

APPENDIX A - Report considered by the Planning Committee - 24 November 2016

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.

APPLICATION SUMMARY

The application proposes 'the erection of a footbridge linking Charcot Road to Montrose Playing Fields, including all enabling works.' The provision of the footbridge is a planning obligation contained within the S106 agreement pursuant to the planning consent for the Former Colindale Hospital site currently referred as The Pulse Phase 1 (H/00342/09 dated 20 Nov 2009).

The proposed bridge and extended paths at each end will create a non-motorised user route that will enable pedestrians and cyclists to travel between the new residential development on the former Colindale Hospital site (referred to as The Pulse) and the existing Montrose Playing Fields.

The route extends north of Charcot Road across the Tramway Ditch and its tributary and a new bridge and culvert are proposed to enable the flow within these watercourses to be maintained. The bridge will provide 300mm vertical clearance between soffit of the structure and the bank to ensure floodwater and debris flow below the bridge during events with return period of up to 1 in 100 years. Open handrails are also proposed to allow structure to be submerged in the event that floodwater is not contained within bank to ensure that the bridge will not obstruct flood flows during events with a return period of greater than 1 in 100 years.

To the south of the proposed footbridge, works include the removal of vegetation and the construction of a new 3m wide shared non-motorised footway / cycleway to tie in with the footbridge, and to be supported on a low height embankment to enable the maximum longitudinal gradient to be constrained to 3%.

To the north of the proposed footbridge, works include the horizontal and vertical realignment of an existing 1.5m wide footway on Montrose Playing Fields to tie in with proposed bridge. The longitudinal gradient along this realigned footway is also proposed to be restricted to 3% on either side of the bridge to enable pedestrians to use the proposed route.

External lighting columns are proposed to link to existing lighting network. Materials proposed are steel for the bridge with steel beams and deck with non-slip surface.

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Following the installation of the proposed user route this will be offered for adoption to LBB.

A number of conditions have been recommended to ensure that the development achieves a suitable quality of access route, does not cause any unacceptable harm to the amenities of neighbouring occupiers or biodiversity, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal, such as tree removal or surface water flood risk.

All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, the application is recommended for APPROVAL subject to conditions.

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
D124074-ML-1300-001 Rev F – Proposed Street Lighting
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

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:

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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.

HIGHWAYS

6. 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.

Reason: To ensure the safe form of access to the development to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy

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(Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012, and Section 38/278 of the Highways Act 1980.

LIGHTING

7. 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.

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

8. 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

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CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Tree Replacement Strategy

9. 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

10. 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.

11. 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.

12. 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

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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.

13. 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

Construction Method Statement

14. 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:

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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.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy, Development Management Policies, and Colindale Area Action Plan development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012. The Colindale Area Action Plan document was adopted by the Council in March 2010.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

Officers have considered the development proposals very carefully against the relevant policy criteria and have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions recommended. The proposed development is therefore considered to comply with the requirements of the development plan.

The London Plan

The London Plan (2015) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8

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(Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); 3.16 (Protection and Enhancement of Social Infrastructure); 3.17 (Health and Social Care Facilities); and 3.18 (Education Facilities)

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.4 (Managing Industrial Land and Premises); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector); 4.10 (Support New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.4 (Retrofitting); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Cross rail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19

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(Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

Colindale Area Action Plan (Adopted 2010):

The Council has prepared an Area Action Plan for Colindale which was adopted in March 2010. This provides a planning policy and design framework to guide and inform the development and regeneration of the area up to 2021 in response to the London Plan's Opportunity Area designation.

The AAP contains guidance on sustainable development and identifies a number of key infrastructure improvements needed to support the delivery of growth in Colindale. It identifies four character areas, the 'Corridors of Change', which identify specific development sites and set specific policy objectives to be achieved from redevelopment.

The site falls within the Colindale AAP area and is identified as a route that forms part of the core route for pedestrians and cycles to improve permeability across Colindale.

The adopted Colindale AAP forms a material consideration, under Section 38(6) of the Planning and Compensation Act 2004, in the determination of any planning applications for sites within the AAP area.

Objective 5 of the CAAP is to identify new and improved routes and connections to increase permeability in Colindale. Policy 3.1 Improving Connectivity in Colindale states that development within Colindale will be based on a network of new and improved streets linking development to the wider area and increasing connectivity and permeability within Colindale, creating direct and safe links for walking, cycling and public transport.

