



**West Hampstead Thameslink Replacement Station Building  
Iverson Road, West Hampstead, London**

**Planning Statement**

**FILE COPY**  
**2009/5114/P**

## **Introduction**

This document sets out the relevant planning legislation that will be used to gain consent to construct the new, replacement station building, it also outlines the communication strategy adopted by Network Rail to engage with local interest groups, members of the local West Hampstead community and passengers using West Hampstead Thameslink Station. Additionally it also looks at the proposal in the context of adopted planning policy.

Attached to the back of this document is a location plan of the station as existing and also a plan showing the limits of deviation as defined in the Midland Railway (Extension to London) Act 1863.

## Planning Control

1. It is the objective of this statement to firstly explain why Network Rail has Permitted Development Rights and secondly how these rights will allow the station to be constructed without the need for formal planning permission.
  - 1.1 Development is defined in the Town & Country Planning Act 1990 as including new, rebuild, demolition, change of use or a material change to the appearance of a building (in, on, over or under the land) as well as engineering operations. Although this effectively covers all areas of work, if every act of development required the submission of a planning application local planning authorities would be unable to cope with the amount of applications and the day-to-day work that keeps the country running would be delayed.
  - 1.2 Consequently the act makes provision for subordinate legislation in the form of rules, orders and circulars: one of the most important orders is the Town & Country Planning (General Permitted Development) Order 1995 (the GPDO). This sets out details of the types of development for which planning permission is "deemed" to be granted along with caveats or conditions that might apply. These "deemed" consents are known as 'permitted development'.
  - 1.3 Much of the work carried out in connection with the railways will usually be permitted under either Part 11 or Part 17, with the majority of this work being permitted under Part 17A of the GPDO 1995, as 'development by railway undertakers required in connection with the movement of traffic by rail'. However the construction of a replacement station building falls outside those works permitted under this Part 17 and therefore we look to use Part 11 of the GPDO, which permits development authorised by a local or private Act or Order.

The railway at West Hampstead Thameslink Station was constructed under the Parliamentary powers contained within the Midland Railway (Extension to London) Act 1863, which specifies the inclusion of the powers of the Railways Clauses Consolidation (RCC) Act 1845.

The Railways Clauses Consolidation Act 1845 was established to bring together a variety of clauses found within earlier Railway acts that were considered relevant for all future acts and therefore were brought together in the RCC Act 1845.

Section 16 of the Railways Clauses Consolidation Act 1845 granted the then railway company and its successors in title (now Network Rail) the right to undertake continual works, including provision to:

*“...erect and construct such houses, warehouses, offices and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences as they think proper;*

*They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead; and*

*They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway...”*

- 1.7 The Midland Railway (Extension to London) Act 1863 also included a plan showing the area of land on which this development could take place, much of this land is still within Network Rail ownership and their established operational land. The proposed replacement station at West Hampstead will be on Network Rail’s operational land, as defined on the limits of deviation plan.
- 1.8 However Part 11 states that development is not permitted by Class A if it consists of or includes the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam, or the formation, laying out or alteration of a means of access to any highway used by vehicular traffic, unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.
- 1.9 The order then continues that prior approval is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—
- (a) The development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
  - (b) The design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.
- 1.10 Therefore Network Rail has submitted the detailed plans and specifications to the London Borough of Camden Council to obtain their “Prior Approval” to the replacement station building and associated works at West Hampstead Station.
- 1.11 Network Rail believe that the proposed development does fall with the requirements of Part 11 and therefore considers that it is appropriate to use their Permitted Development Rights to progress the project, for which these rights were created, a view which was confirmed by LBC to be correct.
- 1.12 Network Rail are not using the Part 11 route to ‘by-pass’ the public and have engaged with the local community, as discussed in the section below.

