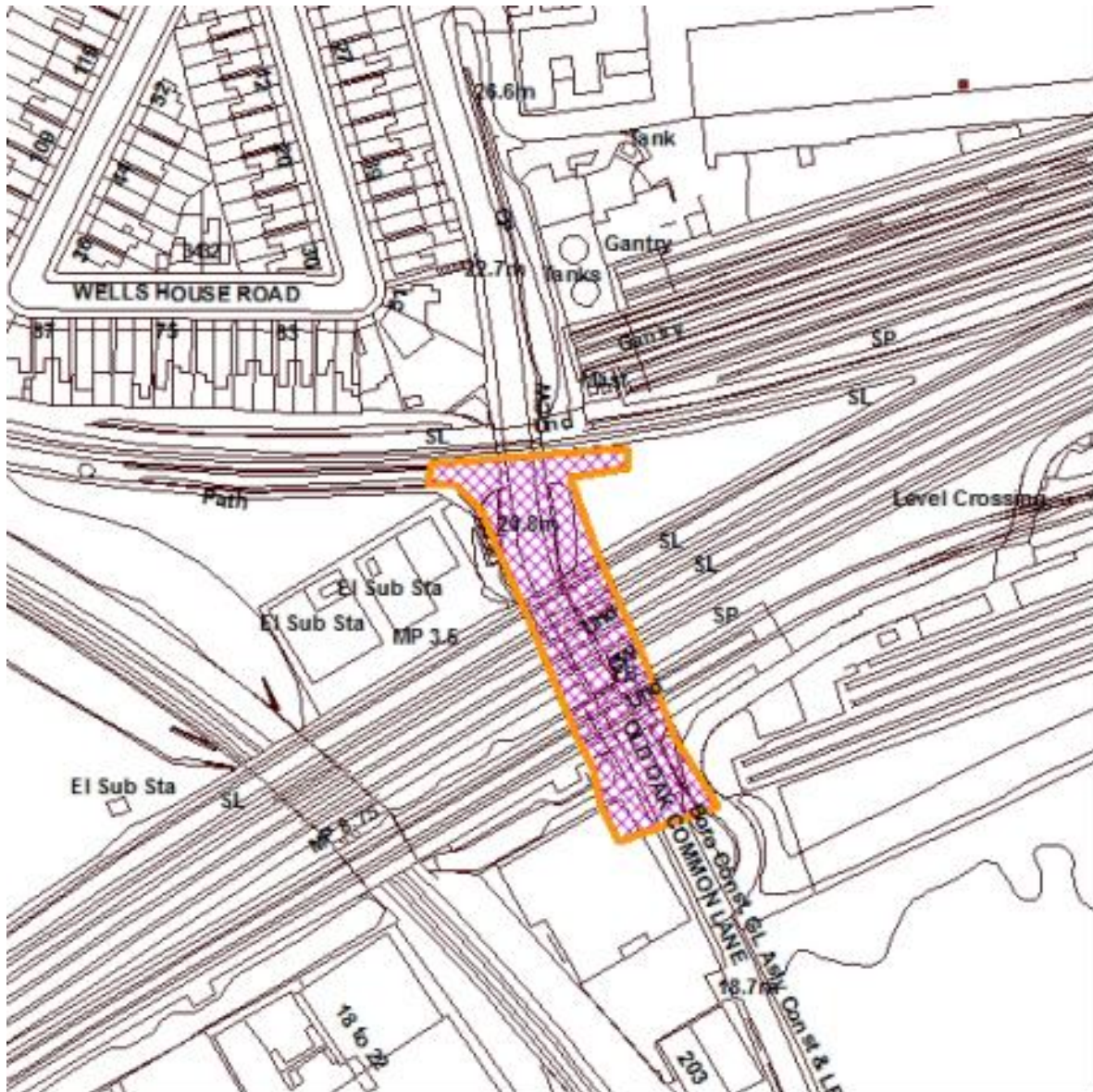

Ward: College Park and Old Oak

Site Address:

Old Oak Common Lane London NW10 6DZ



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For identification purposes only - do not scale.

