

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	26/03/2020
		N/A / attached		<b>Consultation Expiry Date:</b>	01/03/2020
<b>Officer</b>			<b>Application Number(s)</b>		
Sofie Fieldsend			2019/6302/HS2		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Land adjacent to West Coast Main Line (Network Rail lines) located between the A400 Hampstead Road Bridge and Granby Terrace Bridge, North West of Euston Station. NW1			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Submission under Schedule 17 of High Speed Rail (London - West Midlands) Act 2017 for plans and specifications for the excavation of a railway cutting involving erection of retaining walls with concrete parapets on top between Hampstead Road Bridge and Granby Terrace Bridge adjacent to the existing West Coast Main Line (to the east)					
<b>Recommendation(s):</b>		Refuse			
<b>Application Type:</b>		Schedule 17 Application			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:			No. of responses	<b>03</b>	No. of objections	<b>03</b>
Summary of consultation responses:	<p>Site notices were displayed near the site from the 23/01/2020 (consultation expiry 16/02/2020).</p> <p>The development was also advertised in the local press from the 23/01/2020 (consultation expiry 16/02/2020).</p> <p>3 objections were received from 28 Park Village East and Silsoe House at 50 Park Village East during the statutory consultation period. Their objections can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• <b>Design:</b> Out of context within the area and does not reflect local character, appears alien and is inappropriate in this location. Materials out of keeping with the area and colour unsympathetic. Not a local solution as it does not preserve the local environment/amenity.</li> <li>• <b>Heritage:</b> harms setting of adjacent conservation areas and listed buildings in close proximity</li> <li>• <b>Art:</b> graffiti and maintenance concerns, does not address inappropriate design and materials of the proposed wall</li> <li>• <b>Revisions:</b> Scheme needs design modifications to preserve local environment, amenity and historic interest. Their statement does not provide evidence that other alternatives have been carefully explored. Applicant has taken cheapest/easiest solution over a quality scheme.</li> <li>• <b>Biodiversity:</b> lacking opportunity to introduce green infrastructure to cover the wall</li> </ul>					

<p><b>Camden Town CAAC</b></p>	<p>Camden Town CAAC objected on the following grounds:</p> <ul style="list-style-type: none"> <li>• <b>Design</b> of the retaining wall. The kind of walls that were provided for large scale industrial projects in the past reflected human scale by the nature of the materials and structural design used. In the case of the HS2 project the need to use concrete structurally should not obscure the need to reflect human scale where people can walk beside or view the structure.</li> <li>• <b>Adjacent Conservation Area</b> and its views in/out have not been carefully considered. Details of how concrete on this scale can be treated should be further explored in the interest of a high quality solution to preserve the local environment and amenity either. Does not preserve the historic interest and nature conservation value.</li> <li>• <b>Biodiversity:</b> A continuous strip similar to the one to the north for planting small trees and shrubs adjacent to the retaining wall should be created. – (NB Camden’s stated policy for increased tree planting and biodiversity).</li> <li>• <b>Art opportunities:</b> Not unsuitable, could result in graffiti</li> </ul>
<p><b>Transport for London (TfL)</b></p>	<p>No objection to this proposal subject to HS2’s ongoing co-operation and consultation on the project. Additionally, this is subject to HS2 fulfilling the requirements of the Protective Provisions Agreement between TfL and the Secretary of State, dated 15th May 2014</p>

## Site Description

The site encompasses land adjacent to the existing West Coast Main Line (Network Rail lines) located between the A400 Hampstead Road Bridge and Granby Terrace Bridge, it is North West of Euston Station. The site is currently occupied by a range of residential buildings (C3) which have been acquired by HS2 and are now vacant.

The site is not listed or located within a Conservation Area. However, it is in close proximity to the Camden Town and Regent's Park Conservation Areas. The nearest listed building are located on the eastern side of the cutting in Morningson Crescent. Euston Station is South of the site.

## Relevant History

### Application site

#### None relevant

No other similar schedule 17 plans and specifications applications have been submitted to date.

## Relevant legislation and policies

The applicable legislation is referred to above in section 1 of this report. The most relevant documents are identified below for assistance:

### The HS2 Act

- High Speed Rail (London - West Midlands) Act 2017, in particular Schedule 17 paragraphs 2 and 3

### Statutory Guidance

- High Speed Rail (London - West Midlands) Act 2017 - Schedule 17 Statutory Guidance

### Environmental Minimum Requirements and related documents

- High Speed Rail (London - West Midlands) Environmental Minimum Requirements (the EMRs) General Principles February 2017
- High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 1: Code of Construction Practice High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 1: Code of Construction Practice
- High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 2: Planning Memorandum
- High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 3: Heritage Memorandum
- High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 4: Environmental Memorandum
- HS2 Context Report October 2017
- London - West Midlands Environmental Statement 2013
- Supplementary Environmental Statement 4 and Additional Provision 5 (Supplementary Environmental Information) 2015
- HS2 Phase One information papers: environment (series E)
- Local Environmental Management Plan London Borough of Camden (LEMP) December 2017

