



OLD OAK INTERIM NEIGHBOURHOOD FORUM

Representation on Application 20/0012/HS2OPDC under S17 of HS2 Act – above ground works associated with Old Oak Common Station

We wish to object to this application. We appreciate that under S17 the grounds on which the OPDC can determine the application and apply conditions are more constrained than would normally be the case under the TCPA 1990. We have read the MHCLG Statutory Guidance on Schedule 17 (February 2017) and the Design and Access Statement and Written Statement accompanying the application.

Paragraph 7.2 of this MHCLG Guidance states:

*Careful consideration of the grounds is therefore needed when determining a request for approval as these set out the matters a planning authority can take into account when making a decision. For example, in determining a request for approval of a building, one of the grounds is that the design or external appearance ought to be modified to preserve the local environment or local amenity. This ground should therefore be applied by the planning authority to ensure the design and/or external appearance of the building or construction work **is appropriate to its local context** (our emphasis).*

Paragraph 7.5 states

*With regard to approvals of details of building and other construction works only the actual design, external appearance **and siting** of the works for which plans are submitted for approval are relevant, and conditions imposing requirements as to the maintenance or operation of the works may not be imposed. This is because the matter for approval is the design and external appearance of the building or work, not its use. (again our emphasis).*

Several of our Forum members have also had the benefit of taking part in an online meeting with Claire O'Brien and Laura White of OPDC. This gave us answers to several queries that we had about the application. We are very unhappy that HS2 failed to arrange any form of consultation session at which the content of the application could be explained to a lay audience, despite having promised to do so.

Grounds for objection

Pursuant to Schedule 17, section 2(5)(a), one of the grounds for rejection is that the design needs to be modified to preserve local environment or local amenity. In its present state, the application does not enable a proper assessment on the impact of the design on the local environment.

We consider the content of the application documents to be seriously outdated, misleading and inaccurate, to the extent that an interested member of the public, seeking to assess the application, could not reasonably be expected to come to a properly informed conclusion on how the design, external appearance and siting of the proposed HS2 station buildings will provide a high quality outcome and will affect the local environment and local amenity.

The inaccuracies and gaps in the application documents are such as to render the public consultation process as invalid and needing to be repeated. The fact that a series of S17 applications is being prepared by HS2, to be decided sequentially, makes it very difficult for the public to assess and

comment on the proposals as an overall set of construction works. The latest decision that applications **20/0012/HS2OPDC** and **20/0011/HS2OPDC** should be determined at separate committee meetings will also make it hard for decision-makers on the OPDC Planning Committee to appreciate the inter-relationships between these two sets of proposals.

Relevant examples of where application **20/0012/HS2OPDC** is now out of date, and where the public have been given inaccurate and misleading information, are set out below:

The Adjacent Site

The HS2 consultation website at <https://hs2inoldoak.commonplace.is/> is headed *Welcome to HS2 in Old Oak* with an introduction worded *High Speed Two (HS2) is the new high speed railway for Britain. This website has information about what we are doing in Old Oak, including notifications of our upcoming works, how it's being constructed and what we're doing to make it less disruptive.*

This is the main public consultation website for the proposed interchange. It shows copies of material used in exhibitions and includes a link to a download of the leaflet *Old Oak Common Station Design* as prepared by WSP and HS2 and dated February 2019. This was widely circulated in the local area.

This leaflet includes at pages 8/9 an ***Aerial visualisation of the proposed Old Oak Common Station*** (see below). This shows the 'Adjacent Site' as grassed open space, crossed by footpaths.



Further on in the leaflet at pages 18/19, there is a similar image which does include the label 'Future development site' and a brief mention that *An area immediately to the southwest of the proposed station has been identified for commercial development.* But the imagery remains the same as above and the main title of the page is *Use of public space.*

An image on page 20/21 shows the Station Approach with some low-rise buildings to the southwest.



On page 22/23 of the leaflet there are two 'sketches'. The first is titled *Sketch of the station view from Wells House Road*. This shows an uninterrupted vista to the south of the station, extending as far as the Imperial College 35 storey tower in the distance on the eastern side of Wormwood Scrubs, as below.

