

Location **Market Place Playground Market Place London N2**

Reference: **22/5903/FUL** Received: 12th December 2022
Accepted: 30th December 2022

Ward: East Finchley Expiry 31st March 2023

Case Officer: **Zakera Matin**

Applicant: Ms Kathy Batten

Proposal: Refurbishment of existing playground, including; Removal of existing play equipment and installation of replacement play equipment; Installation of one small child-activated drinking fountain; Removal of all existing hard standing and existing site boundary treatments; Removal of four trees; Construction of new path surfaces; Installation of new boundary fencing and railings; Creation of planting areas with new trees and shrubs

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 Chair (or in their absence the Vice-Chair) 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:

Site Location Plan
Land Survey(922103L)
General Arrangement (305.L.02A Rev -01)
Photographs of Play Equipment (305 V1 December 2022)
Planting Plan (305.L.05 Rev -01)
Design and Access Statement
Biodiversity Net Gain Report (March 2023)

Preliminary Ecological Appraisal (700106291)
Arboricultural Impact Assessment Method Statement & Tree Protection Plan
(BS.58372012)

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 pedestrian paths, 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) No development works other than demolition works shall take place 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) Hard and soft landscaping, including existing trees to be retained and planting plan, shall be implemented as per approved Planting Plan (305.L.05 Rev- 01), General Arrangement (305.L.02A Rev -01).
- 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 completion of the development 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 the London Plan 2021.

- 6 a) The development shall be implemented in accordance with the approved Arboricultural Impact Assessment Method Statement & Tree Protection Plan(BS.58372012).
- 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 the London Plan 2021.

- 7 Prior to the commencement of works of the hereafter approved scheme, a detailed Biodiversity Net Gain Plan, including all habitat enhancement, creation and management, and monitoring for all habitats outlined within the approved Biodiversity Net Gain Report (WPS, March 2023) for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority.

a. The Biodiversity Net Gain Plan shall include details of long-term design objectives, management responsibilities, maintenance schedules, replacement

planting provisions for approved plantings, and any new soft landscaping and habitats to be planted as part of the approved Biodiversity Net Gain Report (WPS, March 2023)

b. This management plan will ensure compliance with the approved Biodiversity Net Gain of +0.27 area-based habitat units and +0.20 hedgerow units for the approved scheme.

c. Details of prescription monitoring of the habitats created and managed under the approved Biodiversity Net Gain works, the timeframe for monitoring, the responsible party, and the submission of the details on the condition of habitats to the LPA.

d. If during the monitoring of the habitat any are found to be in deteriorating condition, then their expected state at the time of the assessment then any necessary remedial actions will need to be undertaken.

e. The approved Biodiversity Net Gain Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To enhance the biodiversity of the site in accordance with section 197 of the Town and Country Planning Act 1990, policies CS5 and CS7 of the Adopted Local Plan Core Strategy (2012), policies DM01 & DM16 of the Adopted Development Management Policies DPD (2012), policies G5, G6 & G7 of the London Plan and the Environment Act 2021.

- 8 The approved works shall hereafter be carried out in accordance with Section 4.6 the Precautionary Working Method of Working (Preliminary Ecological Appraisal, WPS, February 2023) in their entirety. If in the unlikely event that protected or notable species are again found on site, they should be left to disperse of their own accord. Any that need assistance should be gently placed in a clean bucket and moved on to a safe location away from the development.

Reason: To safeguard protected species and nature conservation in accordance with policies CS5 and CS7 of the Adopted Local Plan Core Strategy (2012), policy DM16 of the Adopted Development Management Policies DPD (2012), policy G6 of the London Plan.

- 9 Prior to completion of soft landscaping works the following ecological enhancement measures shall be installed:
- a) 2 x Woodcrete bird nest box (or similar alternative) shall be installed onto retained mature trees (as appropriate),
 - b) 2 x purpose-built insect hotels shall be installed within the grounds of the site.

These features shall be installed in line with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority.

Reason: To safeguard protected species and nature conservation in accordance with policies CS5 and CS7 of the Adopted Local Plan Core Strategy (2012), policy DM16 of the Adopted Development Management Policies DPD (2012), policy G6 of

the London Plan.

- 10 Prior to the installation of any lighting on the site, details of a Sensitive Lighting Strategy shall be submitted and approved by the local planning authority. Any artificial lighting scheme; 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 policies 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 the Environment Act 2021.

- 11 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 12 a) The play equipment shall be installed as shown on the drawings no. General Arrangement (305.L.02A Rev -01) and Photographs of Equipments (Ref:305 V1 December 2022) hereby approved.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), and the London Plan 2021.

