

Planning and Development Control Committee

Agenda

Tuesday 5 September 2023 at 7.00 pm

Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

Watch the meeting live: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

MEMBERSHIP

Administration:	Opposition
Councillor Omid Miri (Chair) Councillor Florian Chevoppe-Verdier (Vice-Chair) Councillor Wesley Harcourt Councillor Rebecca Harvey Councillor Nikos Souslous Councillor Patrick Walsh	Councillor Alex Karmel Councillor Adrian Pascu-Tulbure

CONTACT OFFICER: Charles Francis
Governance and Scrutiny
Tel: 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Public Notice

This meeting is open to the public and press but spaces are limited. If you'd like to attend please contact: charles.francis@lbhf.gov.uk. The building has disabled access.

Should exempt information need to be discussed the committee will pass a resolution requiring members of the press and public to leave.

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday 31 August 2023

For queries concerning a specific application, please contact the relevant case officer.

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Who can speak?

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the meeting. They must have been registered to speak before addressing the committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

Do I need to register to speak?

All speakers, except Ward Councillors, must register at least two working days before the meeting. For example, if the committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed.

Registration is by email only. Requests should be sent to speakingatplanning@lbhf.gov.uk with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Chair will say when the speaking time is almost finished to allow time to round up. The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

At the meeting

Please arrive 15 minutes before the meeting starts and make yourself known to the Committee Co-ordinator who will explain the procedure.

What materials can be presented to committee?

To enable speakers to best use the time allocated to them in presenting the key issues they want the committee to consider, no new materials or letters or computer presentations will be permitted to be presented to the committee.

What happens to my petition or deputation?

Written petitions made on a planning application are incorporated into the officer report to the Committee. Petitioners, as members of the public, are welcome to attend meetings but are not permitted to speak unless registered as a supporter or objector to an application. Deputation requests are not accepted on applications for planning permission.

Planning and Development Control Committee Agenda

5 September 2023

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	MINUTES	5 - 13
	To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 18 July 2023.	
4.	CUMBERLAND LODGE, 21 CUMBERLAND CRESCENT, LONDON W14 8XB, AVONMORE, 2022/03244/FUL	14 - 26
5.	3 SCHOOL ROAD, LONDON, NW10 6TD, OUTSIDE BOROUGH BOUNDARY, 2023/00747/OPDOBS	27 - 32

- | | | |
|----|--|---------|
| 6. | OLD OAK COMMON STATION, OLD OAK COMMON LANE,
LONDON, NW10 6DZ, COLLEGE PARK & OLD OAK,
2023/01911/OPDOBS | 33 - 40 |
| 7. | OLD OAK COMMON STATION, OLD OAK COMMON LANE,
LONDON, NW10 6DZ, COLLEGE PARK & OLD OAK,
2023/01912/OPDOBS | 41 - 48 |

London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Tuesday 18 July 2023

PRESENT

Committee members: Councillors Omid Miri (Chair), Florian Chevoppe-Verdier (Vice-Chair), Nikos Souslous, Patrick Walsh, Alex Karmel and Adrian Pascu-Tulbure

Officers:

Matt Butler (Assistant Director of Development Management)
Allan Jones (Team Leader Urban Design and Heritage)
Neil Egerton (Team Leader)
Anisa Aboud (Principal Planning Officer)
Graham Simpson (Principal Planning Officer)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Wesley Harcourt and Rebecca Harvey.

2. DECLARATION OF INTERESTS

The Chair, Councillor Omid Miri declared an interest in relation to item 4 – Shepherd's Bush Police Station, as he worked for the Office of Andrew Slaughter MP who had submitted written comments in objection to the application. Councillor Omid Miri recused himself from the item and did not participate or vote.

3. MINUTES

The minutes of the previous meeting held on 6 June 2023 were agreed as an accurate record, subject to amending Cllr Alex Karmel's declaration of interest (Item 4 - 70-80 Lillie Road) to read *that he lived 4 doors away and the property was sold many years ago*.

CHANGING THE ORDER OF THE AGENDA

Councillor Omid Miri proposed the order of the agenda was amended so that Item 4 - Shepherd's Bush Police Station was considered as the last agenda item. This was agreed by the Committee.

4. LA RESERVE HOTEL, 422 - 428 FULHAM ROAD, LONDON SW6 1DU, WALHAM GREEN, 2022/03682/FUL

An addendum was circulated prior to the meeting that modified the report. Anisa Aboud presented the item.

The agent spoke in support of the application.

Councillor Florian Chevoppe-Verdier proposed an amendment to the condition in relation to construction hours on match days, and for this to be amended to prohibit construction 2 hours before and 2 hours after kick-off. This was seconded by Councillor Patrick Walsh.

The Committee voted on the amended condition as set out above as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee also discussed travel arrangements by coach and the impact this would have on local roads. Councillor Adrian Pascu-Tulbure proposed an amendment, to refuse all hotel bookings by coach. This was seconded by Councillor Nikos Souslous. This proposal was subsequently withdrawn and officers were asked by the Committee to work closely with Highways colleagues, to amend the Heads of Terms around coach free bookings and for this to include adjoining side streets in addition to the Fulham Road.

The Committee voted on the officer recommendations as amended by the Addendum as follows:

Recommendation 1:

FOR	5
AGAINST:	1
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the condition(s) and obligations listed in the report and the additional condition passed by the Committee.
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

5. OSRAM COURT, 182 SHEPHERD'S BUSH ROAD, LONDON W6 7PF, ADDISON, 2022/01100/FUL

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item. There were no registered speakers.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed in the report;
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

6. **54 UXBRIDGE ROAD, LONDON W12 8LP, SHEPHERD'S BUSH GREEN,**
2023/00262/ADV

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item. There were no registered speakers.

Councillor Alex Kamel proposed an additional condition that any application for the extension to the temporary period of the illuminated shroud advertisement be returned to Committee for consideration. This was seconded by Councillor Adrian Pascu-Tulbure.

The Committee voted on the additional condition as set out above as follows:

FOR:	2
AGAINST:	4
NOT VOTING:	0

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	4
AGAINST:	2
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That that the Director of Planning and Property be authorised to grant permission subject to the conditions listed in the report ;
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

7. **FLAT GROUND AND FIRST FLOORS, 90 DEVONPORT ROAD, LONDON W12 8NU, CONINGHAM, 2023/00907/FUL**

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item. The Applicants spoke in support of the application.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	0
AGAINST:	Unanimous
NOT VOTING:	0

The officer recommendation of refusal was lost. Therefore, the Chair sought a proposer and seconder for Approval. Councillor Karmel proposed that Flat Ground And First Floors, 90 Devonport Road, London W12 8NU be approved in accordance with the application. This was seconded by the Chair, Councillor Omid Miri.

The Committee voted on the new recommendation to approve the application as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee then discussed the reasons for approval. Cllr Karmel stated that having considered all the information put forward to the Committee both by the officers today and in the report, on balance the harm identified by the officer in respect of design was not unacceptable and the harm identified in respect of visual amenity to the terrace, which is already significantly impaired, was not unacceptable. Given the modest size of the extension, 11 square feet, it is not over bulky.

The Chair proposed that the meeting was adjourned. This was agreed by the Committee and the meeting was adjourned between 8:55pm and 9:10pm.

The meeting resumed and the presenting officer read out the following standard conditions to be imposed on the recommendation to approve the application. These were as follows:

1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved and as detailed below:

- Window on flank (south) elevation: White uPVC frame.

- Rooflight: Timber frame.

- Pitched roof: Dark slate tile.

Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

4) Prior to the occupation of the development hereby permitted, the new window at second floor level on the southern elevation [as per Dwg. No. 2201.05 (Rev. A)] and Dwg. No. 2201.06 (Rev. A)] shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7 m above the finished floor level. The window(s) shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policy HO11 of the Local Plan (2018).

5) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4 and HO11 of the Local Plan (2018).

The Committee voted of the 5 standard conditions listed above as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee voted on the 2 reasons for approval set out above as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee voted on Recommendation 2 to make minor changes to the conditions to the permission granted:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed above;
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions to the permission granted.

8. 5 AND 7 MELBRAY MEWS, LONDON SW6 3NS, PALACE AND HURLINGHAM, 2022/02556/FUL

An addendum was circulated prior to the meeting that modified the report. Graham Simpson presented the item. There were no registered speakers.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	4
AGAINST:	2
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the condition(s) listed in the report.
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

9. SHEPHERDS BUSH POLICE STATION, 252 - 256 UXBRIDGE ROAD, LONDON W12 7JA, WHITE CITY, 2022/01953/FUL

The Chair, Councillor Omid Miri declared an interest in relation to item 4 – Shepherd's Bush Police Station, as he worked for the Office of Andrew Slaughter MP who had submitted written comments in objection to the application. Councillor Omid Miri recused himself from the item and did not participate or vote.

In the absence of the Chair, the Vice-Chair, Councillor Florian Chevoppe-Verdier chaired the item.

An addendum was circulated prior to the meeting that modified the report. Neil Egerton presented the item.