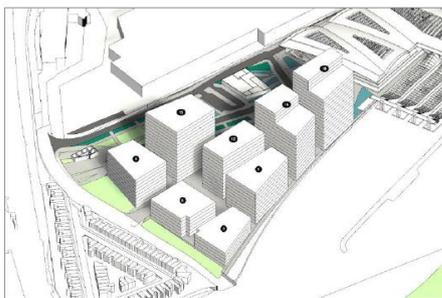


Sketch of station entrance viewed from Wells House Road

In early 2019 the Old Oak Neighbourhood Forum noted in the development trade press an item on the Adjacent Site. A set of HS2 slides emerged, titled *Adjacent Site Development Opportunity*. These made clear that HS2 was seeking a development partner to develop the site as suitable for commercial office space with a suggested capacity of 146,000 sq m of floorspace in a series of buildings between 4 and 21 storeys.

Development Capacity

Conceptual studies have explored maximising floor space, achieving 146,000 sq.m. (1,575,000 sq.ft.) of office accommodation. This is comprised of 8 blocks ranging from 4 to 21 storeys



Block Number	Floor Count	Floorplate	Total GFA	Commercial	Retail
1	4	2,276 sq.m.	9,104 sq.m.	5,463 sq.m.	455 sq.m.
2	7	2,179 sq.m.	15,251 sq.m.	10,458 sq.m.	436 sq.m.
3	9	2,030 sq.m.	18,270 sq.m.	12,992 sq.m.	406 sq.m.
4	10	2,198 sq.m.	21,980 sq.m.	15,825 sq.m.	440 sq.m.
5	13	1,800 sq.m.	23,406 sq.m.	17,284 sq.m.	360 sq.m.
6	17	1,894 sq.m.	32,204 sq.m.	24,248 sq.m.	379 sq.m.
7	19	2,162 sq.m.	38,136 sq.m.	28,503 sq.m.	432 sq.m.
8	21	2,139 sq.m.	41,649 sq.m.	31,608 sq.m.	428 sq.m.
Total			200,000 sq.m.	146,381 sq.m.	3,336 sq.m.
Total			2,152,800 sq.ft.	1,575,645 sq.ft.	35,909 sq.ft.

Deliberately or accidentally misleading the public?

In February 2019, our Forum's adviser (Henry Peterson) sought and obtained a meeting with Liz Peace OBE, Will McKee, and the then OPDC Interim Chief Executive Mick Mulhern. The purpose of the meeting was to discuss a list of the 'perceptions' of local residents at Old Oak, about the workings of the OPDC, which were causing concern. No.18 on this list was *Continued publication of images of Old Oak South which now bear no relation to the likely reality (even post the Local Plan period of 2036) and which cause much confusion to the public when seen alongside HS2 consultation material showing the same locations (same complaint has been made to HS2 in relation to its own imagery).*

When shown the image of Old Oak Common Station from the HS2 consultation leaflet, as compared with OPDC visualisations available at the time, Liz Peace acknowledged that these variances were not helpful and that HS2 and OPDC must be seen as heading towards the same outcomes on the ground.

We do not know what conversations then took place between OPDC and HS2 in attempts to align their public consultation material.

As we pointed out at that time (and have done so subsequently) many of the visualisations and images of old Oak North and South which appear on the OPDC website are now very out of date and lead to much confusion amongst residents who live in the area and who are also unclear about the division of responsibilities between HS2 and OPDC. The piecemeal nature of the HS2 S17 applications is not helping matters.

In our view there was no excuse for HS2, during its consultation in February/March 2019, to have persisted in illustrating this adjacent site as being grassed open space. CGI images of the proposed station interchange were widely shown on regional television and in the press at this time and were entirely misleading in terms of how the station would sit within the local spatial context in terms of urban realm and amenity. The view that HS2 adopted this tactic to make the station building appear more acceptable and less intrusive is widely held locally.

In the documentation accompanying the S17 planning application, HS2 began to include more honest information on the Adjacent Site. But this still remains inadequate. The full page 'aerial view' of the station on page 4 shows the adjacent site as a blank grey area, rather than as grassed open space, but again there is no indication that this is due to become a high rise commercial area.