- 13 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

- 14 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy SI1 of the London Plan 2021.

- 15 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 cotoneaster on site. The measures shall be carried out strictly in accordance with the approved scheme.

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

Informative(s):

- 1 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.
- 2 Bats and their confirmed roost are protected for damage or disturbance under the Section 41 Conservation of Habitats and Species Regulation 2017 and Section 5 of Wildlife and Countryside Act 1981 (as amended). Therefore, if the horse chestnut tree considered to possess moderate suitability for roosting bats is to be impacted by the proposed development, the tree will need to be subject to an aerial inspection by a suitably licenced ecologist, which can occur at any time of the year. Additional emergence / re-entry nocturnal survey may need to be undertaken.
- 3 It is advised that the above cotoneaster be removed by a trustworthy third-party invasive plant removal specialist who belong to a trade body such as the Property Care Association (PCA) <https://www.property-care.org/> or the Invasive Non-Native Specialist Association View Our Members - INNSA. Any invasive species removal specialist would be responsible for the secure removal/treatment, transposition and disposing of "controlled waste" under the Environment Protection Act 1990 (EPA 1990)

- 4 There is a risk that nesting birds maybe negatively impact by the proposed demolition works should the works commence during the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 5 The applicant is advised to contact Hendon and District Archaeological Society if any finds of possible historic interest are discovered during the implementation of the development. The society would like to visit the site to advise if this is the case.

OFFICER'S ASSESSMENT

This application is referred to planning committee due to Council ownership.

1. Site Description

The site relates to the existing playground located on the north east of Market Place in East Finchley.

The Playground runs north to south and its boundary is marked on the northern side by Oakridge Drive and Park Road to the east.

The playground is surrounded by residential blocks of flats to the west and east, with terraced dwellings to the north east and north.

The playground currently benefits from children's playing equipment and hard surfacing to the north side. There is grassed area and mature trees on the south side. It is sited on a higher ground level than the surrounding roads. There is a low height brick wall, hedges, and railings along the boundary.

The site is not located in a conservation area and there are no listed building abutting the site.

2. Site History

N/A

3. Proposal

Refurbishment of existing playground, including; Removal of existing play equipment and installation of replacement play equipment; Installation of one small child-activated drinking fountain; Removal of all existing hard standing and existing site boundary treatments;

Removal of four trees; Construction of new path surfaces; Installation of new boundary fencing and railings; Creation of planting areas with new trees and shrubs.

4. Public Consultation

Consultation letters were sent to 360 neighbouring properties.

108 responses have been received, comprising 4 letters of objection, 100 letters of support.

East Finchley councillors fully supported this application for refurbishment of the playground. If officers recommend refusal of this application, East Finchley councillors requested that it is called in for decision by a planning committee.

Comments received in support as below:

- Fully support a long awaited refurbishment of a derelict public space
- This refurbishing plan looks fantastic, providing a greener space and better playing conditions for children and their caregivers, it will be much appreciated by the whole community.
- It will support the health and wellbeing of children
- This proposal is the result of a great amount of work by dedicated volunteers from the local community and it would significantly improve the area
- The proposal has been carefully thought through including various consultations with the local community
- This seems to be an excellent plan to update and enhance the recreation provision in the area
- The current playground is very run down and this proposal will significantly improve that providing a great resource for local children
- The scheme presents a compelling concept and design. It will provide an excellent addition to the public realm as well as providing public health and community benefits
- It is now very run down. The children deserve a play area that is clean, imaginative and safe. The proposals seem to promise this as well as a revitalised green oasis amongst the surrounding buildings.
- It is an imaginative and exciting initiative, brilliantly conceived and developed
- This project is brilliant. Improvement to this very drab area is long overdue. Children need space to play, explore and socialise and the projected playground will facilitate this, particularly for those children who live in the local tower blocks. The provision of seating and planting, particularly the number of trees, will provide a much needed green environment in an area with a busy through road. This project will also provide a safe social space for both adults and children.
- Lighting throughout also would extend play time in winter when it's dark by 3:30pm.

The objections received can be summarised as follows:

- Number of equipment is not enough
- Need Equipment specific to each age
- Layout does not offer direct line of vision from one end to the other end of the park
- Adjacent green space is currently a drug use area
- There are many hidden corners with sitting area might encourage antisocial behaviour
- It is a Playpark not a Park per se. and as such it should offer enjoyment, excitement and physical challenge using equipment to as many children in the community as possible.
- Lack of seating around each play area
- Please do not remove the beautiful mature trees. They provide much needed shelter in

hot weather, as experienced recently.