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

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CS6 Promoting Barnet's Town Centres
CS7 (Enhancing and protecting Barnet's open spaces)
CS8 (Promoting a strong and prosperous Barnet)
CS9 (Providing safe, effective and efficient travel)
CS10 (Enabling inclusive and integrated community facilities and uses)
CS11 (Improving health and well being in Barnet)
CS12 (Making Barnet a safer place)
CS13 (Ensuring the efficient use of natural resources)
CS14 (Dealing with our waste)
CS15 (Delivering the Core Strategy)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)
DM02 (Development standards)
DM03 (Accessibility and inclusive design)
DM04 (Environmental considerations for development)
DM05 (Tall Buildings)
DM06 (Barnet's Heritage and Conservation)
DM08 (Ensuring a variety of sizes of new homes to meet housing need)
DM10 (Affordable housing contributions)
DM11 (Development principles for Barnet's town centres)
DM13 (Community and education uses)
DM14 (New and existing employment space)
DM15 (Green belt and open spaces)
DM16 (Biodiversity)
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents:

Sustainable Design and Construction (April 2013)
Residential Design Guidance (April 2013)
Planning Obligations (April 2013)
Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)
Sustainable Design and Construction (May 2006)
Health Issues in Planning (June 2007)
Wheelchair Accessible Housing (September 2007)
Planning for Equality and Diversity in London (October 2007)
All London Green Grid (March 2012)
Land for Industry and Transport (September 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
Housing (November 2012)

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National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations. The applicant has agreed the obligations set out in Recommendation 1.

1.2 Relevant Planning History

H/04098/14

A proposal for the "Erection of a footbridge linking Charcot Road to Montrose Park including alterations to ground levels." was received by the Council on 29 July 2014. This application was withdrawn by applicant on 17 September 2014.

H/00342/09 (Redevelopment referred as The Pulse, Phase 1)

Site Address: Colindale Hospital, Colindale Avenue, London, NW9 5HG

Planning permission granted by decision notice dated 20 Nov 2009 for the 'Redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping.'

H/04541/11 (Redevelopment referred as The Pulse, Phase 2)

Site Address: Land At The Rear Of The Former Colindale Hospital Site Comprising Former NHSBT Expansion Site, Birch Court, Willow Court And Elysian House, Colindale Avenue, London NW9 5DZ.

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Planning permission granted by decision notice dated 29 March 2012 for the 'Demolition of existing buildings and construction of 240 flats within three separate blocks ranging from four to seven storeys in height, together with associated car parking, landscaped public and private open space and new public square.'

1.3 Public Consultations and Views Expressed

Public Consultation

To publicise this application letters were sent to 239 addresses in April 2015.

Number of Responses from Residents

3 responses were received from residents. One of the respondents have requested to speak at committee. All three of the responses received were in support of the proposal.

Statements of Support

- 1) It is a highly needed connection to the park.
- 2) It will allow for easy access between the residential site and the playing fields.
- 3) It will improve access to people of all ages.

Comments

- 1) Seating, covered bins and signage should be installed on the park side of the bridge. Litter is a problem all over the park, signage about same and an allotted time monthly for users to help clean-up is recommended. Hopes for footbridge to lead to improved amenities with help of all the families who will use it and who would need some help to get it organised.

Consultation Responses from Statutory Consultees and Other Bodies:

Environment Agency:

The Environment Agency has confirmed that they have no objection to the above proposal under letter reference NE/2015/122830/01-L01 dated 3 June 2015. The EA state that drawing D124074-ML-150-001 Rev D demonstrates that a minimum of 300mm clearance for the soffit of the bridge from the top of the bank to allow for flood water and debris to flow without obstruction has been achieved with the proposal. The EA also note that 'any development within 8m of the watercourse may also require consent for works 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 01707 632419.' An informative advising consent for such works from the Environment Agency is therefore recommended.

Internal Consultation responses

Transport and Regeneration Team:

Have no objections or significant comments on this application. The works already forms part of the original scheme and has previously been agreed under the Section 106 Agreement as part of the covenants for its construction to be undertaken. As the bridge will be offered for adoption applicant is advised to make an application directly to the Council under the Section 38 (or Section 278) of the Highways Act.