An agent spoke on behalf of the applicant in support of the application.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That, the Director of Planning and Property be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the conditions and obligations listed in the report;

2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Addendum

Meeting started: 7.00 pm
Meeting ended: 10.15 pm

Chair

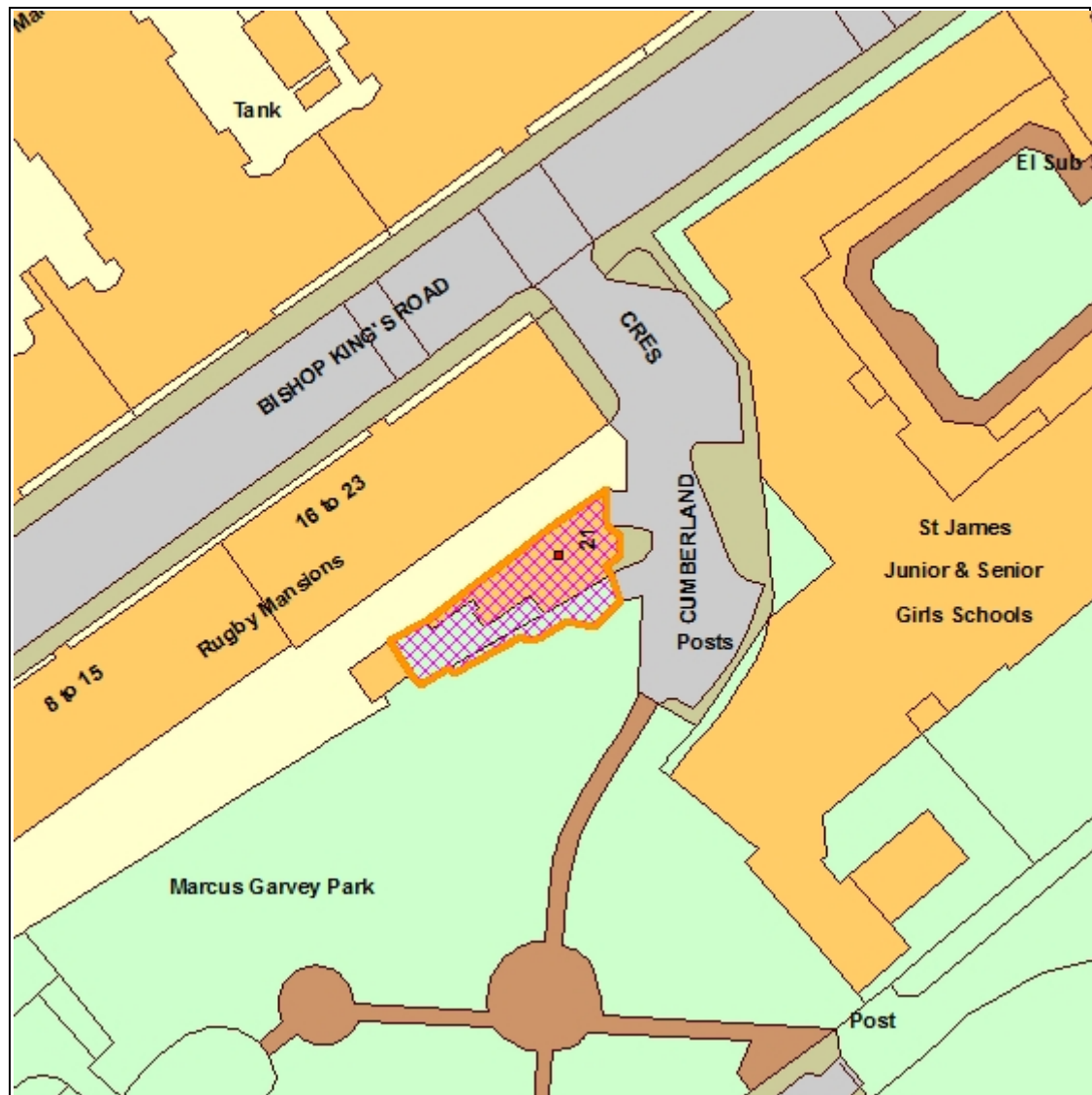
Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Agenda Item 4

Ward: Avonmore

Site Address:

Cumberland Lodge 21 Cumberland Crescent London W14 8XB



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:

2022/03244/FUL

Case Officer:

Anisa Aboud

Date Valid:

08.11.2022

Conservation Area:

Constraint Name: Olympia And Avonmore
Conservation Area - Number 23

Committee Date:

05.09.2023

Applicant:

Mr William Wyatt
St James School Earsby Street London W14 8SH

Description:

Permanent change of use from residential dwelling (Class C3) to Bursar's Office ancillary to St James School (Class E(c)).
Drg Nos: LX-I-439-CC-101-GA Rev. B

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the condition(s) listed below:
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The planning permission is personal to St James School only and for the duration of the planning permission, the application site shall only be used for the purposes relating to the activity as a Bursar's Office ancillary to St James School (Class B1) and there shall be no teaching or training within the property.

To safeguard the integrity of the subject application and to safeguard the amenity of the occupiers of the surrounding properties in light of policy HO11 of the Local Plan (2018).

- 3) The proposed use shall only be undertaken on Mondays to Fridays from 7am to 7pm.

In order to safeguard the amenity values of the surrounding area, in accordance with Local Plan (2018) Policies HO11.

- 4) A minimum of 2 cycle parking spaces as shown on plan LX-1-439-CC-101-GA Rev. B shall be provided on site whilst the proposed use is in operation and the cycle spaces shall be maintained for the duration of the planning permission.

To ensure sufficient provision for cycle parking in accordance with Local Plan (2018) Policy T1 and T3.

- 5) Neither music nor amplified/loud voices emitted from the internal or external areas of the premises shall be audible/measurable above the lowest background noise level at the nearest or most affected external residential/noise sensitive facade and should be at least 10 dB below the quiet background inside any neighbouring dwelling.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Local Plan policies HO11, CC11 and CC13 (2018).

- 6) The temporary wheelchair ramp, as shown on the Premium Cross Fold Wheelchair Ramps received on 7th November 2022, shall be retained, permanently stored within the subject site and made available for disabled users when required for the duration of the planning permission.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Local Plan policies CF1 and CF2 (2018).

Justification for Approving the Application:

- 1) It is considered that the proposal would not have a significant effect on the residential amenity of adjoining occupiers and would be of an acceptable visual appearance. Furthermore, it is considered the proposal would not harm the character and appearance of the area and the use would not have a detrimental impact on the operation of the highway. The continued use of a formerly vacant dwelling for educational / community use on a permanent basis subject to safeguarding conditions which would revert the use to residential (C3) when St James School no longer has need of it, would not result in the long-term permanent loss of residential accommodation and would provide a valuable community resource whilst in operation to the benefit of an educational facility. The character and appearance of the conservation area and the Building of Merit would be preserved. In these respects, the proposal complies with Policies HO2, HO4, HO11, DC1, DC4, CC3, CC4, CC7, CC9, CC11, CF1, CF2, E1, E2, T2, T3 and T4 of the Local Plan (2018) and no objections would be raised in terms of Key Principles CAG1, CAG2, AH1 and AH2 of the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 7th November 2022
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments From:

Environmental Policy
Air Quality
Public Protection and Safety
Highways
Policy and Spatial Planning

Dated:

22.11.22
29.11.22
08.12.22
15.12.22
16.03.23

Neighbour Comments:

Letters from:

Dated:

OFFICER REPORT

1.0 BACKGROUND

1.1 Site and Surrounding

1.2 The application site is a two storey detached building, situated on the west side of Cumberland Crescent, and immediately to the rear of the 4 storey mansion block of Rugby Mansions. The lawful use of the property is as a single family dwelling. The building is on the Council's Local Register as a locally listed Building of Merit and is located within the Olympia and Avonmore Conservation Area. The site also adjoins Rugby Mansions to the north and St James Girls school to the east which are both locally listed Buildings of Merit and Marcus Garvey Park. There is a rear garden and off street parking for one car accessed via a gate to the side of the property. Access to the property is via Cumberland Lodge. The site is within Environment agency's flood zones 1, and has a TfL's Public Transport Accessibility Level (PTAL) of 6a, indicating it has excellent public transport accessibility. The property is located approximately 500m from Kensington Olympia Rail Station

1.3 Planning History

1.4 1986/00931/FUL - Planning permission was approved in December 1986 for the erection of rear extensions at ground and first floor levels and covered walkway.

1.5 1988/00185/FUL - Planning permission was refused in March 1988 for the erection of an open sided cupola on the roof.

1.6 2017/02684/FUL - Change of use from residential dwelling (Class C3) to Bursar's Office ancillary to St James School (Class B1) for a temporary period of 5 years, was granted in 08.11.2017, subject to conditions. This was implemented.

Current Proposal

1.7 The application seeks planning permission for the permanent change of use of the property from a self-contained residential unit to use as a school Bursar's office ancillary to St James School.

1.8 The consent will be personal to St James School and the school have confirmed (as stated in submission documentation) that the sites use would return to C3 residential use class when St James School no longer has need of the property as their Bursar's office. This would require a further planning permission, but this reinstatement of the original residential use would be supported.

1.9 The building will continue to be used to provide office and meeting room accommodation for the school's bursarial team (8 members of staff). The proposal will not result in any increase in pupil numbers and the site would not be used for teaching or training.

2.0 PUBLICITY AND CONSULTATIONS

- 2.1 The application was advertised by way of a press notice and site notices. 20 neighbouring properties were also notified by letter advising of the planning application.
- 2.2 During the course of the application, the proposal was revised from temporary consent (an additional 5 years) to a permanent change of use of the property from residential C3 use to operate as a Bursar's office ancillary to the functioning of St James School. Consequently, a revised planning application form and planning statement was received and reconsultations were carried out on 13.04.2023 informing residents of the change. No objections or comments have been received for either round of consultations.

External consultee responses

- 2.3 None.