Req. No:

2023/00516/OPDOBS

Case Officer:

Violet Dixon

Date Valid:

01.03.2023

Conservation Area:

Committee Date:

18.04.2023

Applicant:

Claire O'Brien (OPDC)
Old Oak Common Lane London NW10 6DZ

Description:

Consultation by OPDC in relation to a submission under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for works associated with the extension of the previously consented replacement Great Western Mainline Bridge and a new bridge to non-preclude a potential future extension of the Chiltern Line; collision protection beam; modifications to abutments of existing Intercity Express Programme Bridge; earthworks; retaining walls; guardrails; track access stairs; fencing and lighting equipment (OPDC Ref: 23/0020/HS2OPDC).

Drg Nos: OPDC Consultation letter dated 28 February 2023 regarding (ref: 23/0020/HS2OPDC).

Application Type:

Observations to OPDC

Officer Recommendation:

The Council raises no objections to the OPDC in relation to this application.

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

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

Application form received: 28th February 2023

Policy documents:

- National Planning Policy Framework (NPPF) 2021
- The London Plan 2021
- H&F - Local Plan 2018
- H&F – Planning Guidance Supplementary Planning Document 2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

OFFICER'S REPORT

1. BACKGROUND

- 1.1. The Council has 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.
- 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. Members should be aware that the OPDC are currently aiming to report the application to their own planning committee on 27 April 2023.
- 1.5. The proposals seek amendments to a previous approval by the OPDC for the retaining walls and earthworks associated with the realignment and lowering of Old Oak Common Lane and the replacement bridges over Old Oak Common Lane and the Central Line associated with the realignment of the Great Western Mainline (GWML) tracks.

Site & Surroundings

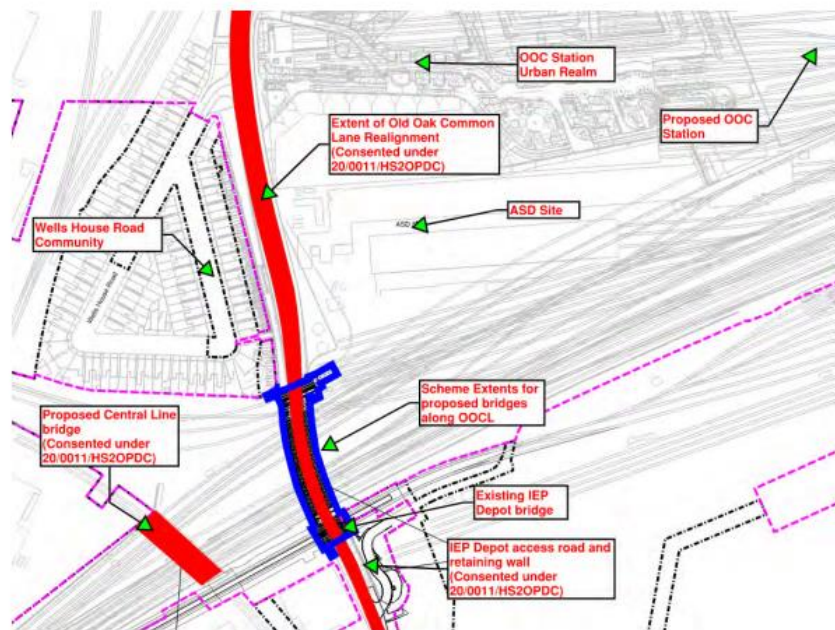


Figure 1- Location of proposed works

- 1.6. The area of works applied for under this application relates to the existing Great Western Mainline bridge and Wycombe Line bridge, as well as the area immediately to the north of this along Old Oak Common Lane. The application site is located to the southwest of the Old Oak Common Station site and sits

between the properties located along Wells House Road to the northwest (L.B Ealing) and Wormwood Scrubs located to the southeast (H&F).