Image from page 3 and 4 of Design and Access statement submitted with S17 application

There is brief mention of the Adjacent Site at 4.3.7 and 4.3.8 of the D&A Statement submitted with the S17 application, and one image of potential development of this site is shown at Figure 15 on page 35). No buildings appear on this site in the image of *Station Approach* on page 34. The site appears as open green space in the images at Figures 18 and 19 in the sections 7 on *Architecture and Design Evolution*.

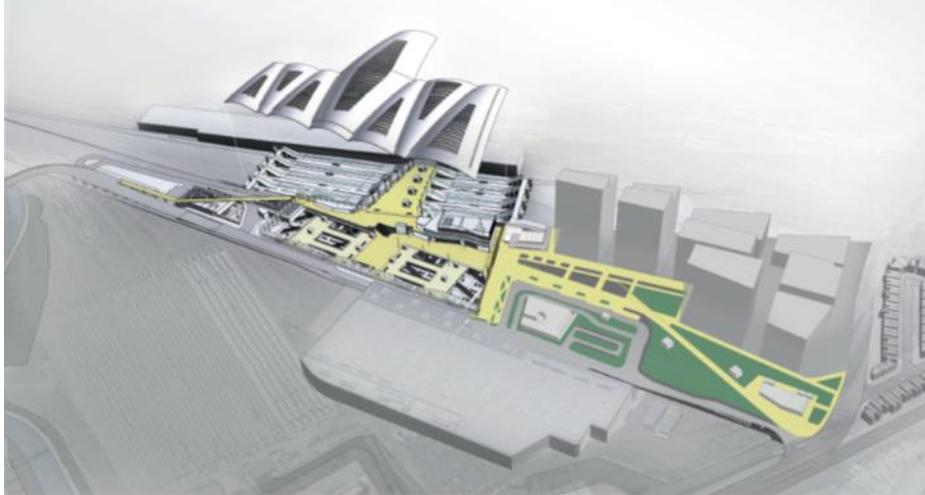


Image from page 35 of Design and Access statement

Is it reasonable to expect the general public to download and review the D&A Statement submitted with the application, when this is a 203 MB document of 147 pages split into 3 parts on the OPDC Planning Register? Many local people will have formed their impressions of the impact of the station from the February 2019 HS2 consultation leaflet. Hence public consultation on the station proposals and the works to the bridges and roads in application **20/0012/HS2OPDC** has been inadequate as a result of HS2's reluctance correct explicitly, in the text and images in the application documents, the misleading impression given during the 2019 consultation exercise.

HS2 and not OPDC are in control of the future of the Adjacent Site. Were this a normal planning application under the TCPA we do not believe that it would be considered acceptable for an applicant who is also the landowner of both the station site and the Adjacent Site to submit plans and images of a proposed development which are as misleading to the public as has been the case in this instance.

The reality of proposed high rise development on the site immediately to the south of the *Western Public Realm* and *Station Approach* is that this this area will be extensively overshadowed and users of this (much vaunted) public open space will experience a significant sense of enclosure from the Adjacent Site development (envisaged as 8 blocks of buildings between 8 and 21 storeys).

The Written Statement accompany the S17 application **20/0012/HS2OPDC** makes no mention of the Adjacent Site. The Visualisation at *Appendix 3 (b) Proposed Great Western Mainline Bridge and IEP Depot Retaining Wall- View Looking North* gives no indication of a cluster of tall buildings to the south west of the station and bordering on the Station Approach.

Old Oak Bridge and the eastern approach to the station

This is a second major subject on which the S17 application documents are seriously misleading.

The application was registered on January 23rd 2020 and published on the OPDC website shortly afterwards. This was five weeks after OPDC announced that it was abandoning its plans for compulsory purchase and regeneration of the Cargiant land at Old Oak North.

Yet the application documentation continues to assume that there will be a *proposed Old Oak bridge* and *Eastern Urban Realm* as detailed in Appendix B to the D&A Statement. While these aspects of the HS2 masterplan do not form part of application **20/0012/HS2OPDC** they are material to the overall design of the station, its siting, and to its impact on local amenity. It is neither fair nor reasonable to expect members of the public in the area to assess and comment on an application which contains this level of what has been (since December 2019) misinformation.