3.0 POLICY FRAMEWORK

- 3.1 The statutory development plan comprises of the Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- 3.2 National Planning Policy Framework (NPPF).
The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 3.4 The London Plan
The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.
- 3.5 The Local Plan
The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

4.0 PLANNING CONSIDERATIONS

4.1 The main planning considerations in light of the London Plan (2021) and the Council's Local Plan (2018), Planning Guidance SPD include:

1. The principle of the change of use in land use terms.
2. Impact on visual amenity including impact on the character and appearance of the building of merit and the conservation area;
3. The impact of the proposal on the amenity of neighbouring properties
4. The impact of the proposal on the highway network.
5. Environmental matters including flooding, contamination.

LAND USE:

Loss of Residential:

4.2 The proposal seeks a permanent change of use of the property to a Bursars Office ancillary to St James School (Class B1). The application documents state that the building will not be used for teaching or training. It will solely be used to provide office/ meeting room accommodation for the school Bursar and his team. Notably, temporary consent had been granted for the change of use for Bursar's officer ancillary to St James School for 5 years. This consent expired on the 7th November 2022.

4.3 The applicant has sought to demonstrate that there is still a need for this site for St James School as its Bursar's office which cannot currently be accommodated within the main school building. The Planning Statement denotes:

- A) Teaching methods and statutory requirements for schools have changed over recent years. As such the school required greater space to ensure that it could continue to meet these requirements and to provide a high standard of education with appropriate and modern facilities for its existing pupils. As a result of these changes there was no longer space to accommodate the bursarial team in the existing school buildings.
- B) Previously the bursarial team was located in converted storerooms in the main building. These were not suitable for office accommodation and in September 2016 this space was required to provide medical facilities, and therefore the bursarial team were relocated.
- C) In 2017 the school carefully considered opportunities to relocate the bursarial team within the existing buildings on the main site. It however concluded that this was not feasible as sufficient space to accommodate the bursarial team could not be provided without compromising the teaching facilities, classroom space, ancillary space and playground space needed by pupils, in order to achieve a satisfactory school experience. Similarly, the Bursar's Office requires adequate accommodation, in order to provide a quality working environment to serve the school.

4.4 Local Plan policy HO2 states that the council will retain existing residential accommodation. This is continued with Local Plan Policy HO1 (Housing Supply) which states that the council will resist proposals which would result in a net loss

of permanent residential accommodation as a result of redevelopment or change of use without replacement.

- 4.5 Based on the above, officers consider that by virtue of the safeguarding condition attached, which will ensure that the use of the property is limited to St James School only, and given the assurances that when St James no longer has need for the site as it's Bursar's office, the use will go back to residential use (following a further planning application). Overall the proposed change of use will not result in the permanent long-term loss of a residential unit, which would be contrary to Local Policy HO1 and HO2. Combined with the demonstrated specific need for St James School's Bursars office, officers have considered the educational need for the Bursars office which is outlined below and given this significant weight in their assessment.

Proposed office / educational need:

- 4.6 Local Plan policy E1 (Providing for a range of employment uses) seeks to ensure that accommodation is available for all sizes of business including small and medium sized enterprises and the Council will support proposals for new employment uses. The Council will also support the retention, enhancement of existing employment uses.
- 4.7 The proposed development seeks to continue to provide floorspace ancillary to the existing school use at the adjacent St James School. Local Plan Policy E1 supports the provision of employment uses.
- 4.8 Local Plan policy CF1 (Supporting Community Facilities and Services) states that the Council will seek to provide borough wide high quality accessible and inclusive facilities and services for the community by seeking the improvement of school provision including:
- improvement and / or expansion of secondary schools;
 - improvement and/or expansion of primary schools through the primary school capital programme.
- 4.9 Local Plan policy CF2 (Enhancement of Community services) states that proposals for new or expanded community uses should meet local need, be compatible with and minimise impact on the local environment and be accessible to all in the community they serve. Local Plan policy CF3 (enhancement and retention of arts, culture, entertainment, leisure, recreation and sport uses) also states that the temporary use of vacant buildings for community uses, including for performance and creative work is encouraged.
- 4.10 Furthermore Paragraph 95 of the NPPF states that:
- "It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."

4.11 On this occasion, the school has confirmed within their submission documentation that their intention is that the property would return to residential use once St James School's use/need of the site ceases. The planning consent is personal to St James School and therefore if they no longer require the application site the use will revert back to residential (following a further planning application). An informative will be attached to the consent to confirm this. Moreover, the NPPG states: It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. Officers consider the current approach would provide a more long-term solution to the on-going educational needs of St James School over a further temporary consent.

4.12 Officer's note that the proposed use of the subject property as a bursar's office is required by the school whilst they put in place a long-term strategy to accommodate the Bursar's team on the main school site subject to sufficient funding. It is envisaged that development will take place to increase the accommodation on the main school site to provide further accommodation for the bursarial team. The Planning Statement denotes:

"There is still not funding in place for the development works to expand the main school site. The school's timeframes to secure funding and allocate resources to the project have been significantly impacted by the Covid-19 pandemic, when it became necessary to prioritise the short-term requirements of the school, to enable them to operate during the pandemic. Measures that were put in place in 2020 and 2021 as a result of the pandemic, further put pressure on the space requirements of the school.

Whilst the school's intention remains to implement further development on their main site, at this stage and due to the uncertainty over the last couple of years, these plans have not advanced as the school had anticipated in 2017, that they would be by 2022."

4.13 The applicant has explained that the Bursar's team are required to be located on the main site, or next door to the main school site so that staff can travel quickly between the two sites, as the bursarial team provides vital day-to-day support for the school. The applicant has provided the following justification to explain why it is necessary for the Bursar's team to be located either on or adjacent to the main school site:

- a) The bursarial team needs to be readily available to the head teachers and all teaching staff, who often require immediate face to face assistance. Staff often must meet with the bursarial team at break time or between lessons and therefore staff must be able to reach their offices quickly.
- b) The bursarial team provide staff for emergency occurrences. For example if there is a disruption to a class that the teacher needs assistance with it is a member of the bursarial team that would attend to this. To enable the bursarial team to continue to carry out this function they need to be able to reach the classroom very quickly.

- c) The bursarial team also provide staff for emergency evacuations at the school, for example if there was a fire. They must therefore be able to be able to get straight on to the site, or already be on the site, to assist staff with congregating children at the fire assembly point. Being located five or ten minutes' walk from the main school site would not be practical or safe for pupils if an emergency evacuation is required.
 - d) The bursarial team also need to meet with parents, and on some occasions staff members also need to attend the meetings with the parents. It is not practical for these meetings to take place any further from the main site.
- 4.14 For the above reasons the school do not consider that it is feasible to locate on a site further from the main school site. Officers acknowledge this need and recognise the difficulty in securing sufficient funding to realise the long-term development strategy to incorporate the Bursar's office within the main school site.
- 4.15 Local Plan Policy CF1 recognises the need to support existing community facilities and services including schools. The NPPF also requires Local Authorities to take a proactive, positive and collaborative approach to meeting school's needs.
- 4.16 In light of the school's existing position in the borough, the specific need that has been justified by the school and safeguarding conditions will ensure that the use will revert to residential use (C3) when St James School no longer has need for it, on balance there is no objection to the principle of the proposal in land use terms, under policies H01, CF1 and E1 of the Local Plan and the NPPF.

RESIDENTIAL AMENITY

Noise and disturbance:

- 4.17 Policies CC11 and CC13 of the Local Plan (2018) specify that all proposed development will be required to demonstrate that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers as a result of nuisances (including noise).
- 4.18 The applicant has confirmed that pupils will not need to visit 21 Cumberland Crescent and therefore pupils will not walk between the main site and 21 Cumberland Crescent. The proposal will therefore not result in any noise outbreak from pupils or noise impact on neighbouring properties.
- 4.19 The proposed relocation of the Bursar's team is required to free up space within the Avonmore Centre for existing classes to accommodate modern teaching methods and requirements. The proposal is not to increase the school's capacity for additional pupils. The school is currently two form entry and this is not proposed to change because of the proposal. Previous planning permissions that have been granted have had conditions attached which state that the school shall not exceed 600 pupils. The application does not propose to exceed this cap on pupil numbers.
- 4.20 The building will be used as offices ancillary to the existing adjacent school and therefore officers consider the use is compatible with the surrounding uses and is not expected to result in a detrimental noise impact on neighbours. Whilst the

proposal has not specified the hours of operation, standard office hours would be from 0700-1900 - Monday to Friday, would not detrimentally impact on the residential amenity of neighbouring occupier. A condition is attached regarding the hours of use. Moreover, the site has been operating as St James School's Bursar's office for a period of 5 years and the council has not received any objections or complaints from neighbouring residents. Officer's have no reason to doubt this would not continue.

Loss of privacy:

- 4.21 With regards to overlooking to neighbouring properties, no external changes are proposed to the existing building and therefore the office use is likely to be similar to or an improvement on the existing residential use. As such no objection is raised under overlooking or loss of privacy grounds.

VISUAL AMENITY

- 4.22 No external changes are proposed as part of this application. As such the proposal would preserve the character and appearance of the Building of Merit and the surrounding conservation area. No objection is therefore raised under policies DC1, DC2, DC4, DC8 of the Local Plan (2018), Policies HC1 of the London Plan (2021) and Planning Guidance SPD policies CAG1, CAG2, AH1 and AH2.

HIGHWAYS IMPACT

Car Parking:

- 4.23 The NPPF requires that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.
- 4.24 Policies T6 of The London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 4.25 Local Plan Policies T1, T2, T4 set out vehicle parking standards, which brings them in line with London Plan standards and gives circumstances when they need not be met.
- 4.26 The site is located within PTAL score 6a indicating it has excellent public transport accessibility. The existing single off street parking space, located behind a gate fronting Cumberland Crescent, would be used by a school staff member. The proposed development will not result in any increase in staff numbers or pupil numbers and therefore transport and traffic will remain as existing and there will be no increase in the number of vehicles travelling to and from the site. As there is no increase in parking, no objection is raised under Local Plan Policies T1, T2

and T4.