- 1.7. Old Oak Common Lane runs in a north - south direction, along the western edge of the proposed Old Oak Common station site. Extends from Victoria Road to the north to Old Oak Road in the south and is a single carriageway tertiary road, with a speed limit of 20mph. The road is situated within the London Borough of Ealing (LBE) and London Borough of Hammersmith and Fulham (H&F). The borough boundary between H&F and LBE currently runs along the eastern edge of the road, including across the subject site.
- 1.8. On the western side of Old Oak Common Lane and to the north of the railway tracks lies Wells House Road, a residential area located in L.B Ealing which is elevated above the road with a retaining wall forming the boundary with the public footway. Wells House Road is a triangular cul-de-sac, of around 125 generally 2/3 no. storey Victorian and Edwardian dwellings hemmed in by railway lines to the west and to the south-east. Access to the area is from Old Oak Common Lane to the east. Kildun Court, located to the north of the access to Wells House Road, with access onto Old Oak Common Lane, is a block of modern residential apartments (3 no. storey with roof setback). The closest residential properties in this borough are located approximately 250m to the south, off Old Oak Common Lane and Braybrook Street/Wulfstan Street.
- 1.9. Two triangular sites lie to the south of the Wells House Road area formed by the intersection of the GWML and the London Underground Central line tracks. These sites are generally characterised by railway infrastructure within scrub land. Further to the south beyond the GWML lie light industrial and commercial uses characterised by 2 no. storey industrial structures with access further to the south off Old Oak Common Lane.
- 1.10. The main Old Oak Common Station site is located on the eastern side of the road and Wormwood Scrubs is located to the south of this, on the other side of the railway tracks.
- 1.11. 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-east of the subject site which is a Local Wildlife Site with areas within also being designated as a Local Nature Reserve. The properties located on Wells House Road to the northwest of the site are identified as buildings of heritage interest within OPDC's Local Heritage Listings (2020).

2. PLANNING HISTORY

- 2.1. **20/0011/HS2OPDC** – Approved by OPDC 20 January 2021 - Application 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 (H&F consultation

reference 2020/03115/OPDOBS).

20/0012/HS2OPDC – Approved by OPDC 22 May 2020 - Application 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/canopies; ventilation structures and associated works (H&F consultation reference 2022/01251/OPDOBS).

20/0013/HS2OPDC – Approved by OPPDC 22 May 2020 - Application 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.

20/0057/HS2OPDC - Approved by OPPDC 23 June 2020 - Application under Schedule 17 of the High-Speed Rail (London - West Midlands) Act 2017 for approval of 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 (H&F consultation reference 2022/01183/OPDOBS).

22/0064/HS2OPDC – Approved by OPDC 11 July 2022 - Application 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. design grounds (H&F consultation reference 2022/01249/OPDOBS).

22/0064/HS2OPDC – Approved by OPDC 3 April 2023 - Application under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for amendments to ancillary buildings approved as part of Old Oak Common station and associated comprising of amendments to headhouses, ventilation structures and the cycle hub (H&F consultation reference 2022/01251/OPDOBS).

3. 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).
- Construction arrangements (including large goods vehicle routes).
 - Plans and specifications.
 - Bringing into use requests; and
 - Site restoration schemes.

- 3.2. Schedule 17 sets out the grounds on which the LPA may impose conditions on approvals or refuse requests for approval, namely:
- (a) The design or external appearance of the building 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.
- 3.3. The proposals seek to facilitate greater accessibility to and from the proposed Old Oak Common Station in line with OPDC's aspirations for the Park Royal area, along with the wider London area, and more broadly on a UK wide basis. The works submitted for approval relate to the extension of the approved GWML Bridge structure further northwards and construction of a new steelwork rail bridge and associated works. The works are for the realignment of Old Oak Common Lane which is being widened and lowered to facilitate its use by double decker buses accessing the proposed Old Oak Common Station and the wider area.
- 3.4. These elements have previously been approved under OPDC (ref. 20/0011/HS2OPDC) which granted S17 consent for the new bridge and associated works. The current proposals (permanent works) (extension to the previously consented GWML Bridge and a new bridge to safeguard the potential for a future extension of the Chiltern Line over Old Oak Common Lane) supersedes the bridge elements approved under the 2021 decision. The existing Intercity Express Programme (IEP) bridge located south of the replacement GWML bridge will be retained.
- 3.5. The current application seeks to amend the consented structures as follows:
- Extension of GWML bridge previously consented 2021 (by about 10m to accommodate two additional railway tracks for the Chiltern Line and new separate bridge also proposed immediately to the north of this to accommodate a third additional railway track).
 - New bridge adjacent (north) of replacement GWML bridge.
 - New collision protection beam between the existing IEP Bridge and replacement GWML Bridge.
 - Modification to abutments of existing IEP bridge.
 - Earthworks (includes retaining walls, to facilitate the lowering of Old Oak Common Lane and provision of an elevated footway and cycleway beneath the bridges).
 - Guardrails to footway and cycleway.
 - Track access stairs.

