it will not create a welcoming environment for users and therefore people using the park will be more inclined to use the lit pathways.

Issues such as littering and flytipping will be part of the general maintenance of the park. This is not controlled as part of the planning process but would be for the Councils' Greenspaces team to consider.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.
- marriage or civil partnership

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning

permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all. Including the provision of new entrance points to improve connectivity across the site. The entrances to the park have been designed considering the need to provide safe and convenient pathways for those using mobility aids and pushchairs and those with limited mobility unable to travel significant distance.

A number of pieces of equipment in the playground have been chosen as they provide opportunities for play for those with physical disabilities including the provision of an access spinner and an access whirl which are both designed to be DDA compliant. The air travel theme supergraphics across the play surface also allows opportunities for imaginative play.

The proposal has a range of opportunities for the enjoyment of the space, including recreation, socialising, enjoyment of the natural landscape and opportunities for play and sport. Overall the proposal will provide a safe and inclusive environment for users including those falling within a protected characteristic.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