Cycle parking

4.27 Two cycle spaces would be provided at the rear of the property in the existing outbuilding in accordance with Local Plan policy T3.

Refuse and recycling

4.28 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to minimise waste and should provide convenient refuse and recycling storage facilities. The planning statement states that 'separate bins for waste and recycling will be provided in the offices. It is not expected that the proposed use will generate much waste. All waste and recycling would be transferred by a member of staff to the existing refuse area on the main school site for collection. This is considered acceptable on this occasion and no objection is raised under Local Plan policy CC7.

ENVIRONMENTAL AND OTHER MATTERS

Accessibility

4.29 The Spatial Vision of the Local Plan (2018) states that: There will be high quality infrastructure, services and community facilities accessible to all. This is reflected in Local Plan policies CF1 and CF2 which state: The council will work with its strategic partners to provide borough-wide high quality accessible and inclusive facilities and services for the community.

4.30 There is currently a single step up into the property. The applicant's states that a temporary ramp would be stored at the property which can be placed at the front door to enable level access for disabled users. Due to the small size of the property and the existing layout it is not feasible or practical to install a lift within the building to provide access to the first floor for disabled users. Meetings can be held on the ground floor and therefore it is not expected that disabled users will need access to the first floor. Given the scale of the development and the constraints of the existing building, officers consider that the above measures are appropriate and no objection is raised. A condition is attached requiring the temporary ramp to be stored within the premises and made available to disabled users when required.

Flood risk

4.31 This site is in the Environment Agency's Flood Zone 1. This indicates a low risk to flooding from the Thames. All other flood risks - groundwater, sewer, and surface water - are low for the site. Therefore, it is not necessary to submit a Flood risk Assessment with the application. The proposed change of use will reduce flood risk vulnerability as the building will be converted from residential to office use, and therefore no objection is raised to the proposal, under flood risk grounds.

4.32 In addition, water efficiency and sustainable drainage measures should be included where possible to show compliance with Local Plan Policy CC3 and CC4 requirements on managing surface water run-off and reducing water use.

Contamination

4.33 The proposal does not raise any contamination issues. As such no objection is raised under Policy CC9 of the Local Plan (2018).

5.0 CONCLUSION

- 5.1 It is considered that the proposal would not have a significant effect on the residential amenity of adjoining occupiers and would be of an acceptable visual appearance. The character and appearance of the conservation area and the Building of Merit would be preserved. Furthermore, it is considered the proposal would not harm the character and appearance of the area and the use would not have a detrimental impact on the operation of the highway.
- 5.2 Given the schools intentions to revert the site to residential use when no longer required, it is considered that the continued use of a formerly vacant dwelling for educational / community use would not result in the long-term permanent loss of residential accommodation and would provide a valuable community resource whilst in operation to the benefit of an educational facility. In these respects, the proposal complies with Policies HO2, HO4, HO11, DC1, DC4, CC3, CC4, CC7, CC9, CC11, CF1. CF2, E1, E2, T2, T3 and T4 of the Local Plan (2018).

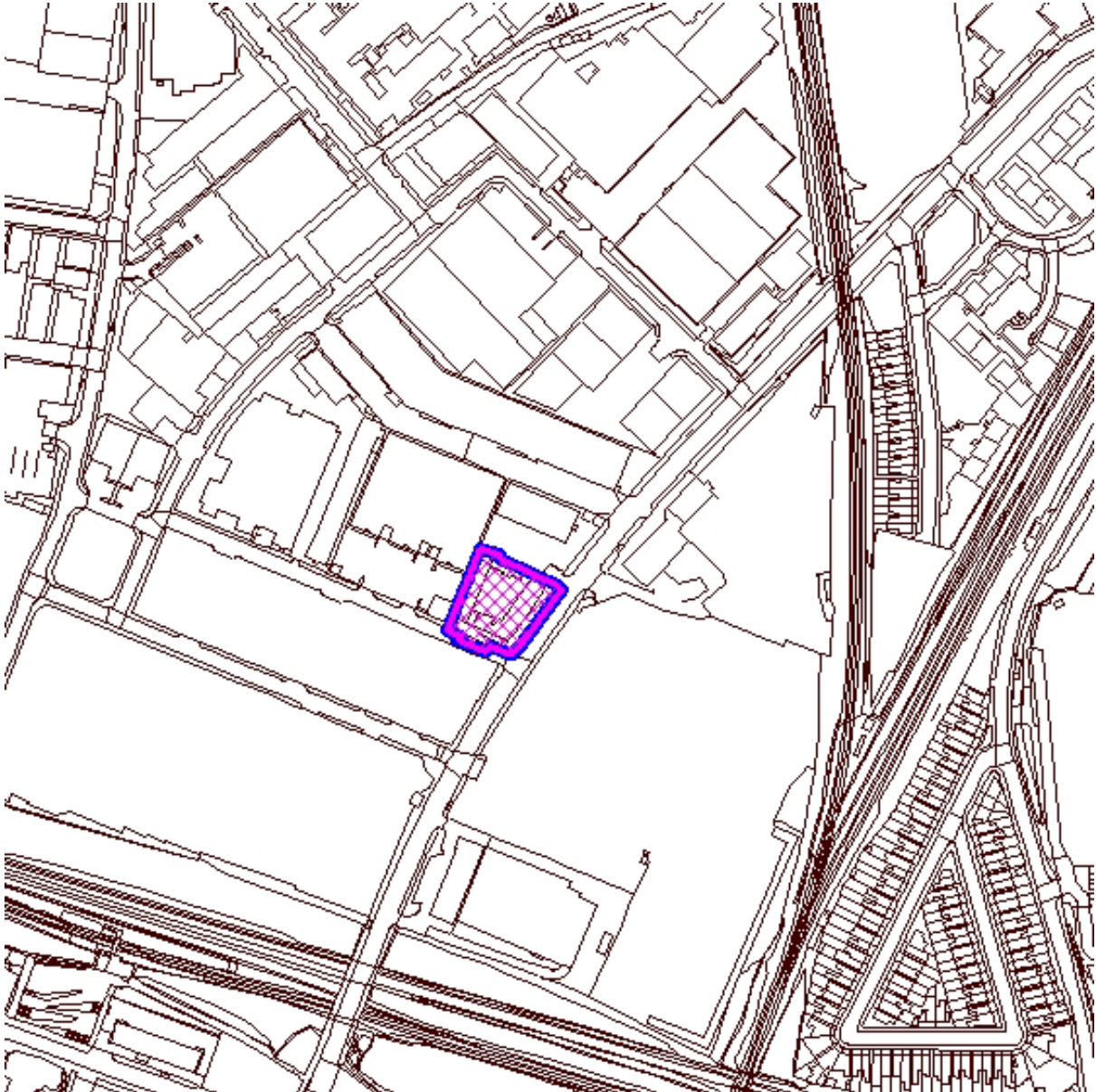
6.0 RECOMMENDATION

- 6.1 Grant permission subject to the recommendations above.

Ward: Outside Borough Boundary

Site Address:

3 School Road, London, NW10 6TD



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2023).

For identification purposes only - do not scale.

Reg. No:

2023/00747/OPDOBS

Case Officer:

Violet Dixon

Date valid:

21.03.2023

Conservation Area:

N/A

Recommendation Date:

06.04.2023

Committee Date:

05.09.2023

Applicant:

Claire O'Brien (OPDC)

Brent Civic Centre, 32 Engineers Way, Wembley, HA9 0FJ

Description:

Demolition of existing buildings and redevelopment in the form of a building up to 25-storeys, comprising 1,199sqm (GIA) flexible Class E(g)(ii) (research and development of products or processes) / Class E(g)(iii) (industrial processes) / Class B2 (general industrial) uses over basement, ground and mezzanine floors; 95sqm (GIA) Class E(b) (cafe) use on ground floor; with 176 residential units (Class C3) above, together with access, service bay, internal and external residential amenity, landscaping and public realm, play space, cycle parking, refuse, plant and all associated works.

Drg. Nos: OPDC Consultation letter dated 16 March 2023 (OPDC Ref.23/0026/FUMOPDC).

Application type:

Observations to OPDC

Officer Recommendation:

The Council raises an objection to the proposed development for the following reason:

- 1) Townscape Impacts: The proposed development is considered to represent harm to the townscape of Hammersmith and Fulham, namely key views within Wormwood Scrubs. This townscape harm would result in a medium/high degree of change within key views and result in moderate/adverse townscape impacts.

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by case officer named above:

Application form received: 20 March 2023

Policy Documents: National Planning Policy Framework (NPPF) 2021

The London Plan 2021

LBHF - Local Plan 2018

LBHF - Planning Guidance Supplementary Planning Document
2018

Neighbour Comments:

None Received

1. BACKGROUND

- 1.1. The Old Oak & Park Royal Development Corporation (OPDC) has consulted the Council on a planning application submitted to them (their reference 23/0026/FUMOPDC) for the redevelopment of 3 School Road, NW10. The site is situated in LB Ealing, but the OPDC is the determining planning authority.
- 1.2. This application is being reported to the Planning and Development Control Committee to give Members the opportunity to consider and endorse the officers' recommendations before these are formally submitted to the OPDC. It is for the OPDC to determine the planning application, but the Council's representations will be included in their committee report and will form part of their consideration of the proposals.
- 1.3. The OPDC are currently intending to report the planning application to their planning committee for determination on the 7 September 2023.