Drainage Team:

The Council's drainage officers have reviewed the Flood Risk Assessment for the Montrose Park Sites (former Colindale Hospital Site, Phase II) prepared by URS Scott Wilson dated October 2011. Officer noted that this primarily referred to the area of the residential development southeast of the proposed footbridge without identifying risks associated with the proposed structure. Also, it did not make reference to the Environment Agency consultation response and any associated requirements specified regarding the structure.

The Council's drainage officers therefore requested the applicant to provide additional information in the form of a Flood Risk Memo to provide enough detail in relation to the proposed structure over the Main River and the culvert, and how flood risk has been considered in the design of these structures. It was requested that the Memo included the plans associated with the bridge, details regarding the Adopting Body(ies) for the structures, proposed maintenance regimes to mitigate flood risk and provide details on how surface water drainage shall be managed from the bridge over ditch (main river), footpath and culvert within ditch tributary.

The Applicant subsequently submitted a Montrose Park Access Flood Risk Briefing Memo Ref. D124074 by AECOM dated 1 October 2016 which provided all the additional information requested, which are detailed under the planning consideration section of this report. The applicant also specified that the path, bridge and culvert are all being offered up to Barnet Council for adoption upon completion of installation. The submitted memo also incorporates operation and maintenance recommendations for the Council

Having reviewed the additional details in the Flood Risk Memo mentioned above, drainage officers considered this appropriate without requiring any further SUDS for the size of this area. Officers confirmed no objections to the development and find the proposal to be acceptable.

Green Spaces Team:

The Council's Green Spaces team asked the applicant to provide justification for the proposed handrails over the wing walls.. The Applicant has advised that these handrails (as well as those proposed along the span of bridge) are

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intended to reduce the likelihood of pedestrians or cyclists from falling into the Tramway Ditch, as a significant number of non-motorised users are anticipated. Whilst the illumination is proposed to reduce the likelihood of deviation, if handrails were not provided there is a risk that pedestrians and cyclists would be injured by falling into the watercourse from an approximate 1 meter height from the deck and the top of the banks of the ditch. Officers were satisfied with this response and considered this element acceptable.

Green Spaces also asked the applicant to confirm why the proposed realignment of the existing footpath on Montrose Playing Fields is required and to consider the initial design work for the 'Montrose-Silkstream Masterplan'. The Applicant has confirmed that due to a 2.5meter level difference between the Montrose Park Square and the existing footpath on Montrose Playing Fields, the need to provide an accessible longitudinal gradient for a non-motorised route, and the need to provide a 300mm vertical clearance between the soffit of the structure and the bank. Due to all of these constraints it is required that both a horizontal and vertical realignment of the existing footpath on Montrose Playing Fields is made in order for this to tie in with the proposed bridge and provide an engineering solution for an accessible bridge from both ends. Officers were satisfied with this response and considered this element acceptable.

Officers were also supportive of shrub clearance through this corridor to increase visibility and space with some management aspects taken into account, and with preference given to removal of scrub over trees.

Officers also confirmed metal is the material preferred for the bridge in terms of providing a durable structure and that also facilitates maintenance, and therefore finds this aspect of the proposal acceptable.

Green Spaces officers have no objections to the proposal subject to the detailed design of the proposed footbridge and tree mitigation proposal that is aligned to the Council's Masterplan vision for this space.

Tree Team:

The Council's Tree officer has reviewed the submitted Tree Survey & Impact Assessment, and a Tree Protection Method Statement (ref MCA2514/01A).

The tree officer has assessed the value and number of trees affected by this development, the suitability of the affected trees to the location, wildlife habitat implications, the impact on the integrity of the wooded strip and general screening benefits.

The proposed footway involves an area of raised ground over the wet woodland and a small bridge over a drainage ditch that has a very small flow level. This will require the loss of 27 trees. Most of these trees are small species such as hawthorn and blackthorn. One Category B Oak tree identified as T6 will be required to be removed due to the raised soils within the RPA.

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The alignment of the raised footpath on the residential side has been designed to avoid the T10 Oak, and raised soil levels are proposed only over a small section this tree. This has been carefully reviewed and is considered acceptable.

The loss of trees will have detrimental impact on visual amenity that can be offset in the long term with additional tree planting at the ends of the access path. The loss of trees will initially expose the newly developed buildings to the park which are currently screened very effectively. New planting should take place on the embankments to offset the loss of trees for the access path.