Hendon and District Archaeological Society - The site is at the heart of what was Finchley East End; there was one of the largest pig markets in the country. Pottery and other artefacts from the nineteenth century and earlier frequently turn up and what is proposed in this application (which the Society fully supports) is likely to find more. It would be desirable, therefore, for those undertaking the work to look out for and report anything they find of historic interest. The Society would happily visit the site during operations to look over anything that is found (it is unlikely, since the operations will be superficial, that there will be any structures). We ask for a condition requiring this to be attached to any approval granted, to put it on a secure footing.

5. Statutory Consultees

Green Spaces - The Greenspaces Team at Barnet Council have reviewed the proposals for Market Place Playground. Overall, it is supportive of the planning application and the aim of the project.

We have the following observations to make on the proposals:

- the Greenspaces Team is currently seeking quotes to repair and reinforce the retaining wall, which borders Park Road.
- in the design and construction of the playground, consideration should be given to the maintenance of the playground once it is installed. This applies to both the daily/weekly maintenance and the longer term maintenance. The Greenspaces Team have limited maintenance resources, so for example are not able to maintain sand within our current budgets. We are keen that robust equipment is installed from the start, that will last over ten years, and will withstand the urban environment, as we have very limited resources to replace any damaged equipment.

Environmental Health - No objection, subject to conditions

Trees - No objection, subject to conditions

Ecology - No objection, subject to conditions

Designing out crime team - No objection, comments included in the main report

Heritage- No objection

Highways - No objection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published in July 2021. This

is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan. 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. 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 to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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'.

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. 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 existing playground and green spaces and preserves and provides improved opportunities for play with the creation of an enhanced playground.

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 area, the street scene and the wider locality;
- Whether harm would be caused to the ecology of the site;
- Whether harm would be caused to trees;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Impact on safety and security
- Impact on Highways and Pedestrian safety

5.3 Assessment of proposals

Principle of development

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.

Policy S4 Play and informal recreation of London Plan (2021) states that, safe and stimulating play is essential for children and young people's mental and physical health. It further states that formal play provision should be free, well-designed, accessible, inclusive and stimulating, and should balance the need to be safe whilst also providing an element of risk, which is important for children's development. It goes on to mention that, play provision should be overlooked in some way to allow for a level of informal community supervision and generate a sense of safety and security. Integrating natural environments into play provision is encouraged, acknowledging the benefits to learning, and to help to support a green infrastructure network across the city. It recommends appropriate provision for different age groups, including older children and teenagers.

It states that, the needs of parents and carers should also be considered in the design of these spaces. Appropriate arrangements for management and maintenance of play and communal facilities should be provided.

The policy recommends incorporation of accessible routes for children and young people to existing play provision.

The applicant in the Design and Access statement mentions that, 'natural play' and focus on a 'landscape-led' concept has been utilised in the refurbishment of the existing playground. Play equipment and setting are considered mutually complimentary and enhance each other, and considered equally important in terms of the play value. The new playground would be a much greener space. The play equipment will form only one part of the play 'offer' as the landscape setting will also be playable, offering changes of level, scope for balancing, running and jumping, as well as hiding. This landscape-led approach will provide a far richer play environment than the standard approach. The refurbished playground will also function as a 'shared space' for people to sit and enjoy.

The layout incorporates four main zones, which are all connected by a wheelchair accessible path which winds its way through the site from north to south:

- The northern zone is a new open grassy space designed as a quieter area, with a relatively low level of activity, and the equipment will be limited to a few 'incidental' pieces accessed from the path.

- The central zone bordering Park Road will consist of sand play, for children of all ages. The sandy surface will provide its own fun along with the equipment which would include a 'building site' unit full of interactive elements, bespoke climbing timber, and an extra wide slide which can be used by a carer and child together.

- The central zone bordering the footpath will be a busier space with more activity of higher energy level. Swings will be located here alongside an informal mini performance area. A mounded space with trees and ground cover will create a 'secret' space with a trampoline inside.

- The southern zone is the existing grassy space, which would be kept as a quieter area, with seating, a playhouse and a bespoke timber entrance into the site.

The equipment will be of timber which has a strong tactile quality, and is warm and inviting to the touch and will be able to stand up to high levels of wear and tear. A drinking fountain is proposed so that children can use that at the site.

All play areas would cater for a wide range of ages and abilities, and this would include

opportunities for disabled children to play alongside, with no demarcation between equipment types.

The path will offer good access for wheelchair users and people with mobility issue as well as younger children. The entrances would be step free.

Policy GG3 Creating a healthy city of London Plan (2021) states that, "plan for improved access to and quality of green spaces, the provision of new green infrastructure, and spaces for play, recreation and sports." Access to green and open spaces, including waterways, can improve health, but access and quality varies widely across the city."