## Public Engagement

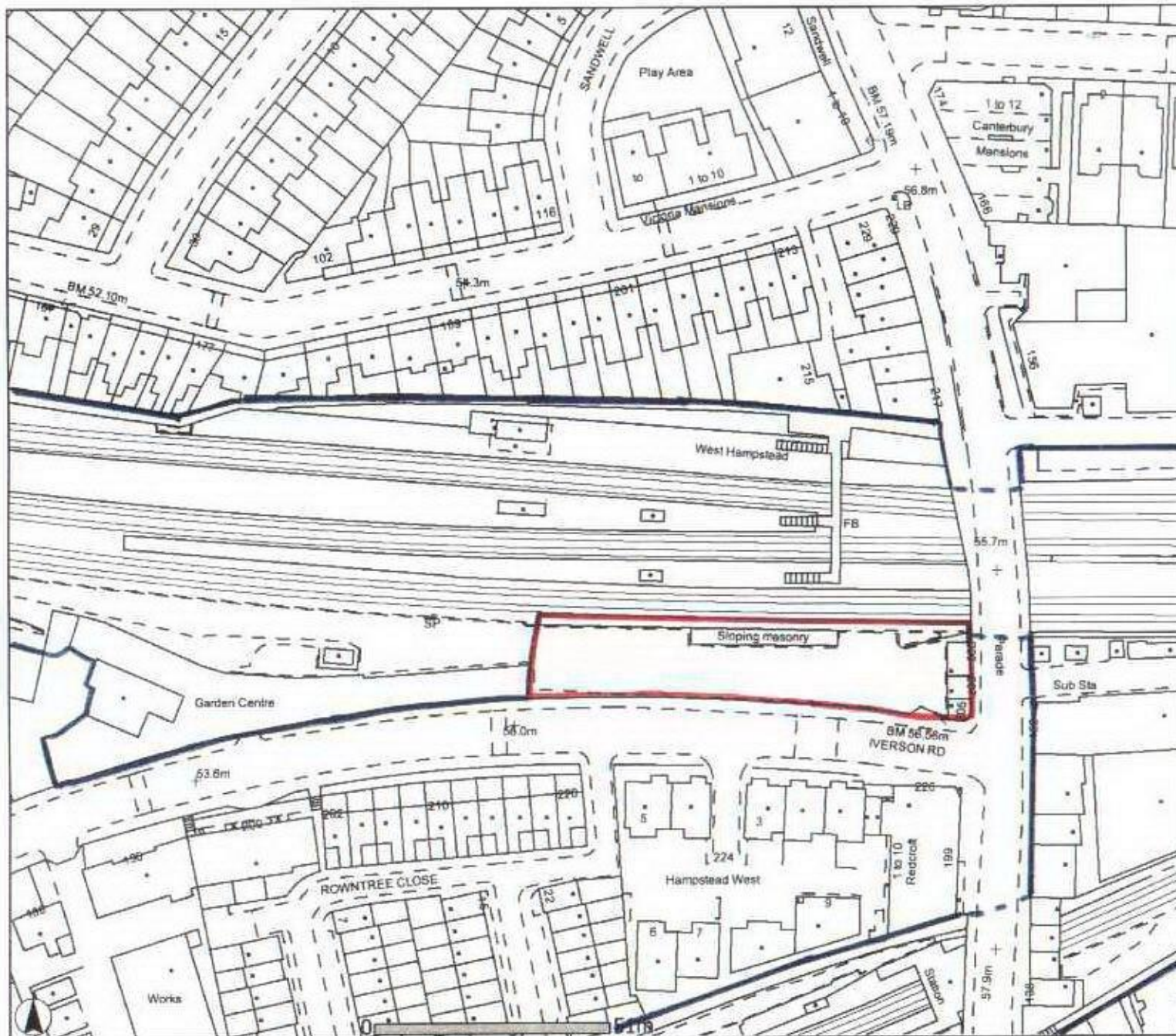
2. Network Rail undertook a programme of local stakeholder engagement and communications in support of our proposed part 11 submission on the new West Hampstead Thameslink Station proposal.
  - 2.1. The plans were presented to the West Hampstead Interchange Group and discussed with the local media and in support of an information sharing event held at West Hampstead library 2,100 letters were delivered to local residents and businesses and over 1000 leaflets were handed to station users. Also a dedicated email address was provided on all materials and Network Rail's helpline operators were briefed on the programme.
  - 2.2. First Capital Connect station announcements and posters supported this activity and the event attracted some 130 attendees, overwhelmingly local people but with a share of interchanging commuters.
  - 2.3. Response cards were handed out at the public event to provide an understanding of public feeling towards the proposal; 64 comment cards were returned.
  - 2.4. The response cards contained two tick box questions and an open area for general comments. The cards were graded 1-5 with 1 strongly disagree and 5 strongly agree for the tick box questions.
  - 2.5. To the first question, 'I agree that West Hampstead Thameslink station needs greater capacity to ease overcrowding' 76% agreed or strongly agreed that the station needs greater capacity whilst just over 10% disagreed or strongly disagreed.
  - 2.6. To the second question, 'I support the proposals for the construction of a new south-side station building and additional entrance that will have step-free access to all platforms' 70% of respondents expressed approval or strong approval to under 19% registering disapproval or strong disapproval to the proposed development.
  - 2.7. The positive comments received focused on the design, with many people expressing approval to the design of the station building and the public realm, particularly the colourful retaining wall.
  - 2.8. Many people were pleased to see that the existing entrance will remain open, providing two access points to the station, one of which will be step-free, allowing a more free flowing route through the station.