The provision of native tree/shrub planting on the embankments to offset tree loss, such as an avenue of oak trees (*Quercus robur*) planted at the base of the footpath slope, is recommended. This would ensure that the trees do not interfere with daily use but will provide long term high quality visual tree amenity and ecological value. Twenty extra heavy standard trees measuring 14/16cm in girth are proposed to be planted with 10 trees either side of the path. These trees are required to be maintained until established and subsequently allowed to grow to maturity. A condition requiring a tree planting plan is recommended to ensure that the proposed planting is carried out to the Local Authorities satisfaction.

In relation to wildlife implications, the woodland strip is an important green corridor stretching from the railway embankment around the park joining with Silk Stream, a main river that runs through the park. Notwithstanding this the Council's arboricultural officer has confirmed there is a low risk that the development through the woodland will disrupt the movement of animals and plants along this wooded strip.

In conclusion the submitted tree method statement and tree protection plan is considered acceptable and is recommended to be fully implemented and strictly adhered to for the duration of the development.

Street Lighting Team:

The Council's Street Lighting Officers have reviewed this application and confirmed the footpath would need to be risk assessed to assess the particular risks associated with the proposed path, including footfall, and a full lighting design will need to be submitted showing what lighting category the path is to be lit to. All adopted lanterns would need to be LED type to Barnet specifications with Harvard CMS system, in line with the rest of the borough using specified materials outlined in the Council's developer's specifications. All adopted lanterns would also need to be connected to the Council's central management system. All designs should be in accordance of current British Standards BS 5489 using ILP guidelines.

Officers urge the developer responsible to use Bouygues Energies & Services for design & build as they are the Council's service provider and are familiar with the Council's required specifications for build, and who will ensure any

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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 the Council's inventory.

The lighting Design submission must detail philosophy, reasons and targeted achievements dealing with expectations, controls, light pollution and spillage. Without which the Council cannot judge the impact of the lighting on the surrounding area. The Council does not expect more than 3 lux to escape the site boundary when using a horizontal measurement (plan diagram). The Council's Street Lighting Team will require details on all the equipment used, specific lamps, luminaires and columns with images. For each luminaire full technical specifications such as glare ratings, wattage, colour rating and e-class proposed will be required. The Council requires to know what light levels have been chosen and why, which guidelines used to arrive at the chosen level and how they applied the guidelines.

The lighting design submission will also need to specify when the units be used and for how long. The Council requires the isolux diagrams of the report to be overlaid with the parking areas, public areas and the surrounding houses and roads showing as a minimum 3, 5 and 10 lux lines. Additional information is required in relation to the linking points where the footbridge leads into the park to ensure that the lighting is integrated into surrounding infrastructure. In the case of lighting near residential properties it is required that vertical illuminance calculations across the backs of all the properties are taken at 10 to 20 metre intervals – it is necessary to see the highest and average point on the surrounding properties at 2m and 4m heights and everything above 10 lux. It is also required that intrusive light calculations are carried out in relation to nearby properties.

All of the external lights, whatever they are, whoever they belong to and wherever they are, need to be included if they affect the design area. As far as neighbouring residents are concerned any additional or changed lighting will have an effect on nearby houses. To be acceptable it must be shown the design does not add to sky glow, lighting nuisance or intrusive light trespass. Applicant must demonstrate that light can be controlled to limit spillage.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The application site adjoins Montrose Playing Fields to the northwest, allotments gardens on Montrose Playing Fields to the northeast, residential redevelopment. The Pulse Phase II (Land At The Rear Of The Former Colindale Hospital Site) to the southeast, and the southern woodland edge on Montrose Playing Fields to the southwest.

The area southeast of the site is predominantly residential, whilst to the northeast of the site is located Montrose Playing Fields with Silkstream Park located further to the north.

The footbridge structure is proposed to be constructed over the Tramway Ditch on Montrose Playing Fields. This ditch is classified as a Main River by the Environment Agency. An existing tributary of this ditch is located to the south of it, and a culvert is proposed as part of the footpath that would link to the residential side.

The former Colindale Hospital site to the south is subject to a blanket Tree Preservation Order. However, the proposed link crosses land outside the Colindale Hospital site boundary and therefore this particular TPO blanket does not apply.

