

LOCATION: Land North Of Charcot Road, Colindale

REFERENCE: 15/01661/FUL **Registered:** 16 March 2015
Expiry date: 25 October 2016

WARD: Colindale

APPLICANT: Fairview New Homes (Colindale) Ltd

PROPOSAL: Erection of a footbridge linking Charcot Road to Montrose Playing Fields, including all enabling works.

Background

This application proposes 'the erection of a footbridge linking Charcot Road to Montrose Playing Fields, including all enabling works.'

The requirement for the footbridge is a planning obligation contained within the S106 agreement pursuant to the planning consent for the Former Colindale Hospital site currently referred to as The Pulse Phase 1 (H/00342/09 dated 20 Nov 2009).

The application for this bridge was recently APPROVED subject to planning conditions at the Planning Committee on 24 November 2016. However, the Legal Officer advised that Condition 6 attached to the planning approval was not relevant as a Section 38 / 278 requirement pursuant to the Highways Act 1980 cannot be controlled with a planning condition.

The terms of Condition 6 stated:

'No development shall commence without first obtaining detailed technical approval from the Local Highway Authority in pursuance to Section 38/278 of the Highways Act 1980. The development shall be implemented in accordance with such details as approved including its future maintenance of the footpath/cyclepath and in accordance with the covenants within the existing Section 106 for the Montrose Park Access Works. The approved works shall be completed at the applicant's expense under Section 38/278 of the Highways Act.'

Further to the above, the reason for recommending the above condition was to ensure that the applicant would submit an application under Section 38/278 to the Highway Act 1980, before the bridge was offered for adoption, to ensure the detailed design for the bridge would meet the Local Highway Authority's requirements.

Notwithstanding the above, it is now clear that the legal framework relating to the

application of planning conditions to development proposals do not allow for Section 38/278 Agreements to be included as a condition under a planning permission therefore Condition 6 above is **not** applicable.

Furthermore, after reviewing the planning obligation attached to the original section 106 for the Colindale Hospital Site, it has been established that there is no requirement within it for the proposed bridge to be formerly adopted under a Section 38/278 Agreement albeit that the council is to maintain the bridge following its completion.

This report therefore seeks the removal of the previously approved Condition 6 and its replacement with an Informative:

Informative 7: *The applicant is reminded that details, specifications and materials for the footbridge need to be submitted to and agreed in writing by the Council's Parks Department prior to any works commencing on site. This is highlighted for the avoidance of doubt, as the proposed development is to be offered for adoption to the Local Authority.*

It is therefore recommended that the above application is approved subject to the following conditions as amended. The original report is included as Appendix A and associated addendum as Appendix B.

RECOMMENDATION: Approve Subject to Conditions

COMMENCEMENT

1. This development must be commenced within two years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

PLANS OF THE DEVELOPEMNT

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

1016-100 Rev P1 – Location Plan

NTS – Site Plan Colindale bridge red line

D124074-ML-150-001 Rev F – General Arrangement & land ownership

D124074-ML-150-002-B – Proposed Longitudinal Sections

D124074-ML-1100-001 Rev F – Proposed pavement and kerb construction
Planning Statement dated 18 October 2016
Data Sheet - Steel Beams and Parapet Bridge by CTS Bridges
MCA2514/01A – Tree Survey & Impact Assessment & Tree Protection
Method Statement
D124074 - Montrose Park Access Flood Risk Briefing Memo by AECOM
dated 1 October 2016
D124074-ML-2600-001 Rev B - bridge elevations

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

MATERIALS

3. Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Ground works and Site Preparation Works) unless and until details and appropriately sized samples of the materials and architectural features to be used for the proposed bridge (including supporting/retaining structures) and all hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in full accordance with such details and samples as so approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

SITE LEVELS

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed bridge, footpath/cycleway, and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with such details as so approved.

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 amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

WATER AND DRAINAGE

5. No development work in relation to the proposed culvert shall commence without first obtaining Watercourse Consent from the Lead Local Flood Authority in pursuance to the Flood and Water Management Act 2010.

Reason: To protect the waterway in accordance with LB Barnet Policies CS13 and DM04.