- 2.9. The negative comments received focused on the need to look at a larger West Hampstead interchange for all three rail stations and the redesign of West End Lane junction, which is a cause of concerns for many local residents.
- 2.10. Comments were received about the design of the building and the wall, which not everyone viewed as appropriate. However the project team do recognise that the station building is of a contemporary design and subject to varying opinions.
- 2.11. Whilst local residents could appreciate the need for the building they were concerned about the impact on local parking and noise and people requested that the project consider providing;
- Public seating area
  - Additional bike racks and;
  - Increase public realm area facing onto West End Lane
- 2.12. Overall the comments were encouraging; with comments expressing that such a proposal is long over due. Network Rail except that some residents and commuters feel the scheme does not go far enough to meeting local need and aspirations. However overall there has been a great deal of positive feedback to the proposal and is recognised by many as a significant improvement to the station and local area as a whole.

## Planning Policies

3. Planning Policy Guidance Note 13 – Transport, seeks to promote sustainable transport choices for freight and people and to promote accessibility to jobs, services and shops by public transport. The key aspects are to reduce travel by car and to ensure that public transport is accessible to all.
- 3.1. The London Plan (Greater London Authority February 2008) is the Spatial Development Strategy (SDF) for London. The main objective of relevance to the proposed station building is:- *Objective 5: to improve London's accessibility*  
The Key policy directions for improving this objective are to: 'Integrate development with public transport to ensure that there is a proper fit between development and the capacity of the public transport network to service it over the period on the plan.'
- 3.2. The London Borough of Camden Replacement Unitary Development Plan was adopted in June 2006 and updated in June 2009. The UDP outlines the Council aims to increase the attractiveness of public transport. Key factors in encouraging these will be the creation of continuous routes that make people feel safe, links to all parts of the Borough, facilities to enable the use of walking routes and public transport by people with mobility difficulties, and facilities to make it easy to change between one form of transport and another.
- 3.3. Policy T1 states that the Council will grant planning permission for development that would encourage travel by walking, cycling and public transport.
- 3.4. Whilst the submission to LBC is not one for full planning permission, Network Rail do consider that the proposed replacement station building will meet the objectives of the regional and local plan, making public transport more attractive, accessible and inclusive for all.