2.2 Description of the Proposed Development

The proposed bridge and associated paths will have three main parts to it:

Footway /cycleway between Montrose Park Square and Tramway Ditch:

A 3 meter wide footway/cycleway extending approximately 40 meters from the existing S38 footpath/Montrose Park Square, through the existing woodland edge, to tie in to the southern end of the proposed footbridge over the Tramway Ditch. The shared footway/cycleway will be supported on an approximately 1.5 meter height embankment with 1:3 side slope. The longitudinal gradient of this non-motorised user route will be constrained to 3%. The alignment of this section has been amended to protect existing Oak tree T9. On the southern end where the proposed footway/cycleway meets the existing S38 footpath/Montrose Park, a culvert through the proposed embankment is also proposed for an existing tributary of the Tramway Ditch that would allow the flow within these watercourses to be maintained.

The proposed surface treatment materials consist of asphalt and precast concrete edging to the retained footway against embankment along each of its sides.

Bridge:

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A 3 meter wide steel beam bridge with a 10 meter span is proposed over the existing Tramway Ditch. The bridge deck is proposed to sit flat and raised approximately 1 meter from the top of the existing banks of the ditch with a steel deck surface and non-slip overlay. A 1.4 meter high open handrail is proposed on each side of the bridge along its 10 meter span to allow the structure to be submerged in the event of a flood. An abutment with retaining wing walls is proposed on both ends of the bridge, set back approximately 3 meters from the start and top of the bank at each side of the ditch with 1.4meter high open pedestrian guardrails as protection over the wing walls on both ends of bridge.

In relation to materials, the bridge and deck surfaces will be constructed out of steel with non-slip overlay, steel handrails. Materials for the wing walls and abutment have not been specified and as such details of these will need to be secured by condition.

Realignment of existing footway on Montrose Playing Fields:

Existing 1.5 meter wide footway of 100 meters in length along the southern edge of Montrose Playing Fields to be horizontally and vertically realigned to tie in with the proposed footbridge over the Tramway Ditch. Vertical realignment will be achieved by a low height embankment raised by approximately 1 meter at its highest point, and with a 1:3 side slope. The longitudinal gradient will be constrained to 3% on either side of the bridge to enable pedestrians to use the proposed route.

The proposed surface treatment materials consist of asphalt and precast concrete edging to the retained footway along each of its sides and where it ties in with footbridge.

The development is proposed to be brought forward in three stages:

1. Enabling works requiring tree removal by qualified tree surgeon as per proposed plans and tree protection for remaining trees, and the vertical realignment of the land as proposed in this application.
2. Construction works to include the manufacture and installation of the bridge and path. Detail design is anticipated to be split between enabling and construction works.
3. Following installation, the path and bridge will be offered for adoption and hand over to LBB.

3. PLANNING CONSIDERATIONS

BACKGROUND TO THIS APPLICATION

The Colindale Area Action Plan (CAAP) was adopted by the Council in March 2010. Policy 3.2 (Walking and Cycling) of the CAAP identifies the creation of a new pedestrian and cycling route from the Colindale Hospital Site to Montrose Park. The CAAP seeks to create a series of high quality pedestrian and cycle routes throughout the CAAP area linking open spaces, local centres, sports facilities and the public transport interchange in accordance with a core walking/cycle network where high quality pedestrian facilities will be developed and associated key junctions, linking areas and key destinations. The site is a new pedestrian/cycle access route between the former Colindale Hospital site and Montrose Playing Fields, intended to improve access to the Fields from Colindale Avenue, and as such forms part of Colindale's core walking/cycle network as identified on Figure 3.5 and 3.6 of the adopted CAAP.

Subsequent to the adoption of the CAAP, planning permission was granted by decision notice dated 20 Nov 2009 under planning application H/00342/09, for the redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping. This redevelopment is referred to as The Pulse, Phase 1.