At page 135 the D&A Statement says *Once OPDC/TfL's proposed Old Oak bridge is in place, bus and taxi traffic will be able to move between Old Oak North and South over the bridge.* Our understanding is that this bridge will not now be constructed, and nor will there be any road connection between the eastern end of the HS2 interchange and Scrubs Lane

The whole section of the D&A Statement on *the Eastern Public Realm* at page 137 is now largely meaningless following OPDC's 'new direction' and focus on the *Western Lands*. The HS2 Written Statement continues *Once OPDC/TfL's proposed Old Oak bridge is constructed and development delivered (at least in part) in Old Oak North, the nature of the station changes, with significant passenger movements generated to and from the east of the station. This creates the need for a public eastern entrance to the station, and accompanying public realm.*

One of the key design drivers in developing the strategy for the eastern public realm is recognising that the majority of pedestrians coming and going to the OPDC masterplan are likely to arrive at overbridge level from commuter services provided by the Elizabeth Line. They would then need to use Old Oak bridge, which is also elevated above ground. The strategy is therefore to create a future east entrance at overbridge level linked by an elevated pedestrian and cycle bridge which remains at high level to connect with Old Oak bridge over the Crossrail depot tracks and Grand Union Canal.

Albeit that the Notice to Proceed has been issued by Government, we do not understand why HS2 is progressing this S17 application for works to the west of the proposed station at a time when the position on the anticipated *significant passenger movements generated to and from the east of the station* has changed so fundamentally? To what extent will the OPDC's change of direction prompt a rethink of access to and egress from the station? Are all arrivals/departures and vehicle movements now to take place at the western *Station Approach*? What are implications for traffic congestion on Old Oak Common Lane. What provision is to be made in the event of emergencies (fire, terrorism) requiring urgent evacuation of the station complex, if there is no exit to the east?

Wells House Road retaining wall

Paragraph 4.2.23 of the Written Statement reads *A Condition and Dilapidation Survey of the existing Wells House properties retaining wall has been undertaken by HS2. From the report it is understood that the wall condition varies from locally fair to very poor. The approach to the proposed Old Oak Common Lane west footway retaining wall ensures that it is moved away from the existing Wells House Road retaining wall to mitigate impacts on the neighbouring properties. This configuration also maintains pedestrian comfort levels by retaining the existing footway.*

The visualisation at page 43 of the Written Statement shows a raised pavement on the western side of Old Oak Common Lane, and is unclear as to whether the existing retaining wall will be replaced or left as is?

Given the past present and future impact of HS2 on the residents of Wells House Road, HS2 should at the very least take responsibility for ensuring that the existing retaining wall to the Wells House Road properties is rebuilt.

We note from the MHCLG Guidance on Section 17 that *The Act does not disapply Section 106 of the Town and Country Planning Act 1990. Therefore, Section 106 agreements can potentially be entered into in relation to requests for approval under Schedule 17.* A decision is needed on whether LB Ealing or HS2 are to take responsibility for the Wells House Road retaining wall, and S106 funding earmarked to restore both the wall and the steps leading from Wells House Road to Old Oak Common Lane.

We support the points made in other representations that the width of a re-aligned Old Oak Common Lane must be sufficient to accommodate dedicated cycle lanes in both directions, as well as adequate pavements on both sides of the road.

Conclusion

We ask the OPDC Planning Committee to refuse this application in its present form. The supporting documentation to the application (Design and Access Statement and Written Statement) requires to be redrafted to take account of the OPDC decisions announced on December 13th 2019 and the subsequent decisions of the OPDC Board on January 30th 2020 on the Corporation's 'new direction'.

A further period of public consultation should take place, to allow the public to make an up to date assessment of how this Section 17 decision (covering the station buildings) will impact on local amenity and the design of the station. This application is now due to be determined in a planning context substantially changed from that reflected in the documentation submitted with the application.

Proposals for the Adjacent Site and the consequential impact of no eastern access to the station (and no Park Road) should be made clear and all relevant 'visualisations' should be updated. Not to pursue this route would risk rendering any grant of consent by OPDC to the S17 application open to challenge as being unfair and unsound.

Old Oak Neighbourhood Forum

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