The proposed refurbishment of the existing playground seeks to introduce a variety of play equipment and facilities to serve the local community and improve the current facilities. The play equipment will cater for all ages. Integrating of natural environments into play provision would benefit the local community and would help to support a green infrastructure network across the city and would be policy compliant.

The proposal is considered to be in accordance with the aims of Local Plan and London Plan policies and will provide enhanced opportunities for the local community. Families living in surrounding block of flats and houses will benefit from the refurbished playground with improved green space and new play equipment and new landscaping which would contribute to the health and well being of the children of all ages and the local community.

Council's Green Space team has supported the proposal.

Therefore, the proposed development is considered to be acceptable in principle.

Impact on the character of the area

Policy D4 Delivering good design of London Plan (2021) states that, "The design quality of development should be retained through to completion."

Policy DM01 of Local Plan states that, "All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation."

The existing playground is sited to the north of site which includes play equipment and associated surfacing, which dates back many years and is in the need of refurbishment and replacement. The south side is grassed with mature trees along the boundary.

The refurbishment of the playground is considered to improve the appearance of the park and would contribute to the wider character of the area. The design has been evolved with consultation with the local community and taking into account of their requirements. Comments from the Metropolitan Police have been incorporated to amend the layout to make it more safe for the community.

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 seating. The proposal will allow for a quiet enjoyment of the open space away from the activity area. The proposal will provide new fencing and improved pedestrian path and entrance with guardrail to prevent children from running into the road.

New planting across the park and landscaping will further enhance the appearance of the

site. The proposal is 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 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 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.

The applicant mentioned that the planting will focus on 'butterfly and bee-friendly' planting, for pollinators, and will include native species to increase the biodiversity value of the site. It will include new trees to provide extra shade throughout the whole playground.

Council's Ecologist was consulted on the proposal. The Ecologist assessed the submitted documents and commented that, the Preliminary Ecological Appraisal (WPS, February 2023) and the PEA report determined that there would be no negative impact to nesting birds and bats in a manner that cannot be reasonable mitigated against. The Biodiversity Net Gain Report (WPS, March 2023) shows that the proposed scheme will result in biodiversity net gain (+25.53%) within the borough.

Based on the submitted information, the ecology team are satisfied that, subject to conditions on Biodiversity Net Gain Plan (30 years), Precautionary Method of Working and Provision of Species Enhancement Measures, the proposal would not have a harmful impact on the ecology and biodiversity of the site.

Impact on trees

British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Councils Arboriculturist was consulted on the proposal who provided following comments,

Any proposed detailed planting and seeding measures will need to be carefully considered and designed based on the findings and recommendations of an approved Biodiversity Net Gain calculation and assessment. Dependent on the recommendations of the required Ecological Assessment (EA) proposed species rich grassland and verges could consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies.

The loss of any trees and shrubs will need to be compensated with plantings of high biodiversity value and any proposed plantings should consist of berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam.

It is expected that provision of both species rich planting to compensate the loss of individual trees and shrubs, and the inclusion of species enhancement measures will be sufficient to provide a net benefit to biodiversity.

The applicant provided planting specification which is considered satisfactory. The proposal includes removal of a Chestnut tree. Councils Arboriculturist has no objection to the removal of the trees as the loss would be mitigated through provision of replacement new trees on the site.

The arboriculturist has no objection to the proposal.

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 playground is a long-standing area of open space that has been enjoyed by residents for many years. It is noted that existing play area is sited on the northern part and grassed area is sited on the south side of the site. Residential properties on the west are separated by a footpath and residential properties on the east are separated by Park Road. The play equipment would be sited in the northern part of the site as existing and not considered to generate any additional noise for the neighbouring residential occupiers.

The Councils Environmental Health team have reviewed the proposal and do not consider that the upgrade to the playground would lead to undue noise and disturbance to the surrounding residential occupiers that would be likely to result in a nuisance to residents. The officer recommended a condition requiring submission of a construction method statement. Subject to condition the proposal is considered not to have any detrimental impact on neighbouring amenities.

Security and safety

Policy D11 of London Plan states that, "Boroughs should work with their local Metropolitan Police Service 'Design Out Crime' officers and planning teams,----- for their area to support provision of necessary infrastructure to maintain a safe and secure environment and reduce the fear of crime."

Policy DM01 of Local Plan further states that, "Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime."

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

In consultation with the Metropolitan Police Designing Out Crime officer, the proposal has been amended to take account of their recommendation.