The Section 106 pursuant to this approval included the following requirement for 'Montrose Park Access Works'. These are defined in the agreement as: *'Montrose Park Access Works means works to improve and extend the existing footpath and provide for a new cycle/foot bridge between the Land and Montrose Park as indicated on Plan 5.'*

Schedule 2 of the agreement (Owner's Covenants in relation to Open Space Measures) specifies that the development

'Not to Occupy the 520th Residential Unit until the Owner has carried out and Completed the Montrose Park Access Works at its own cost not exceeding the aggregate the sum of £80,000 (including fees, expenses and value added tax and an appropriate commuted sum to be used for the future maintenance of the cycle/footbridge), subject to: a) the Owner and the Council agreeing the details and specifications of the Montrose Access Works; b) the grant of all Requisite Consents for the implementation of the Montrose Park Access Works as soon as reasonable practicable; c) the Council authorising and granting a licence to the Owner as soon as reasonable practicable to enable the Owner to carry out the Montrose Park Access Works on behalf of the Council.'

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In summary, the proposed access route forms part of the Council's core walking/cycling network for Colindale Area as established in Policy 3.2 of the CAAP, and complies with the subsequent planning obligations within the S106 agreement established with the planning consent for The Pulse Phase 1 (H/00342/09 dated 20 Nov 2009). As a result of the above the London Borough of Barnet is committed support such development ,subject to details being in accordance with the Local Development Plan.

3.1 Principle of development

The principle of creating an access route for pedestrians and cycles between Montrose Playing Fields and former Colindale Hospital site is established in Policy 3.1 Improving Connectivity in Colindale and Policy 3.2 Walking and Cycling of the CAAP and the associated core pedestrian/cycle network identified in Figure 3.5 and 3.6. It is also established in the subsequent planning obligations pursuant to planning permission for residential development The Pulse Phase 1 (H/00342/09 20 Nov 2009). The agreed Montrose Park Access Works required as part of the residential scheme are considered to be a key element of the consent as it provides an essential access route for future residents into the Montrose Playing Fields, along with providing a key gateway into the wider existing area connecting with Colindale Station and Colindale Avenue to the south; Montrose Avenue, Silkstream Park, Burnt Oak tube station to the north, Edgware Road to the west, and Booth Road to the east over the railway line.

The proposed use of the site to improve and extend the existing informal connection would formalise the access use of the land, providing new access infrastructure and facilities for pedestrians and cycles. The proposal would replace an informal connection with a desire line through dense vegetation and corrugated steel sheets in the ditch that currently allow crossing, with a new purpose built bridge for cycles and pedestrians complying with safe and accessible standards of access. The use of this land for such purposes is encouraged by policies 6.9 and 6.10 of The London Plan and the provisions of the Mayor's Sustainable Design and Construction SPG.

Overall the proposal is considered to accord with national, regional and local planning policy which seek accessibility and inclusive design and therefore the principle of the development on this site is acceptable.

3.2 Design, appearance and character matters:

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character,

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design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The bridge is proposed to be of steel with steel beams with a non-slip surface, and a data sheet by CTS Bridges has been provided showing reference images, the content of which is considered satisfactory. This aspect of the design approach and layout is welcomed as it provides a robust and solid durable structure that conforms with the natural requirements of a floodplain and open space maintenance requirements confirmed by the Council's Green Spaces Team.

Notwithstanding the information submitted, full design details and materials of the proposed structure and their integration with the rest of the site have not been provided with this application. A condition to require this and that also considers the Council's current landscape design plans under the Silkstream-Montrose Masterplan is also recommended.

Subject to the conditions recommended above the proposal is found to be acceptable and compliant with development plan policies as they relate to design, appearance and character matters.

3.3 Light spillage:

Policy DM01 of the Barnet Local Plan requires that proposals for lighting schemes must not have a demonstrably harmful impact on residential amenity. In this instance conditions have been recommended to control any external lighting erected at the site as part of the development. Subject to these controls, it is considered that the design of the development has taken reasonable steps to prevent unacceptable levels of light spillage and light pollution occurring. The proposal is found to be adequate and compliant with development plan policies in this respect.

The submitted lighting drawings show a total of 4 adoptable 6m height lighting columns with 0.4m 5 degree projection bracket and 1 SON-T 100w lamp which are proposed along the new footway/cycleway at even intervals from the existing Montrose Park through to the proposed realigned footpath at Montrose Playing Fields. The drawing also shows existing and proposed low voltage electricity supply routes, and the proposed LV cut joint.

While the basic principle of lighting provision over the footpath is welcomed, a condition is suggested requiring the applicant to submit a full Lighting Design

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submission and associated risk assessment in accordance with the request by the Council's Street Light Officer in order to assess the impact of the lighting on the surrounding area, and the impact on amenities of neighbouring and surrounding residential occupiers.