- Fencing.
 - Lighting equipment.
- 3.6. The proposed works would facilitate greater accessibility to/from the proposed Old Oak Common Station. The site is within OPDC's Old Oak and Park Royal masterplan area, which proposes major redevelopment catalysed by the new Old Oak Common station.
 - 3.7. The proposed scheme (together with the previously approved HS2 Schedule 17 scheme for the realignment/lowering of Old Oak Common Lane) considered are important improvements. Rail bridges proposed are required to future proof for the potential extension of the Chiltern Line to the new Old Oak Common station which would further promote Old Oak Common station as a state-of-the-art multi-modal transport interchange in the area.
 - 3.8. The proposal seeks to integrate a future segregated cycle scheme in the form of a two-way segregated cycle lane under the bridges (eastern side). Details of design of segregated cycle lane not for approval as part of the Schedule 17 (will be submitted for approval as part of the final permanent highways scheme for Old Oak Common Lane in the future under Schedule 4 of the HS2 Act). Final highways scheme will be submitted for approval to both H&F and Ealing as the highway authorities.
 - 3.9. The proposal seeks approval for the earthworks, retaining walls and guardrails that would enable the future provision of a segregated cycle lane (along the eastern side of the Old Oak Common Lane and footway area underneath the bridges). The excavation will result in the proposed carriageway level being reduced by approximately 2.2m. There would be an increase in the headroom by the lowering of the carriageway to enable to movement of double decker buses, whilst maintaining standard gradients for pedestrians and cyclists. The footway/segregated cycle lane would be raised above the carriageway level to provide separation for cyclists/pedestrians from vehicles using the highway.
 - 3.10. The walls are proposed to be washed with colour lighting to bring a warmth to the underpass environment and to deter graffiti and antisocial behaviour. The section of Old Oak Common Lane below the existing IEP bridge, as well as the proposed GWML and Chiltern Line bridges, is proposed to be illuminated. Lighting will be wall mounted LEDs, fixed to the bridge abutment walls. A Lighting Report has been provided for information which sets out the lighting design strategy for the scheme in further detail. The design aspirations for the lighting will assist in creating a pedestrian and cyclist friendly environment underneath the bridges. A void between the new GWML Bridge and the existing IEP Bridge will be maintained on the southern side. A further void will be provided on the northern side between the GWML Bridge and the new Chiltern Line bridge. These voids are proposed to provide a level of natural light during the day, and views to the sky to help reduce the perceived length of the underpass below the GWML and Chiltern Line bridges and assist drivers to quickly adjust to the environment under the bridges.

4. PUBLICITY & CONSULTATION

- 4.1. The Schedule 17 application has been submitted to the OPDC and they are the local planning authority responsible for determining the submission. There is no statutory requirement to undertake public consultation on Schedule 17 applications in the Act (only Natural England, the Environment Agency and Historic England are required to be consulted, and only where the application relates to issues relevant to those organisations). However, in this case the OPDC have publicised the application by means of site notices and 139 notification letters sent to neighbouring properties. Consultation letters have also been sent to relevant stakeholders, including H&F, Ealing, Brent, RBKC, TfL and the GLA) and amenity groups.
- 4.2. In addition to the above HS2 held their own community engagement event on the proposed Old Oak Common Lane Rail Bridges Schedule 17 submission on 17 January 2023. Residents and stakeholders in the Old Oak and Park Royal area were invited to the event via various communication methods. This included invitation postcards delivered through doors, HS2 email alerts, and the HS2 event webpage. The drop-in event attracted 10 visitors and several information boards were provided for the public to view and discuss with BBVS and HS2. The Schedule 17 submission was also discussed at the Community Representative Group meeting on 25 January 2023 and at the Wells House Road Community Meeting on 7 February 2023.
- 4.3. H&F have not received any representations in relation to this application.

5. 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. The grounds that the local planning authority 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).

