

**LOCATION:** West Hendon Estate, West Hendon, London NW9

**REFERENCE:** 17/0168/RMA                      **Received:** 23 January 2017  
**WARD:** West Hendon                              **Accepted:** 23 January 2017  
**Expiry:** 20 March 2017

**APPLICANT:** Barratt Metropolitan LLP

**PROPOSAL:** CORRECTION NOTICE – DUPLICATION OF CONDITIONS:  
Application for approval of reserved matters relating to the construction of the new Cool Oak Lane Pedestrian and Cycle bridge as part of the West Hendon Estate regeneration scheme and pursuant to planning permission H/01054/13 dated 20/11/2013

## **APPLICATION SUMMARY**

The Planning Committee at its Meeting held 26 April 2017 resolved to grant Reserved Matters Approval for the construction of a new Pedestrian and Cycle Bridge adjacent the existing Cool Oak Lane Bridge as part of the West Hendon Estate regeneration scheme and pursuant to planning permission H/01054/13 dated 20/11/2013

The Committee Report recommended eleven conditions of approval, five of which have been identified to duplicate existing conditions attached to hybrid planning permission H/01054/13 (“the 2013 Permission”) and which are applicable to any reserved matters approval granted pursuant to this permission. The five identified conditions that were recommended to be imposed at the 26 April Planning Committee are therefore ambulatory conditions and recommended to be removed from the decision notice for the reasons outlined below:

1. Commencement 1 (Commencement)

“Commencement

*This development must be commenced within three 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.”*

The above condition is reflected as Condition 2 of hybrid planning permission H/01054/13. The hybrid planning permission has been commenced and various triggers associated with delivery of each respective phase of the scheme (including pedestrians and cycle bridges) are incorporated as part of the Section 106 Agreement and negate the need to include a

time bound restriction on the decision notice.

2. Condition 5 (Construction Environmental Management Plan)

*“Construction Environmental Management Plan*

*Prior to Ground Works and Site Preparation Works, no development shall commence until a Construction Environmental Management Plan, setting out the construction and environmental management measures associated with the development has been submitted to and approved in writing by the Local Planning Authority.*

*The details shall include:*

*Construction site and works*

- i. Site information (including a site plan and management structure)*
- ii. Description of works, equipment and storage*
- iii. Programme of works*
- iv. Temporary hoarding and fencing*
- v. Temporary works*
- vi. Interim drainage strategy*
- vii. Intrusive site investigation works and monitoring (the scope to be agreed in writing with the Local Planning Authority)*

*Construction management and procedures.*

- viii. Code of Considerate Practice*
- ix. Consultation and neighbourhood liaison*
- x. Staff training and briefing procedures*
- xi. Schedule of environmental legislation and good practice*
- xii. Register of permissions and consents required*
- xiii. Environmental Audit Programme*
- xiv. Environmental Risk Register*
- xv. Piling Works Risk Assessment*
- xvi. Health and safety measures*
- xvii. Complaints procedures*
- xviii. Monitoring and reporting procedures*
- Demolition and waste management*
- xix. Site clearance and waste management plan*
- Construction traffic*
- xx. Construction traffic routes*
- xxi. Construction traffic management (including 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)*

*Environmental Management*

- xxii. *Tree protection measures (a method statement detailing the precautions to be taken to minimise damage to trees adjacent the site, in accordance with British Standard BS5837: 2012 Trees in relation to design, demolition and construction)*
- xxiii. *Ecology surveys and management plan) in relation any existing ecological features that may be affected by works in that Development Phase*
- xxiv. *Measures to minimise visual impact during construction*
- xxv. *Measures to minimise noise and vibration levels during construction*
- xxvi. *Measures to minimise dust levels during construction*
- xxvii. *Measures to control pollution during construction (including a Pollution Response Plan)*
- xxviii. *Construction lighting strategy, including measures to minimise light spill*
- xxix. *Measures to reduce water usage during construction*
- xxx. *Measures to reduce energy usage during construction*

*Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in the interests of highway and pedestrian safety and in the interests of protecting the environment and trees in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14, 7.15, 7.21 and 5.21 of the London Plan.”*

Condition 8 of the 2013 Permission requires that prior to the commencement of any phase, which includes the construction of the Cool Oak Lane Pedestrian and Cycle Bridge, a site wide framework Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. Additionally, Condition 9 of the 2013 Permission requires the submission of a Construction Method Statement in order to demonstrate how the construction of the approved phase accords with the principles established in the framework CEMP. Environmental Management Measures are also required to be addressed under Condition 39 of the 2013 Permission relating to the approved Ecological Management Plan which is reviewed on a phase by phase basis. The details required to be provided under Condition 5 that was recommended at the 26 April Planning Committee will be satisfactorily addressed through the information requirements specified under Conditions 8, 9 and 39 of the 2013 Permission. It is therefore recommended that Condition 5 is removed from the decision notice.