Subject to the above condition, the proposed development is found to be compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding residential occupiers and users.

3.4 Trees and Landscaping:

Policy DM01 of the Local Plan states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species.

The application is accompanied by a Tree Survey & Impact Assessment, and a Tree Protection Method Statement under reference MCA2514/01A, which identifies and evaluates the impacts of the proposal on existing trees within and around the site. The information submitted provides information identifying tree route size and location and suitable tree protection measures to ensure that trees are not adversely affected by the proposed development.

A total of 27 trees are proposed to be removed as these are located within the work zone corridor for the construction of the bridge link. Of this group, the T6 Oak tree is considered to be of highest value with a Category B1 (remediable defects) classification. However a third of its RPA would be affected and compaction/alteration is likely to compromise tree health and longevity. T9 has a severe 45 degree lean and tangled with bushes, and both Group D (17 Hawthorn and Elder) and Group F (15 Hawthorn and Elder with Ash saplings) are weak and tangled and suppressed by Ivy and Category C2 (low or temporary benefits).

A total of 8 established trees and 4 Groups (38 trees) are proposed to be retained and protected within a tree protection zone. These are located outside the proposed work zone corridor that surround the embankments extents. Of this group a T10 Oak is of Category A1 (high value, with a likely contribution of 40 years or more) is located adjacent to the proposed link corridor and for this reason the footpath and associated embankment have been designed to curve around the stem of T10. The submitted drawing shows that bridge link corridor avoids approximately 95% of T10's RPA and the Council's Tree officer has considered this acceptable.

The remainder of the 4 Groups of trees to be protected referred to above consists of a mix of Hawthorn and Elder with Horse Chestnut saplings. All are of a mature age, fair condition, and Category C2 (low or temporary benefits), with constituent trees weak and tangled and suppressed by Ivy.

Whilst the construction of the bridge link corridor would not directly impact upon these trees, it would be beneficial for the scheme to consider landscape

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improvements for this area, including the removal of the ivy in order to improve visibility to create a safe access route as well as to provide landscape improvements to offset the loss of trees as a result of this development in conjunction with the proposed tree planting plan. A condition that requires this is recommended.

The tree protection method statement submitted with the application provides details in relation to fencing, working zone and work phasing, including boundaries and fence details.

The council's tree officer has reviewed the above details and stated that subject to the inclusion of suitable conditions in the event of approval, including details of levels, a scheme of soft landscaping, and strict adherence to the provisions of the submitted Tree Protection Method Statement, the proposal would not impact adversely on the health of adjoining trees and mitigate for tree loss.

It is concluded that the development provides sufficient detail to assess the likely impact of the proposal on the health of adjoining trees. Subject to the inclusion of conditions in the event of approval, the scheme is acceptable and compliant with development plan policy in respect of tree removal matters.

3.5 Walking, cycling and highways matters:

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, requires that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Objective 5 of the CAAP is to identify new and improved routes and connections to increase permeability in Colindale. Policy 3.1 Improving Connectivity in Colindale states that development within Colindale will be based on a network of new and improved streets linking development to the wider area and increasing connectivity and permeability within Colindale, creating direct and safe links for walking, cycling and public transport.

The CAAP also states that all street design will be required to follow the latest Government highways guidance set out in the Manual for Streets (DFT/DCLG 2007). The Manual makes an important distinction between streets and roads and stresses the importance of placemaking and a move away from highway dominated developments. 6.3.27 of Manual for Streets states designers should attempt to keep pedestrian (and cycle) routes as near to level as possible along their length and width, within the constraints of the site, and

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longitudinal gradients should ideally be no more than 5%.

The longitudinal sections submitted with the application show gradients of both paths at end of the bridge will be constrained to a maximum of 3% which demonstrates the design of the proposal has been influenced by the desire to make it accessible for both pedestrians and cycles as well as disabled or less ambulant users.

The planning statement submitted with the application also confirms that the shared footway/cycleway will be offered for adoption to LBB to form part of the wider non-motorised user network, as the works are proposed to be constructed within land that is owned by the LBB in order to comply with the S106 agreement pursuant to the planning approval for the Colindale Hospital site. The bridge over the Tramway Ditch and the culvert within the Tramway Ditch tributary support the shared footway/cycleway; therefore will also be offered for adoption to the LBB.