Site & Surroundings

- 1.4. The application site is broadly rectangular and situated at the junction of and School Road on the corner of Victoria Road, NW10. It measures approximately 0.38 hectares and currently comprises two buildings containing office and industrial floorspace. There are further industrial buildings immediate north and to the west of the site. A public park is being developed to the south of the site, and there is a car park to the east.
- 1.5. The site is allocated (36) for a mixed-use residential-led development in OPDC's recently adopted local plan (June 2022), together with 99 Victoria Road to the south. The plan identifies a capacity for 250 net additional housing units and 800 sqm. of commercial or industrial floorspace. The site has been released from its previous Strategic Industrial Location (SIL) designation under the OPDC local plan, as part of a wider approach to the consolidation and release of industrial land across the Old Oak and Park Royal Opportunity Area.
- 1.6. The site itself is not in a conservation area and it does not contain any other heritage assets. The Acton Business Centre further along School Road is a building of local heritage interest. The site is located approximately 200 metres north of North Acton Station Underground (LU) station which is served by Central Line services. There are 3 bus stops along Victoria Road in the immediate vicinity to the site. The site has a Public Transport Accessibility Level (PTAL) of 4, on a scale of 0 to 6b where 6b is the highest. A new station for HS2 is proposed 500 metres to the east of the site. As part of the delivery of HS2, the proposed relocation of the northbound bus stop on Victoria Road could be delivered directly outside the site. The HS2 Crossover Box is immediately south of the site and the Old Oak Masterplan Area extends east.

2.0 PLANNING HISTORY

- 2.1. There is no relevant planning history on the site, in the context of the current consultation request from the OPDC.

3. PROPOSAL

- 3.1. Demolition of the 2 existing buildings on the site and redevelopment in the form of a predominantly residential tower up to 25-storeys in height, comprising 176 residential units (35% affordable) above 1,199sqm (GIA) of flexible Class E(g)(ii) (research and development of products or processes) / Class E(g)(iii) (industrial processes) / Class B2 (general industrial) uses over basement, ground and mezzanine floors; and 95sqm (GIA) Class E(b) (cafe) use on ground floor.

4.0 PUBLICITY & CONSULTATIONS

- 4.1. The planning application has been submitted to OPDC who are the Local Planning Authority. In addition to the consultation responses from the relevant statutory bodies (including Ealing council) the OPDC have received an objection to the application from the Ealing Civic Society, on the grounds that residential development in this location is unsuitable (industrial area currently with a lack of local infrastructure and poor amenities to support a residential community) and the provision of residential accommodation above the proposed industrial uses would be likely to harm the amenities of future residents. No representations have been received from Hammersmith & Fulham residents.
- 4.2. Similarly, we have not received any representations from Hammersmith & Fulham residents regarding the proposed development.

5.0 PLANNING FRAMEWORK

- 5.1. The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.2. For LBHF purposes the statutory development plan comprises the London Plan (2021), our adopted Local Plan (2018) and our related Planning Guidance SPD (2018). In this case the application site is in LB Ealing who have made their own representations direct to the OPDC on the proposals. The OPDC as the determining authority will assess the development against the London Plan and their own local plan (2022).
- 5.3. The National Planning Policy Framework - NPPF (2021) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

6.0 PLANNING CONSIDERATIONS

URBAN DESIGN & HERITAGE

- 6.1. No objection raised to the proposal in terms of the design or architectural character of the scheme.
- 6.2. In terms of heritage impacts, the proposals are not considered to result in any harm to the setting of any heritage assets.
- 6.3. The main point of concern relates to the townscape impact of the proposed development from key views within Wormwood Scrubs. The application site is situated within an area considered appropriate for tall buildings, as defined by the OPDC Local Plan (2022).



Extract from OPDC Local Plan – Areas where tall buildings are appropriate in purple.
(Application site denoted by orange circle).

- 6.4. The OPDC Local Plan defines a tall building as being above 15-storeys or 48 metres in height. At 25-storeys the proposal would represent a singular new tall building. However, given the wider designation for tall buildings, a new cluster of tall buildings are envisaged to be developed in this area throughout the plan period.
- 6.5. The application has been accompanied by a Heritage Townscape and Visual Impact Appraisal (HTIVA) which highlights several key views within the surrounding context inclusive of a view from Wormwood Scrubs situated within LBHF. The submitted views outline the significant change to the selected view from the scrubs when looking to the north. The HTIVA concludes that the magnitude of change within this view of medium sensitivity would be medium and would likely have a moderate/beneficial impact overall. Officers disagree with this assessment, given that the proposal scheme would introduce a highly prominent new feature within the background of views from Wormwood Scrubs which would be visually distracting and change the appreciation and experience of the scrubs as a key open space. Whilst the classification of the view as medium sensitivity is agreed, officers consider that the extent of change would be medium/high and the effect of this change to be moderate/adverse.

- 6.6. Furthermore, officers remain cognisant of the potential cluster of the tall buildings which could be delivered in future. The proposed height of this initial tall building requires careful consideration to help inform the scale of other tall buildings within the local area. Given that no other applications are pending consideration, or no masterplan has been formally adopted for the sites; officers are concerned that development to this scale at the edge of an area identified for the development tall buildings could create a precedent for other tall buildings to be of a much-increased scale which would further exacerbate townscape harm to the sensitive setting of Wormwood Scrubs. Similar concerns have been raised previously, in relation to the increased scale and densities of development coming forward around North Acton Station.
- 6.7. The proposals would therefore result in a medium/high degree of change within key views from Wormwood Scrubs and would result in moderate/adverse impacts upon these key townscape views. Officers would therefore raise objections to the proposal from a townscape perspective.

HIGHWAYS

- 6.8. Officers raise no objections to the proposals on highways grounds. The application site is in LB Ealing, and they are the local highways authority in this case.
- 6.9. The main issue for us is any likely impact of the proposed development on the road network in Hammersmith & Fulham and on our residents.
- 6.10. The development would be car permit free and the consultation responses sent direct to the OPDC from TfL and LB Ealing acknowledge this and state that the appropriate permit free measures should be secured within a s106 agreement, together with necessary travel plans and a delivery and servicing plan. Ealing have also asked for car club membership and a servicing and parking management plan.
- 6.11. Both Ealing and TfL have also asked for construction management and logistics plans. Given the proximity of the site to the borough boundary officers endorse these comments. Any construction logistics plan should consider the cumulative impact of construction traffic/activities in the area.

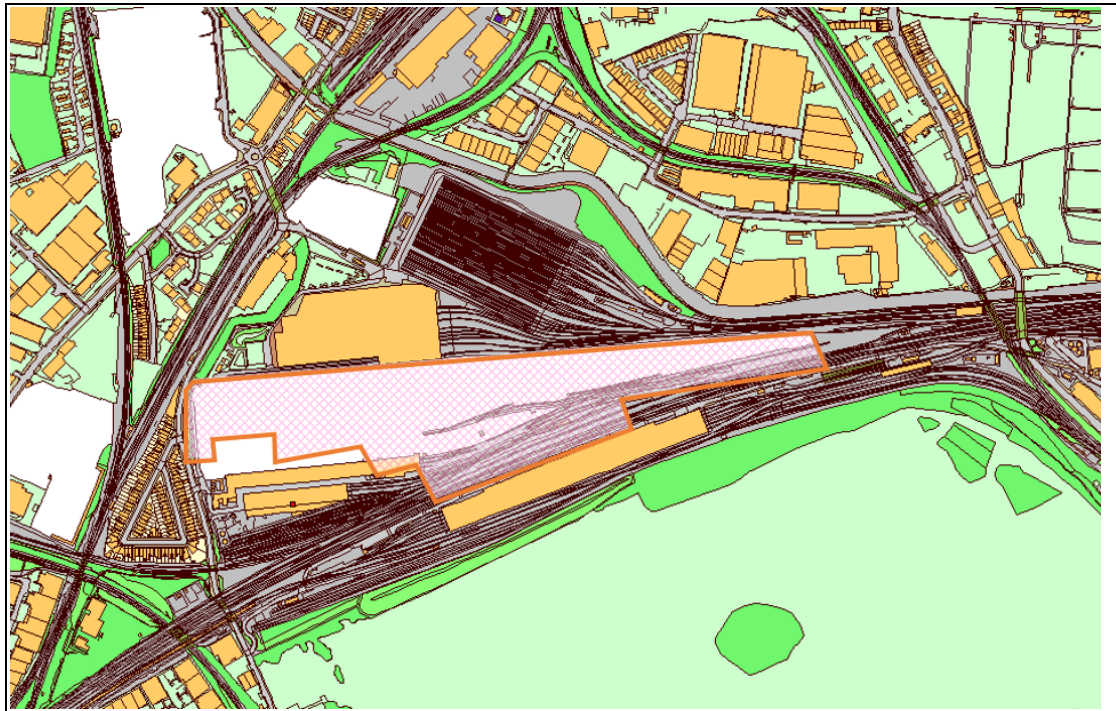
7.0. CONCLUSION

- 7.1. Officers recommend that that the Council raises an objection to the proposed development on townscape impact grounds, as detailed above in the “Officer Recommendation” section at the front of this report.