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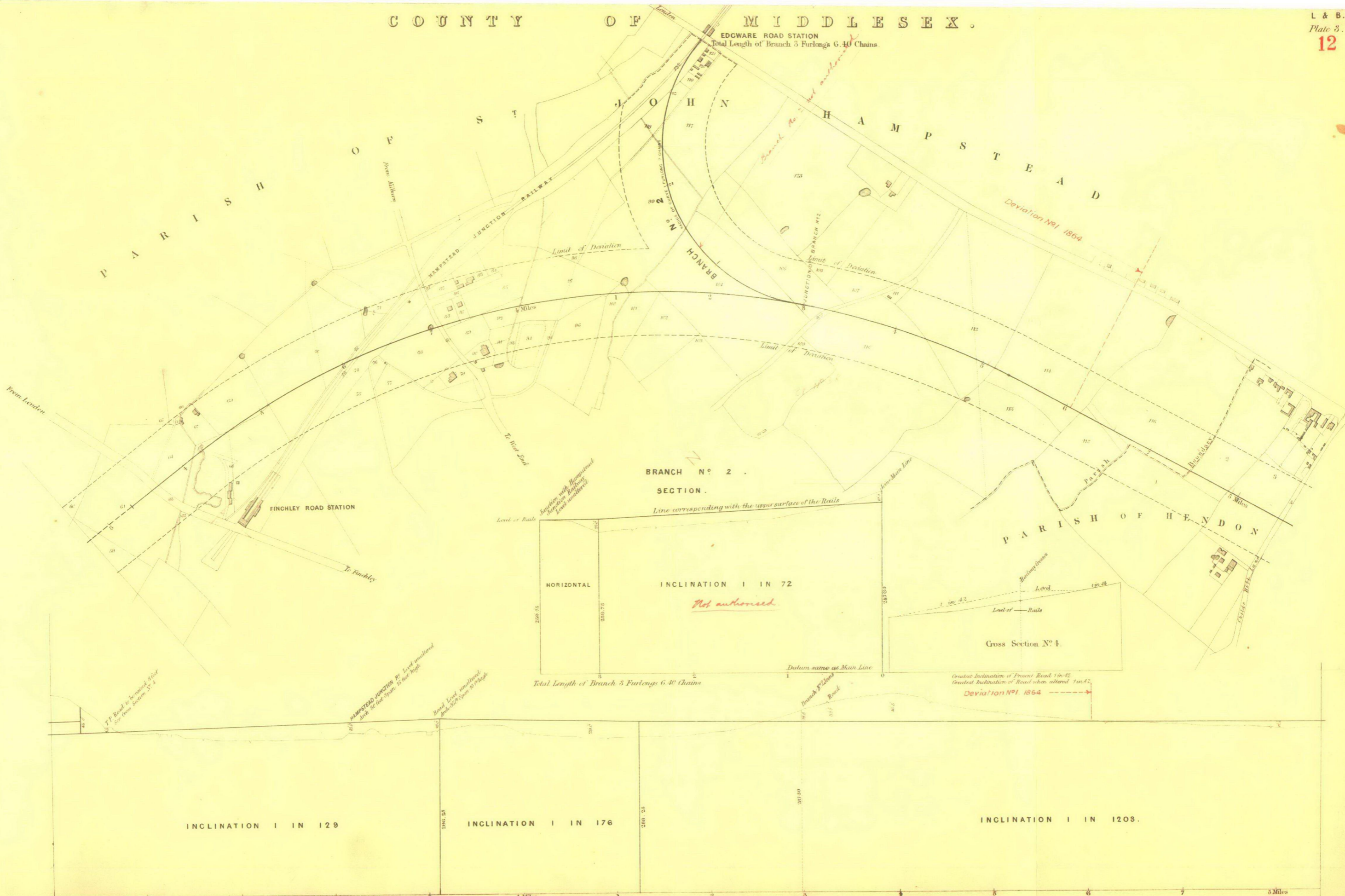
Centre of Map Window (E,N): 525441, 164827

<b>WEST HAMPSTEAD THAMESLINK STATION Location Plan</b>	
Plot Scale	1:1250
Plot Date	30/10/2009
	

Output Created from the GI Portal - A4 Landscape



EDGWARE ROAD STATION  
Total Length of Branch 3 Furlongs 6.40 Chains.



BRANCH NO. 2

SECTION.

INCLINATION 1 IN 72

*Not authorized*

Cross Section No. 1.

INCLINATION 1 IN 129

INCLINATION 1 IN 176

INCLINATION 1 IN 1203.

Datum Line, 187.51 feet below the level of the Upper Surface of the Road of the Midland Railway, at the point of Junction marked A on the Plan.