Council Highway Officers conclude that the layout and access arrangements of the development proposed do not present any defects that would raise a highway safety concern. The proposal is found to be acceptable and compliant with development plan policies in this respect. A condition is recommended to require the submission of an application to the local authority under Section 38 for detailed technical approval before any work commences.

3.6 Flooding and water infrastructure matters:

Policy 5.12 Flood Risk Management of the London Plan requires that 'development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical Guidance on flood risk over the lifetime of the development'.

The Tramway Ditch is classified as a Main River and the site sits within the river's floodplain in an area categorised as Flood Zone 2 by the Environment Agency. The application has been accompanied by a Flood Risk Assessment for the Montrose Park Sites (former Colindale Hospital Site, Phase II) prepared by URS Scott Wilson dated October 2011, and a supplementary Flood Risk Memo for Montrose Park Access prepared by AECOM dated 1 October 2016. The memo demonstrates how the proposed footway/cycleway, bridge and culvert have been designed to ensure that flood risk will not be increased and are summarised below.

Bridge over the Tramway Ditch:

The EA's Flood Map for Planning indicates that fluvial flood water will be confined within the banks of the Tramway ditch during rainfall events with a return period of up to 1 in 100 years, but that floodwater generated during more extreme events has potential to flow out of the bank. Drawing 124074-ML-150-002-B submitted with the application demonstrates that the bridge has been designed to provide 300mm vertical clearance between the soffit of

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the structure and the bank in order to ensure that floodwater and debris may generally flow below the structure during events with a return period of up to 1 in 100 years. Notes on this drawing also indicate that open handrails have been proposed to allow the structure to be submerged in the event that floodwater is not contained within bank to ensure that the bridge will not obstruct flood flows during events with a return period of greater than 1 in 100 years. The Environment Agency has reviewed the proposed drawings and have confirmed that they have no objections, subject to obtaining Consent for the Works.

Culvert within the Tramway Ditch Tributary:

The Tramway Ditch Tributary is classified as an Ordinary Watercourse. This watercourse originally conveyed unrestricted surface water runoff from a significant portion of the former Colindale Hospital site to the Tramway Ditch. However, the redevelopment works within the former Colindale Hospital site have enabled the peak discharge rate to the existing watercourse to be reduced significantly below the conveyance capacity of the watercourse, as new surface water drainage network has been provided to intercept attenuate and improve the quality of surface water runoff from the new residential buildings and associated paved areas.

Drawing D124074-S38-500-501 contained within the Flood Risk Memo shows the watercourse geometry used to determine the variation in conveyance capacity of the watercourse. With this, hydraulic calculations have been prepared to design a culvert that will enable flow to be maintained within the tributary when the shared foot/cycleway is constructed. These calculations indicate that the culvert should be formed using a 450mm diameter precast concrete pipe installed with a gradient of 1:34 to provide a full bore capacity of 450 l/s in order to ensure that the culvert will not restrict the flow within the watercourse.

Shared footway/cycleway supported by new embankment:

The shared footway/cycleway on the residential side has an impermeable area of approximately 0.016 hectares (3m wide, and approximately 55m in length from Montrose Square to Montrose Playing Fields) and that a filter drain will be incorporated within the upper section of the embankment, adjacent to the shared footway/cycleway to act as a source control feature that will be capable of intercepting, attenuating and improving the quality of surface water before it is discharged to the Tramway Ditch.

The memo identifies and assesses the risks of all forms of flooding to and from the development and concludes that the proposal would not adversely effect on site or neighbouring properties. As part of the Flood Risk Memo the applicant has also included maintenance regimes that are proposed to mitigate flood risk.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions

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recommended.

4. EQUALITIES 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;
- sexual orientation.

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.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters, providing a safe and wheelchair accessible route between the hospital site and Montrose playing fields. The proposals do not conflict with either Barnet Council’s Equalities Policy or the commitments set in its Equality Scheme and support the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

The comments raised are all considered in the appraisal and analysis set out in the relevant parts of the main body of the report.

6. CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory

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development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in the previous sections of this report it is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and constitutes a sustainable form of development.

It is recommended that the application be **Approved** subject to the conditions as set out in the recommendations section at the beginning of this report.

APPENDIX 1: SITE LOCATION PLAN