Ward: College Park & Old Oak

Site Address:

Old Oak Common Station, Old Oak Common Lane,
London, NW10 6DZ



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2023/01911/OPDOBS

Case Officer:
Sinead Winship-David

Date Valid:
21.07.2023

Conservation Area:

Committee Date:
05.09.2023

Applicant:

Old Oak and Park Royal Development Corporation
Brent Civic Centre 32 Engineers Way Wembley HA9 0FJ

Description:

Consultation by the OPDC Application under Schedule 17 of the High-Speed Rail (London - West Midlands) Act 2017 for works to enable Old Oak Common Station to serve as a temporary terminus comprising a train crew and catering building, fencing and gates to provide a refuse compound, lighting equipment and road vehicle parks.

Drg Nos: OPDC consultation letter dated 20 July 2023 relating to application ref. 23/0160/HS3OPDC

Application Type:

Observations to OPDC

Officer Recommendation:

The Council raises an objection to the proposed development for the following reason(s):

- 1) The proposed train crew and catering building would be in the area safeguard for a future east/west vehicular/pedestrian bridge (known as Old Oak Bridge). Furthermore, the proposed new building and associated works would be located within the alignment of the proposed east/west Old Oak Bridge. Insufficient details have been provided to demonstrate that alternative locations have been considered for the crew facilities.
- 2) The proposed location of the crew and catering building results in the loss of the proposed cycle hub for 745 cycle parking spaces safeguarded in the previously approved Schedule 17 application (ref. 22/0064/HS2OPDC) and the current proposals do not include the re-provision of the safeguarded 745 cycle parking spaces.

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 20th July 2023
Drawing Nos:

Policy documents: National Planning Policy Framework (NPPF) (2021)
The London Plan (2021)
OPDC - Local Plan (2022)

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

None received.

OFFICER'S REPORT

1.0. BACKGROUND

- 1.1. The Council have been consulted by the OPDC on a Schedule 17 application submitted to them by HS2 Ltd, as described above. HS2 Ltd is the nominated undertaker for phase 1 of the High-Speed Rail under the (London – West Midlands) Act 2017.
- 1.2. The OPDC are the local planning authority for the area, but we remain the highway authority for land in the OPDC area that is also within the borough boundary.
- 1.3. This application is being reported to the Planning and Development Control Committee (PADCC) to give Members the opportunity to consider and endorse officers' comments before these are submitted formally to the OPDC.
- 1.4. The OPDC were aiming to report the application (their reference 23/0160/HS2OPDC) to their own planning committee on 7 September 2023, but they have subsequently confirmed that it will not now go to committee until October at the earliest.

Site & Surroundings

- 1.5. The application site is approximately 900m long from east to west and is bordered by the Crossrail Depot to the north (with the Grand Union Canal beyond that), further operational railway land to the east, the Great Western Mainline (GWML) tracks and IEP Depot and rail sidings to the south and Old Oak Common Lane and the Wells House Road residences to the west. The site area is some 9.9 hectares.
- 1.6. The proposed new Old Oak Common Station will be accessed from Old Oak Common Lane. The site is comprised of operational railway land occupied by the Great Western Railway (GWR) and Heathrow Express (HEX) depots, which have been demolished as part of the HS2 works.
- 1.7. The HS2 route through the administrative area of OPDC will enter LBHF from the Royal Borough of Kensington and Chelsea (RBKC) below Kensal Green Cemetery via the underground twinbore Euston tunnel, before crossing under the Grand Union Canal into the OPDC administrative area. The route through the OPDC area will be approximately 4.5km in length. Most of the route will be below ground

except for the HS2 station and associated infrastructure, known as Old Oak Common station, which is the subject of this Schedule 17 Plans and Specifications submission.

- 1.8. The site is located within Flood Risk Zone 1. The St Mary's Kensal Green Cemetery and Little Wormwood Scrubs recreation grounds lying to the northeast and southeast respectively are designated Local Wildlife Sites. St Mary's Cemetery is within the St Mary's conservation with several listed structures (Grade II) associated with the cemetery uses. Wormwood Scrubs lies to the south of the subject site which is a Local Wildlife Site with areas within also being designated as a Local Nature Reserve.

2.0. RELEVANT PLANNING HISTORY

- 20/0011/HS2OPDC (our ref. 2020/03115/OPDOBS) – OPDC granted permission 20 January 2021 under Schedule 17 of the High-Speed Rail (London – West Midlands) Act 2017 relating to works associated with the realignment of Old Oak Common Lane and replacement Great Western Mainline and Central Line bridges.
- 20/0057/HS2OPDC (our ref. 2022/01183/OPDOBS) – OPDC granted permission 23 June 2020 under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 for highway routes (conditions relating to road transport) to be used by large goods vehicles associated with the main works stage including main site enabling works; excavation works (main station box); under track crossing works; Stamford Brook Sewer works; piling and diaphragm wall works; installation of tower cranes; conveyor installation; decommissioning works; ground remediation works; satellite site A/B enabling works; Wycombe line bridge demolition works; and all other activities for the purposes and in connection with the scheduled and ancillary works for HS2 at four construction site compounds comprising Old Oak Common Station, Atlas Road, Willesden Euro Terminal and Satellite Sites A/B.
- 20/0013/HS2OPDC – OPDC granted permission 22 May 2020 under Schedule 16 of the High-Speed Rail (London - West Midlands) Act 2017 relating to the onsite road layout associated with the new Old Oak Common station.
- 20/0012/HS2OPDC (our ref. 2022/01251/OPDOBS) – OPDC granted permission 22 May 2020 under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 relating to above ground works associated with the new Old Oak Common station, comprising main concourse; overbridges; stairs; escalators; lifts to conventional rail; conventional rail platforms and canopies; ventilation structures and associated works.
- 22/0065/HS2OPDC (our ref. 2022/01251/OPDOBS) – OPDC granted permission 3 April 2023 under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for amendments to ancillary buildings previously approved (OPDC ref. 20/0012/HS2OPDC) 22 May 2020 as part of Old Oak Common station and associated, comprising of amendments to headhouses, ventilation structures and the cycle hub.
- 22/0064/HS2OPDC (our ref. 2022/01249/OPDOBS) – OPDC granted permission 11 July 2022 under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for works associated with the urban realm for the new Old Oak Common

station comprising earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO substation; hard and soft landscaping; road vehicle parks and onsite road layout.

It is noted that we raised objections to this application at that time on the following grounds:

- 1) Highway Impacts: Additional information is required to fully demonstrate that the road layout and associated features can operate safely and to further demonstrate compliance with the London Plan.
 - 2) Urban Design: Insofar as it relates to the connectivity of Old Oak Common Station with the wider area, the design of the urban realm is unacceptable. LBHF strongly recommends that wider links and connectivity to Scrubs Lane, the Grand Union Canal and Wormwood Scrubs are delivered at an early stage of the development programme.
- 23/0161/HS2OPDC - A further application has been submitted to the OPDC under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for a non-material change to planning consent reference 22/0064/HS2OPDC (above) for 'works associated with the urban realm for the new Old Oak Common station comprising earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO substation; hard and soft landscaping; road vehicle parks and onsite road layout'. The non-material changes include amendments to approved general arrangements plans, landscape planting plans, contours and levels plans, cycle space provision and lighting details and the provision of a staff smoking shelter and security booth.

We have also been consulted by the OPDC on these proposals (our ref. 2023/01912/OPDOBS) and officers' suggested response to the OPDC consultation is the subject of a separate report for the committee's consideration on tonight's agenda.

3.0. PROPOSAL

- 3.1 The High-Speed Rail (London - West Midlands) Act 2017 provides powers for the construction and operation of Phase 1 of HS2. HS2 Ltd is the nominated undertaker in relation to the works. Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17, which require the following matters to be approved or agreed by the relevant Local Planning Authority (OPDC in this case).
- 3.2 The current proposals comprise works associated with the provision of crew and catering facilities for the new Old Oak Common Station. The works comprise:
 - Train crew and catering building
 - Fencing and gates to provide a refuse compound
 - Road vehicle parking areas
 - Lighting equipment
- 3.3 A single-storey train crew and catering building is proposed with plant equipment

above. The building is 6.9m in height at its highest, with the single storey element being 4.7m in height. It measures 58.3m in total length. The building is set in 2.2m from the northern boundary on its western side and 1.5m on the eastern side. It is set in 3m from the East Core building to the south.

- 3.4 A turning head is proposed to the east of the proposed building with access provided to 2 HGV loading bays adjacent to the catering facilities. Further parking is proposed to cater for train crew attending the site for emergency cover. This would comprise 2 general spaces and 1 accessible space.

4.0. PUBLICITY & CONSULTATIONS

- 4.1. The planning application has been submitted to OPDC who are the Local Planning Authority.
- 4.2. We have not received any representations from Hammersmith & Fulham residents direct regarding the proposed development.

5.0 PLANNING FRAMEWORK

High Speed Rail (London - Midlands) Act 2017

- 5.1. The High-Speed Rail (London - West Midlands) Act 2017 (the 'Act') grants deemed planning permission for the construction of phase one of the High Speed Two (HS2) railway from London to the West Midlands. This deemed planning permission is subject to conditions set out in Schedule 17 ('conditions relating to deemed planning permission') of the Act. As the nominated undertaker for the delivery of HS2, High Speed Two Limited (HS2 Ltd) must apply to local planning authorities for the approval of certain details.
- 5.2. Paragraphs 2 and 3 of Schedule 17 require an application to be submitted to the local planning authority for the approval of plans and specifications relating to building works and other construction works including, but not limited to, earthworks, fences, and walls.
- 5.3. The grounds that the local planning authority (the OPDC in this case) may consider when determining the request for approval are also prescribed in these paragraphs. For the works involving replacement bridges, earthworks and retaining walls, the OPDC may only refuse to approve plans or specifications on the grounds that:
- (a) The design or external appearance of the works ought to be modified:
 - (i) To preserve the local environment or local amenity,
 - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) To preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified, or
 - (b) The development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits. (For earthworks, this is only applicable if the development does not form part of a scheduled work).