The Designing Out Crime officer mentioned regarding the original submission that, the foliage can create an area of potential concealment around benches, allowing a perpetrator to conceal/shield any illegitimate behaviour. The officer recommended that either the benches or the foliage is moved or reduced in depth to help to protect these benches from potential misuse. Subsequently the applicant in the amended plan moved the circled bench further away from the planting.

The Designing Out Crime officer further mentioned that, foliage such as shrubs and bushes should be no taller than 1m as anything taller can help to create areas of concealment and reduce levels of natural surveillance to other park users and nearby properties. Where trees are concerned, their canopies should be no lower than approximately 2.5m, as anything below this can obstruct lines of sight, natural surveillance and can obscure light sources. Upon receiving the comment the applicant amended the proposal by reducing the number of plants taller than 1m and taller plants are sensitively located to maximise visibility. The applicant specified selected standard trees with a clear stem of approximately 2m to allow a high level of visibility.

It is noted that the close proximity of residential properties and footpath is a very positive feature of this site and anti-social activity on the site would be discouraged by direct visibility of the site from the residential properties and the footpath.

In assessing the application, it has been determined that the proposals will have a number of physical and mental wellbeing benefits for the community. The proposal accords with the aims and objectives of the London Plan (2021) that recognises the importance of outdoor space for residents' wellbeing. Taking the benefits, the upgrade of the playground 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.

Overall, in weighing up the planning balance, it is considered that significant public benefits resulting from the upgrade of the playground including improved play facilities; improved green area with planting and landscaping and seating facilities, careful consideration of the 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 fear of crime has been mitigated to an appropriate degree.

Highways and Pedestrian Safety

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Councils Highway officer was consulted on the proposal. Highway officers requested that

the internal paths to be minimum of 2m wide. The applicant subsequently amended the path to 2m wide near the entrances and informed that wider path along the entire length of the park will appear disproportionate compared to the width of the site.

Highway officers requested that cycle parking at the entrance to be moved further away to reduce potential risks between pedestrians and cyclists. The applicant subsequently amended the layout by widening the section of the path near entrance to reduce conflict with pedestrians.

The officer requested a construction method statement, which is addressed by attached condition.

Subject to the condition the proposal is considered not to have any detrimental impact on Highway and Pedestrian safety.

Summary of assessment

In assessing the application the proposal has been considered against adopted policies and the key benefits of the proposal such as renovation of existing playground which is dated and provision of new and improved play facilities, provision of accessible path through the playground and provision of play and recreation opportunities in an improved landscaped environment.

The concerns from few residents regarding the numbers and types of equipment provided, have been carefully considered and it is noted that the concept of 'natural play' and focus on a 'landscape-led' concept has been utilized in the layout and the renovated playground would not only provide play equipment but the natural setting and landscape would also be part of play provision, as London Plan (2021) encourages integrating of natural environments into play provision.

The concerns regarding potential increase in crime and anti-social behaviour have been carefully considered and through discussion with the designing out crime officer the vulnerability has been mitigated with the provision of effective planting.

Officers worked with the Police to agree mitigations that will help to discourage anti-social behaviour whilst at the same time not detrimentally impacting on the improvements proposed.

The proposals will comply with the London Plan 2021, the scheme is noted to create improved opportunities for play and recreation to the betterment of physical and mental health of the community. On this basis approval is recommended.

5.4 Response to Public Consultation

The renovated playground would not only provide play equipment, but the natural setting and landscape would also be part of play provision.

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 trees team have reviewed the submitted information and consider the proposals to be

satisfactory and appropriate. Loss of 4 trees would be mitigated by replacement with new trees on site.

In relation to archaeology, the site is not in an area of Special Archaeological Interest, although it is close to one. An informative is suggested to advise those working on site to notify the society if any potential finds are located.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

D5 of London Plan states that,

Development proposal should achieve the highest standards of accessible and inclusive design. They should:

- 1) be designed taking into account London's diverse population
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
- 4) be able to be entered, used and exited safely, easily and with dignity for all

Policy D3 of Local Plan further states that, "Development proposals should meet the highest standards of accessible and inclusive design."

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 proposal is 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 and paths to the playground have been designed considering the need to provide safe and convenient pathways for those using mobility aids and pushchairs and those with limited mobility.

All play areas would cater for a wide range of ages and abilities, and this would include opportunities for disabled children to play alongside, with no demarcation between equipment types.

The proposal has a range of opportunities for the enjoyment of the space, including enjoyment of the natural landscape and opportunities for play, recreation, socialising. Overall, the proposal is considered to provide a safe and inclusive environment for all users.

7. Conclusion

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



Scale 1:1250