3. Conditions 7, 8 and 9 (As per Addendum to Committee Report: See Appendix 1 – Addendum 26 April 2017)

Conditions 7, 8 and 9, as reflected in the Addendum to the Committee Report, address requirements relating to Surface Water Drainage as outlined below:

*“Condition 7 (Surface Water Drainage Strategy / Sustainable Drainage Systems Required)*

*The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed*

*development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.*

*Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).*

*Condition 8 (Surface Water Discharge Hierarchy)*

*The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority.*

*Reason: To ensure that the development discharges surface water from the site in a manner that takes into consideration the statutory duties, legislation and regulatory requirements of authority receiving surface water and ensures that downstream flood risk is mitigated in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, Approved Document Part H of the Building Regulations 2010) and Paragraph 80 of Planning Practice Guidance.*

*Condition 9 (Surface Water Drainage Strategy / Sustainable Drainage Systems Design)*

*The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.*

*Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical*

*Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753.)”*

It has been identified that the detail required under the conditions that were recommended to be imposed can be satisfactorily addressed through the details requires to be submitted under Conditions 24 and 48 of the 2013 Permission. Condition 24 requires the submission of a detailed surface water drainage scheme for that phase in accordance with the principles of the Site Wide Drainage Strategy (SWDS) and Flood Risk Assessment established under the 2013 Permission which includes the following:

- A reduction in runoff as identified in table 4.5 of the SWDS;
- Implementation of a full range of SuDS or alternative measures subject to Environment Agency approval, as detailed in paragraph 4.2.4 of the SWDS;
- Design to 1 in 100 year standard with an appropriate allowance for climate change;
- The attenuation requirement for that development phase and detailed plans of how this will be provided in relation to the wider site, including provision within or outside that development phase;
- Detailed plans of new swales being retained provided; details of adoption and future maintenance proposals for the scheme.

Condition 48 then requires that prior to the commencement of development within each phase of the outline scheme details of any surface water run-off and ground water that is proposed to drain into the waterway shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Canal & River Trust and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

The submission of details required to be provided under Conditions 7, 8 and 9 that were recommended to be imposed as per the addendum to the Committee Report, will be provided by way of Conditions 24 and 28 of the 2013 Permission. The recommendation for Conditions 7, 8 and 9 to be imposed on the Reserved Matters Approval that was granted at the 26 April Planning Committee is the result of officer error that did not identify the duplication of details being requested. Conditions 7, 8 and 9 are therefore recommended to be removed from the draft decision notice.

## **RECOMMENDATION**

### **Approve the application subject to the following conditions:**

1. Approved plans

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

Cool Oak Lane Bridge Location Plan (Drawing No. 826\_07\_010 dated 19.12.16)

Cool Oak Lane Bridge Site Plan – Existing (Drawing No. 826\_07\_011 Revision P1 dated 16.12.16)

Cool Oak Lane Bridge Site Plan – Consented (Drawing No. 826\_07\_012 Revision P1 dated 16.12.16)

Cool Oak Lane Bridge Site Plan – Proposed (Drawing No. 826\_07\_013 Revision P1 dated 16.12.16)

Cool Oak Lane Bridge Existing Bridge Plan and Elevation (Drawing No. 826\_07\_015 Revision P1 dated 16.12.16)

Cool Oak Lane Bridge Proposed Bridge Plan and Elevation (Drawing No. 826\_07\_016 Revision P1 dated 16.12.16)

Cool Oak Lane Bridge Cross Sections (Drawing No. 826\_07\_018 Revision P1 dated 19.12.16)

West Hendon Cool Oak Lane Bridge Reserved Matters Design and Access Statement (December 2016)

West Hendon Cool Oak Lane Bridge Reserved Matters Transport Statement (December 2016)

West Hendon Cool Oak Lane Bridge Reserved Matters Arboricultural Assessment (December 2016)

West Hendon Reserved Matters Cool Oak Lane Bridge Planning and Development Specification Conformity Statement (January 2017)

Cool Oak Lane Bridge Construction Method Statement – Phase 3C, West Hendon (Revision C dated 16 December 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 application as assessed in accordance with policies CS1, CS4 and CS5 of the Barnet Core Strategy (Adopted September 2012) and Policy DM01 and DM02 of the Barnet Development Management Policies (Adopted September 2012) and policy 1.1 of the London Plan (2015).

## 2. Tree re-provision

No development shall take place until a Landscape Management Plan, pursuant to Condition 22 of hybrid planning permission H/01054/13 dated 20 November 2013, has been submitted to, and approved in writing by the Local Planning Authority. The Landscaping Management Plan shall include the re-provision of four very large nursery stock trees to offset the loss of T3 to T6 trees, unless otherwise by the Local Planning Authority. These trees are to be planted close to Cool Oak Lane. Suitable species include *Tilia cordata* or *Carpinus betula*.

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 April 2013) and 7.21 of the London Plan 2015.

3. Road Safety Audit

Before the development commences; detail design drawings are to be submitted to and approved in writing by the Local Planning Authority. Submission shall include stage 1 and 2 road safety audits. The development shall thereafter be implemented in full in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

4. Access Connections

Before the development commences; detail design drawings are to be submitted to and approved in writing by the Local Planning Authority. The submission shall detail the form of control to be applied at the connections between the bridge and the existing network to ensure cyclists dismount prior to crossing it.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

5. Surface Water Drainage Strategy / Sustainable Drainage Systems Construction, Adoption, Operation and Maintenance

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

Reason: To ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development. Appropriate construction of SuDS should take into consideration S13 of the Non- statutory Technical Standards for Sustainable Drainage

Systems. Operation and maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

6. Detailed Design

Before the development commences; detail design drawings are to be submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed Pedestrian and Cycle Bridge will be built to adoptable standards. Detailed design drawings should include the submission of the Approval In Principle (AIP) document in accordance with the requirements of BD2/12 TECHNICAL APPROVAL OF HIGHWAY STRUCTURES to ensure compliance with the relevant standards for adoptable structures.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012