- 5.4. The Act also places controls on the HS2 development which sit outside of the Schedule 17 process. For example, works to the public highway require the consent of the local highway authority under Schedule 4 of the Act.

Planning Policy

5.5. Planning policies are only relevant to the determination of the application insofar as they relate to the matters prescribed in paragraphs 2 and 3 of Schedule 17.

- 5.5. The relevant development plan documents for the application site area are:
- London Plan (2021)
 - OPDC Local Plan (2022)

6.0. ASSESSMENT

Urban Design and Heritage

- 6.1. No objection is raised to the proposal from urban design and heritage officers in terms of the design of the scheme. The proposals are considered acceptable given the temporary nature of the buildings.
- 6.2. In terms of heritage impacts, the proposals are not considered to result in any harm to the setting of any heritage assets.
- 6.3. The only comments upon the current application would be linked to the highway comments below, regarding the wider placemaking ambition to deliver a new pedestrian/cycle link between the site and the Grand Union Canal/Scrubs Lane. The location of the temporary terminus would limit the ability to deliver this link in the short-term, limiting wider accessibility and permeability to the HS2 station by LBHF residents and visitors.

Highways

- 6.4. Old Oak Common Station will be the temporary terminus for HS2's London-Birmingham route, until the section of the route from Old Oak Common Station to Euston Station becomes operational. As a result, the train crew on the route will begin and end their shifts at Old Oak Common Station. So, the train crew facilities are required for the train services to/from Birmingham.
- 6.5. The proposed application comprises the provision of a train crew and catering building, fencing and gates, a refuse compound, vehicle parking areas, and associated lighting equipment.
- 6.6. The proposed train crew and catering building is single storey and would be located at the east of the Old Oak Common Station site, adjacent to the proposed logistics area.
- 6.7. However, the proposed train crew and catering building would be in the area safeguard for a future east/west vehicular/pedestrian bridge (known as Old Oak Bridge). Furthermore, the proposed new building and associated works would be located within the alignment of the proposed east/west Old Oak Bridge. As a

result, the proposal is considered objectionable in principle.

- 6.8. The application details confirm the building has been designed to be easily deconstructed and the site restored. The application details suggest a suitably worded condition can be agreed with the local planning authority to secure a restoration scheme at the appropriate time. However, this approach would be difficult to enforce and therefore isn't supported. Any such provision should be the subject of a s106 agreement.
- 6.9. Insufficient details have been provided to demonstrate that alternative locations have been considered for the crew facilities. The application details suggest it was previously considered to locate the crew and catering facilities inside the station's shared accommodation building. But insufficient evidence of this exercise has been provided with this application.
- 6.10. Two loading bays are proposed for deliveries and refuse collection for the crew and catering building. The bays measure 3.5m x 17m and are sized to accommodate a 16.5m articulated vehicle. The main station Logistics Area is predicted to generate 55 HGV movements per day, and the additional HGV movements associated with the Train Crew and Catering Building is predicted to result in a 13% uplift for the whole time that Old Oak Common functions as a terminal station for HS2 services. In addition, three parking spaces are provided for the train operator (including an accessible space).
- 6.11. A total of 34 cycle parking spaces are provided for crew and catering building staff adjacent to the northern elevation of the proposed building and beneath a glazed canopy projecting 2.1m from the building.
- 6.12. However, the proposed location of the train crew and catering building results in the loss of the proposed cycle hub for 745 cycle parking spaces safeguarded in the previously approved Schedule 17 application (ref. 22/0064/HS2OPDC).

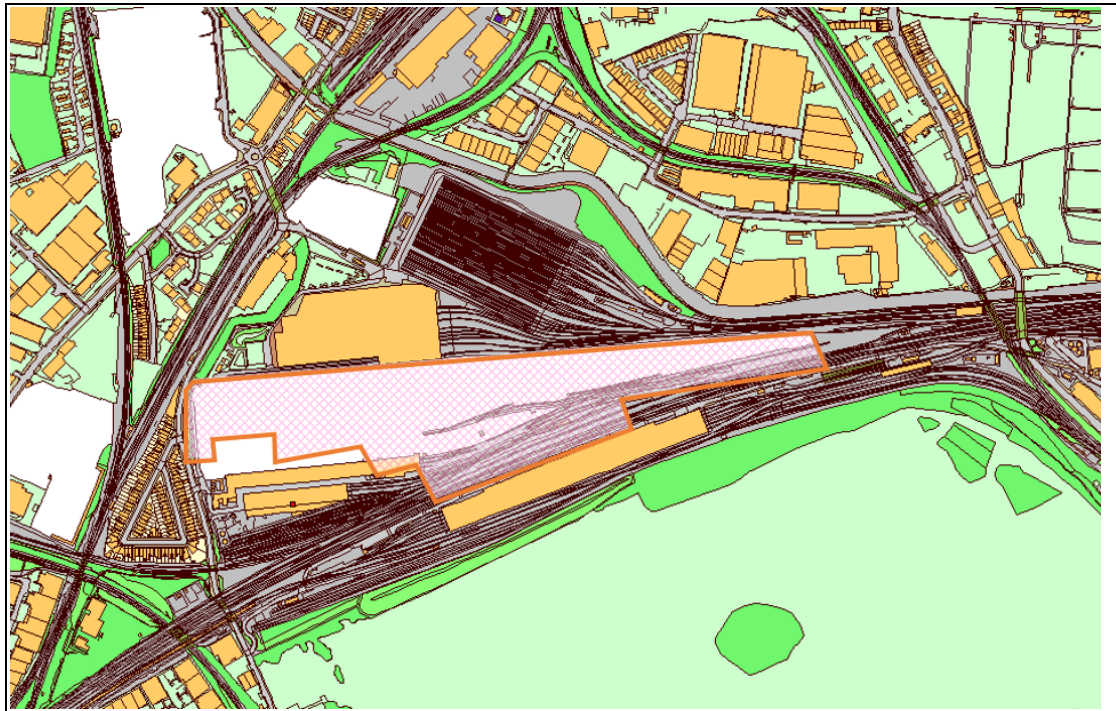
7.0. CONCLUSION

- 7.1. Officers recommend that the Council raises an objection to the proposed development as detailed above in the "Officer Recommendation" section at the front of this report.

Ward: College Park & Old Oak

Site Address:

Old Oak Common Station, Old Oak Common Lane,
London, NW10 6DZ



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2023/01912/OPDOBS

Case Officer:
Sinead Winship-David

Date Valid:
24.07.2023

Conservation Area:

Committee Date:
05.09.2023

Applicant:

Old Oak and Park Royal Development Corporation
Brent Civic Centre 32 Engineers Way Wembley HA9 0FJ

Description:

Consultation by the OPDC Application under Schedule 17 of the High-Speed Rail (London - West Midlands) Act 2017 for a non-material change to planning consent (ref. 22/0064/HS2OPDC) dated 11 July 2022 for works associated with the urban realm for the new Old Oak Common station comprising earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO substation; hard and soft landscaping; road vehicle parks and onsite road layout'. The non-material changes include amendments to approved general arrangements plans, landscape planting plans, contours and levels plans, cycle space provision and lighting details and the provision of a staff smoking shelter and security booth.

Drg Nos: OPDC consultation letter dated 21 July 2023 relating to application ref. 23/0151/HS3OPDC

Application Type:

Observations to OPDC

Officer Recommendation:

The Council raises an objection to the proposed development for the following reasons:

- 1) The objections raised previously in relation to the Schedule 17 public realm application (ref. 22/0064/HS2OPDC) still apply. There remain concerns with regards to safeguarding a future connection to the east, and in relation to the proposed urban realm layout and public transport interchange, particularly in relation to pedestrian and cycle access and movement.
- 2) The proposed location of the crew and catering building results in the loss of the proposed cycle hub for 745 cycle parking spaces safeguarded in the previously approved Schedule 17 application (ref. 22/0064/HS2OPDC) and the current proposals do not include the re-provision of the safeguarded 745 cycle parking spaces.

**LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS**

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 20th July 2023
Drawing Nos:

Policy documents: National Planning Policy Framework (NPPF) (2021)
The London Plan (2021)
OPDC - Local Plan (2022)

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

None received.

OFFICER'S REPORT

1.0. BACKGROUND

- 1.1. The Council have been consulted by the OPDC on a Schedule 17 application submitted to them by HS2 Ltd, as described above. HS2 Ltd is the nominated undertaker for phase 1 of the High-Speed Rail under the (London – West Midlands) Act 2017.
- 1.2. The OPDC are the local planning authority for the area, but we remain the highway authority for land in the OPDC area that is also within the borough boundary.
- 1.3. This application is being reported to the Planning and Development Control Committee (PADCC) to give Members the opportunity to consider and endorse officers' comments before these are submitted formally to the OPDC.
- 1.4. The OPDC were aiming to report the application (their reference 23/0160/HS2OPDC) to their own planning committee on 7 September 2023, but they have subsequently confirmed that it will not now go to committee until October at the earliest.