LIGHTING

6. No development (other than ground works, site preparation) shall commence before a full Lighting Design submission has been submitted to and approved in writing by the Local Planning Authority. The detailed Lighting Design submission shall include but not be limited to the following:

- Risk Assessment assessing the particular risks associated with the proposed bridge and path including footfall;
- Design details including philosophy, reasons and targeted achievements dealing with expectations, controls, light pollution and spillage, lighting category to be lit to;
- Adopted and non-adopted lighting identified, hours of operation of units, as well as full details of all lighting equipment including images full technical specifications for each luminaire;
- Isolux diagrams of the report to be overlaid with the parking areas, public areas and the surrounding houses and roads, intrusive light calculations to nearby properties to be incorporated, and all external lights to be included if they affect the design area.
- Proposed Street Lighting Plan

All illuminating design to be adopted should be in accordance of current British Standards BS 5489 using ILP guidelines, meet the Council's Developer specifications, be LED based and complete with the Harvard CMS system.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and policy 7.13 and 5.3 of the London Plan.

LANDSCAPING

Tree Protection and Method Statement

7. The Tree Method Statement and Tree Protection Plan (MCA2514/01A) hereby approved shall be fully implemented and strictly adhered to for the duration of the development. No site works (including any temporary enabling works and site clearance) or development shall take place until temporary tree protection has been erected around the 'Work Zone Corridor-Tree Protection Fencing' boundary as shown in drawing MCA2514/01A hereby approved. 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Tree Replacement Strategy

8. Prior to completion of the development hereby approved, details of the tree replacement strategy shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include measures to ensure replacement of felled trees is achieved at appropriate planting sizes and densities in accordance with both the landscaping details approved within the site boundaries (Condition 10) and the Council's Green Spaces landscape objectives at Montrose Playing Fields. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

Soft landscaping

9. Notwithstanding the plans hereby approved a scheme of soft landscaping including details of existing trees to be retained, tree works and the size, species, planting heights, densities and positions of any proposed soft landscaping within the site boundaries of this application including new footway embankments and Tree Protection Zone hereby approved - and in accordance with the Council Green Spaces Department's requirements. Details shall be submitted to and agreed in writing by the Local Planning Authority prior to the completion the development hereby permitted.

Reason: To safeguard the health of existing trees which represent an amenity feature and to ensure a satisfactory appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02 and DM16 of the Barnet Local Plan and policies 3.6, 7.19 and 7.21 of the London Plan.

10. All work comprised in the approved scheme of soft landscaping shall be carried out before the end of the first planting and seeding season following completion of the construction of this approved development.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

11. Any trees, hedges and shrubs 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, shrubs or other planting of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

12. a) No tree felling or pruning works shall commence outside the 'Work Zone Corridor – Tree Protection Fence' indicated in drawing MCA2514/01A until a detailed Tree Replacement Strategy and landscape scheme in accordance with Condition 9 and 10 have been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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 2015.

CONSTRUCTION METHOD STATEMENT

13. a) No development or site works shall take place on site until a 'Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety 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 April 2013) and Policy 5.21 of the London Plan (2015).

Informatives:

1. Applicant is advised that any development within 8m of the watercourse may also require consent for works from the Environment Agency under the Water Resources Act 1991 and the Thames Land Drainage Byelaws 1981. For further information the applicant should contact a Flood Risk Officer on 01707632419.
2. Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
3. The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.
4. For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
5. Applicant is advised that no development work of the development hereby approved commences without first obtaining prescriptive right from the Council's Green Team to get access to such land to build.
6. Applicant is advised that the developer responsible to use Bouygues Energies & Services for lighting design & build as they are the Council's service provider and have the Council's required specifications for build, and who will ensure any lighting installation meets the Authority's required standards in all respects. If Bouygues Energies & Services are involved with the design, specification and installation of the project's lighting requirements, this will avoid the need for lengthy, and possibly costly, post-installation discussions regarding handover/adoption of the proposed lighting to our inventory. For further information the applicant should contact Bouygues Energies & Services on bls@bouygues-es.co.uk contact number on: 0800 032 6788.
7. The applicant is reminded that details, specifications and materials for the footbridge need to be submitted to and agreed in writing by the Council's Parks Department prior to any works commencing on site. This is highlighted for the avoidance of doubt, as the proposed development is to be offered for adoption to the Local Authority.