- 5.3. 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

- 5.4. 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 - Post Submission Modified Draft Local Plan (2021)

6. ASSESSMENT

- 6.1. In summary, a previous Schedule 17 application (ref: 20/0011/HS2OPDC) relating to the realignment and lowering of Old Oak Common Lane and the realignment of the Great Western Main Line (GWML) tracks over Old Oak Common Lane and the Central Line was granted permission by the OPDC on 20 January 2021.
- 6.2. The main considerations relate to:
- Whether the proposals would have an acceptable impact on views or the setting of heritage assets.
 - Whether the proposals would have an acceptable impact on neighbouring living conditions of nearby residents in the borough; and
 - Whether the proposals would have an acceptable impact on the highways.

Urban Design & Heritage

- 6.3. The proposals contained within the s17 submission, relate to alterations to the 2021 OPDC decision. Following review of these amendments, the details of the proposed changes are considered acceptable and would not raise any additional urban design or heritage considerations. The proposals seek to bring forward improvement to pedestrian movement within this section of Old Oak Common Lane including more generous widths of pedestrian footpaths, enhanced lighting and designing out hiding spaces when compared to the current arrangement of the space. The proposal would be acceptable in accordance with Policies DC1 and DC8 of the Local Plan.

Residential Amenity

- 6.4. The proposals contained within the s17 submission, relate to alterations to the 2021 OPDC decision. It is not considered that the proposed amendments would result in harm to residential amenities to the nearest residential properties. The closest residential properties within the H&F are located approximately 250m away on Wulfstan Street and Braybrook Street.

Highways

- 6.5. The proposed scheme indicates the provision of a two-way segregated cycle lane under the bridges on the eastern side of the carriageway. The details of the design of this segregated cycle lane are not for approval as part of this Schedule 17 submission. The details of the cycle lane will be submitted for approval as part of the final permanent highways scheme for Old Oak Common Lane in the future under Schedule 4 of the HS2 Act. The final highways scheme will be submitted for approval to both the London Borough of Ealing (LBE) and the London Borough of Hammersmith and Fulham (LBHF) as the highway authorities for Old Oak Common Lane.
- 6.6. The proposed scheme seeks approval for the earthworks, retaining walls and guardrails that would enable the future provision of a segregated cycle lane along the eastern side of the Old Oak Common Lane footway area underneath the bridges.
- 6.7. The future segregated cycle lane under the bridges is shown on the eastern side of the carriageway as the width of the footway on the western side would not accommodate both a segregated cycle lane and a footway for pedestrians. A cycle lane on the western side of this stretch of the highway north of the bridges would also inhibit pedestrian access to the Wells House Road Stairs.
- 6.8. The footway and segregated cycle lane would be raised above the carriageway level to provide separation for cyclists and pedestrians from vehicles using the highway, to maintain suitable gradients for cyclists and pedestrians, and to overcome the level constraint of the existing IEP bridge foundations.
- 6.9. The proposed bridge works will allow for the operation of double buses along it in the future and permit a more efficient bus operations are provided along Old Oak Common Lane, in line with Policy T3 of the London Plan. The headroom under the bridges will be increased from 3.8m to a minimum of 4.8m to enable double decker buses to pass under the railway access the new OOC Station and areas further north along Old Oak Common Lane.
- 6.10. Though the Highway Authority raises no objections to the proposal, mitigation measures are considered necessary to minimise the impact to residents and the local highway network, particularly Old Oak Common Lane and the nearby roads. Officers have previously raised concerns over the width of sections of the proposed cycle lane, requesting a minimum width of 4 metres. Officers have also sought further information to ensure the proposed footway widths beneath the bridges can safely accommodate the predicted future pedestrian demand on Old Oak Common Lane. It is noted that detailed information regarding the

proposed footways, cycle lane and carriageway are to be provided within the Schedule 4 application, however information regarding Construction Logistics/Management and Traffic Management should be sought and secured with this Schedule 17 application in accordance with Policy T7 of the Local Plan.

7. CONCLUSION & RECOMMENDATION

- 7.1. Officers recommend that the Council raises no objections to the OPDC in relation to this application, subject to an informative reflecting the comments in paragraph 6.10 above.