Site & Surroundings

- 1.5. The application site is approximately 900m long from east to west and is bordered by the Crossrail Depot to the north (with the Grand Union Canal beyond that), further operational railway land to the east, the Great Western Mainline (GWML) tracks and IEP Depot and rail sidings to the south and Old Oak Common Lane and the Wells House Road residences to the west. The site area is some 9.9 hectares.
- 1.6. The proposed new Old Oak Common Station will be accessed from Old Oak Common Lane. The site is comprised of operational railway land occupied by the Great Western Railway (GWR) and Heathrow Express (HEX) depots, which have been demolished as part of the HS2 works.
- 1.7. The HS2 route through the administrative area of OPDC will enter LBHF from the Royal Borough of Kensington and Chelsea (RBKC) below Kensal Green Cemetery via the underground twinbore Euston tunnel, before crossing under the Grand

Union Canal into the OPDC administrative area. The route through the OPDC area will be approximately 4.5km in length. Most of the route will be below ground except for the HS2 station and associated infrastructure, known as Old Oak Common station, which is the subject of this Schedule 17 Plans and Specifications submission.

- 1.8. The site is located within Flood Risk Zone 1. The St Mary's Kensal Green Cemetery and Little Wormwood Scrubs recreation grounds lying to the northeast and southeast respectively are designated Local Wildlife Sites. St Mary's Cemetery is within the St Mary's conservation with several listed structures (Grade II) associated with the cemetery uses. Wormwood Scrubs lies to the south of the subject site which is a Local Wildlife Site with areas within also being designated as a Local Nature Reserve.

2.0. RELEVANT PLANNING HISTORY

- 20/0011/HS2OPDC (our ref. 2020/03115/OPDOBS) – OPDC granted permission 20 January 2021 under Schedule 17 of the High-Speed Rail (London – West Midlands) Act 2017 relating to works associated with the realignment of Old Oak Common Lane and replacement Great Western Mainline and Central Line bridges.
- 20/0057/HS2OPDC (our ref. 2022/01183/OPDOBS) – OPDC granted permission 23 June 2020 under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 for highway routes (conditions relating to road transport) to be used by large goods vehicles associated with the main works stage including main site enabling works; excavation works (main station box); under track crossing works; Stamford Brook Sewer works; piling and diaphragm wall works; installation of tower cranes; conveyor installation; decommissioning works; ground remediation works; satellite site A/B enabling works; Wycombe line bridge demolition works; and all other activities for the purposes and in connection with the scheduled and ancillary works for HS2 at four construction site compounds comprising Old Oak Common Station, Atlas Road, Willesden Euro Terminal and Satellite Sites A/B.
- 20/0013/HS2OPDC – OPDC granted permission 22 May 2020 under Schedule 16 of the High-Speed Rail (London - West Midlands) Act 2017 relating to the onsite road layout associated with the new Old Oak Common station.
- 20/0012/HS2OPDC (our ref. 2022/01251/OPDOBS) – OPDC granted permission 22 May 2020 under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 relating to above ground works associated with the new Old Oak Common station, comprising main concourse; overbridges; stairs; escalators; lifts to conventional rail; conventional rail platforms and canopies; ventilation structures and associated works.
- 22/0065/HS2OPDC (our ref. 2022/01251/OPDOBS) – OPDC granted permission 3 April 2023 under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for amendments to ancillary buildings previously approved (OPDC ref. 20/0012/HS2OPDC) 22 May 2020 as part of Old Oak Common station and associated, comprising of amendments to headhouses, ventilation structures and the cycle hub.
- 22/0064/HS2OPDC (our ref. 2022/01249/OPDOBS) – OPDC granted permission 11

July 2022 under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for works associated with the urban realm for the new Old Oak Common station comprising earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO substation; hard and soft landscaping; road vehicle parks and onsite road layout.

It is noted that we raised objections to this application at that time on the grounds of potential highways impacts and on design/placemaking grounds (connectivity of Old Oak Common Station with the wider area. We strongly recommended that wider links and connectivity to Scrubs Lane, the Grand Union Canal and Wormwood Scrubs are delivered at an early stage of the development programme).

- 23/0160/HS2OPDC - A further application has been submitted to the OPDC under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for works to enable Old Oak Common Station to serve as a temporary terminus comprising a train crew and catering building, fencing and gates to provide a refuse compound, lighting equipment and road vehicle parks.

We have also been consulted by the OPDC on these proposals (our ref.23/01911/OPDOBS) and officers' suggested response to the OPDC consultation is the subject of a separate report for the committee's consideration on tonight's agenda.

3.0. PROPOSAL

- 3.1. The High-Speed Rail (London - West Midlands) Act 2017 provides powers for the construction and operation of Phase 1 of HS2. HS2 Ltd is the nominated undertaker in relation to the works. Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17, which require the following matters to be approved or agreed by the relevant Local Planning Authority (OPDC in this case).
- 3.2 The current application proposes amendments to the previously approved schedule 17 consent (ref. 22/0064/HS2OPDC) dated 11 July 2022 for works associated with the urban realm for the new Old Oak Common station, comprising earthworks; wetland area earthworks; retaining walls; bus canopies; fences and walls; bollards; seating; planters; cycle stands; lighting equipment; a DNO substation; hard and soft landscaping; road vehicle parks and onsite road layout.
- 3.3 We were consulted on the original 2022 application at that time by the OPDC and we objected to the proposals on the following grounds:
 - 1) Highway Impacts: Additional information is required to fully demonstrate that the road layout and associated features can operate safely and to further demonstrate compliance with the London Plan.
 - 2) Urban Design: Insofar as it relates to the connectivity of Old Oak Common Station with the wider area, the design of the urban realm is unacceptable. LBHF strongly recommends that wider links and connectivity to Scrubs Lane, the Grand Union Canal and Wormwood Scrubs are delivered at an early stage of the development programme.

3.4. In the case of the current schedule 17 application the proposed amendments to the previously approved scheme are driven by the desire to facilitate the delivery of the proposed crew building and associated facilities. The key amendments are summarised below:

- Changes to hard and soft landscaping
- Additional fencing to the west of the train crew and catering building and revised bollard layout
- Provision of staff smoking shelter and security booth
- Changes to car parking provision to reflect British Transport Police, HS2 and National Rail operational requirements
- Changes to on-site road layouts
- Amendments to lighting design within the Eastern Urban Realm, including details of lighting for the crew and catering building.

3.5. The matter of whether these proposals constitute non-material amendments to the approved scheme is for the OPDC to consider as the determining authority.

PUBLICITY & CONSULTATIONS

- 4.1. The planning application has been submitted to OPDC who are the Local Planning Authority.
- 4.2. We have not received any representations from Hammersmith & Fulham residents direct regarding the proposed development.

5.0 PLANNING FRAMEWORK

High Speed Rail (London - Midlands) Act 2017

- 5.1. The High-Speed Rail (London - West Midlands) Act 2017 (the 'Act') grants deemed planning permission for the construction of phase one of the High Speed Two (HS2) railway from London to the West Midlands. This deemed planning permission is subject to conditions set out in Schedule 17 ('conditions relating to deemed planning permission') of the Act. As the nominated undertaker for the delivery of HS2, High Speed Two Limited (HS2 Ltd) must apply to local planning authorities for the approval of certain details.
- 5.2. Paragraphs 2 and 3 of Schedule 17 require an application to be submitted to the local planning authority for the approval of plans and specifications relating to building works and other construction works including, but not limited to, earthworks, fences, and walls.
- 5.3. The grounds that the local planning authority (the OPDC in this case) may consider when determining the request for approval are also prescribed in these paragraphs. For the works involving replacement bridges, earthworks and retaining walls, the OPDC may only refuse to approve plans or specifications on the grounds that:
- (a) The design or external appearance of the works ought to be modified:
 - (i) To preserve the local environment or local amenity,
 - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

(iii) To preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified, or

(b) The development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits. (For earthworks, this is only applicable if the development does not form part of a scheduled work).

5.4. The Act also places controls on the HS2 development which sit outside of the Schedule 17 process. For example, works to the public highway require the consent of the local highway authority under Schedule 4 of the Act.

Planning Policy

5.5. Planning policies are only relevant to the determination of the application insofar as they relate to the matters prescribed in paragraphs 2 and 3 of Schedule 17.

5.6. The relevant development plan documents for the application site area are:

- London Plan (2021)
- OPDC Local Plan (2022)

6.0. ASSESSMENT

Urban Design and Heritage

6.1. No objection raised to the proposal from urban design and heritage officers in terms of the design of the scheme. The changes to the proposal scheme are quite minor in nature, when considered against the earlier approved Schedule 17 application.

6.2 In terms of heritage impacts, the proposals are not considered to result in any harm to the setting of any heritage assets.

Highways

6.3. The provision of the train crew and catering building results in changes to the approved Station Urban Realm scheme (Planning Ref. 22/0064/HS2OPDC). The non-material application updates the consented plans so that they incorporate the proposed train crew and catering building works. These changes are mostly around the Eastern Station Urban Realm.

6.4. The application also includes other minor changes/updates to the eastern urban realm because of further design development, including a new staff smoking shelter proposed on the western side of the East Service Road, adjacent to the rear of the main station building and full details of the proposed security booth also situated on the East Service Road.

6.5. The objections raised previously (In relation to the previous public realm application / Schedule 17 application 22/0064/HS2OPDC) still apply. There are still concerns with regards to safeguarding a future connection to the east, and in relation to the proposed urban realm layout and public transport interchange, particularly in relation to pedestrian and cycle access and movement.

- 6.6. In addition, the proposed location of the crew and catering building results in the loss of the proposed cycle hub for 745 cycle parking spaces safeguarded in the previously approved Schedule 17 application 22/0064/HS2OPDC, and this non-material application does not include the re-provision of the safeguarded 745 cycle parking spaces.

7.0. CONCLUSION

- 7.1. Officers recommend that that the Council raises an objection to the proposed development as detailed above in the “Officer Recommendation” section at the front of this report.