## Assessment

### 1. BACKGROUND

#### *Legislation and policy context*

- 1.1 This Plans and Specifications application is submitted under Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017 (“the HS2 Act”) and relates to the excavation of a railway cutting involving erection of retaining walls with concrete parapets on top between Hampstead Road Bridge and Granby Terrace Bridge adjacent to the existing West Coast Main Line (to the east).
- 1.2 On 23rd February 2017, Royal Assent was granted for the HS2 Act which provides powers for the construction and operation of Phase One of HS2.
- 1.3 High Speed Two (HS2) Limited is the company responsible for developing and promoting the UK’s new high speed rail network. It is funded by grant-in-aid from the government.
- 1.4 Section 20 of the HS2 Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase One and associated works (“the Works”) between London and the West Midlands, but some of the detailed design and construction are subject to further approval. Schedule 17 to the HS2 Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organisation on whom the powers to carry out the works are conferred, in this case, HS2 Ltd.) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act, requests for approval under Schedule 17 are not planning applications.
- 1.5 Schedule 17 sets out the approvals required to be obtained by HS2 Ltd. These approvals are:
  - Plans and specifications of certain works;
  - Matters ancillary to development (“construction arrangements”);
  - Road Transport (lorry routes);
  - Bringing into use; and
  - Site restoration schemes.
- 1.6 Paragraph 4.4 of the Department of Transport (DfT)’s Schedule 17 Guidance notes states; ‘These approvals have been carefully defined to provide an appropriate level of local planning control over the works while not unduly delaying or adding cost to the project.’
- 1.7 The Council can only consider these S17 applications within the constraints of the HS2 Act. The grounds on which the Council can refuse an application for approval of plans and specifications relating to building works, or impose conditions on approval, are that:-
  - a) the design or external appearance of the building works ought to be modified to:
    - preserve the local environment or amenity;
    - prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or
    - 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.

1.8 The grounds on which the Council can refuse an application for approval of plans and specifications relating to earthworks, or impose conditions on approval, are that:-

a) the design or external appearance of the works ought to, and could reasonably, be modified to:

- preserve the local environment or amenity;
- prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or
- to preserve a site of archaeological or historic interest or nature conservation value

OR

b) the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

1.9 The grounds on which the Council can refuse an application for the approval of plans and specifications relating to fences and walls (except for sight, noise and dust screens), or impose conditions on approval, are that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted development limits.

1.10 Any representations received from the public and any other third parties, shall be considered by the Council but within the context of the powers being exercised under HS2 Act.

1.11 It is important to note that the HS2 Act states that all such applications must be determined within eight weeks of submission (unless HS2 Ltd agree an extension of time for determination), or they are deemed to be refused.

#### *Framework of assessment*

1.12 If Schedule 17 plans and specifications applications are considered to be acceptable, then the Council, as a qualifying authority, would only have discretion to attach conditions for any approval on the basis of the grounds set out in paragraph 1.7 above.

1.13 Similarly, the reasons for any refusal can only be made on the same grounds.

#### *Additional environmental and community protection measures*

1.14 The High Speed Two (HS2) Phase One Environmental Statement (ES) was produced to accompany the HS2 Act. The ES includes the likely significant environmental impacts along the route in addition to the measures to manage and reduce these impacts. In order to ensure that the environmental impacts of the project do not significantly exceed those assessed in the ES, Environmental Minimum Requirements (EMRs) (a group of documents setting out measures to be adopted to reduce adverse environmental impacts), sit alongside the statutory environmental controls included in the HS2 Act. Throughout the construction and operation of Phase One of the project, HS2 Ltd and its contractors will be required to comply with both the EMRs and those statutory environmental controls. HS2 Ltd. is also required, in addition to the EMRs, to use reasonable endeavours to adopt measures that will further reduce adverse environmental impacts

caused by the HS2 scheme. The qualification to that is that the cost of doing so does not add unreasonable costs to the project or delay to the construction programme.

- 1.15 The Code of Construction Practice (CoCP) is Annex 1 of the EMRs. It sets out specific details and working practices in relation to site preparation (including site investigation and remediation, where appropriate), demolition, material delivery, excavated material disposal, waste removal and all related engineering and construction activities. The CoCP sets out the measures that the nominated undertaker and contractors are required to implement in order to limit disturbance from construction activities, as far as reasonably practicable, including traffic and transport.
- 1.16 Local Environmental Management Plans (LEMPs) have been prepared for each local authority area, which set out site specific control measures to be adopted by HS2 Ltd.'s Contractors.
- 1.17 HS2 Ltd. is required to prepare Local Traffic Management Plans (LTMP) for areas such as Camden that are impacted by HS2. The LTMPs build on the general environmental requirements contained in the CoCP and a route wide traffic management plan and sets out how the project will adapt and deliver the required traffic management measures.
- 1.18 The purpose of the enabling works LTMP is to set out information regarding the traffic management of HS2 construction in Camden and how HS2 Ltd. will engage with stakeholders such as Camden upon this.
- 1.19 In considering plans and specifications applications, Camden as a qualifying authority should have due regard to the system of controls available under the HS2 Act and shall not therefore seek to duplicate controls that the EMRs already contain.
- 1.20 Due to the very specific and significant impact HS2 Ltd. and its construction would have upon Camden, Camden Council, petitioners and affected parties, such as Camden Cutting Group, secured additional assurances on key measures such as amenity controls and community working groups that will help protect the lives and livelihoods of its residents and businesses. Assurance is the term used to describe any other commitments. These are unilateral commitments given directly to petitioners or affected parties, which do not have the status of legally binding contracts enforceable by the courts, but are made binding on the project and ultimately enforced through contempt of Parliament proceedings.

## **2. PROPOSAL**

- 2.1 The request for approval of plans and specifications has been made under paragraph 2 and 3 of schedule 17 of the HS2 Act 2017.
- 2.2 The development is for the excavation of a railway cutting involving erection of retaining and parapet walls between Hampstead Road Bridge and Granby Terrace Bridge adjacent to the existing West Coast Main Line (to the east). This is the new cutting created as a result of the removal of land from the Regent's Park Estate between Hampstead Road bridge and Granby Terrace bridge, and is necessary to create space for the HS2 track bed running into the back of the new HS2 part of Euston Station. The proposal is located west of the existing tracks and east of the Regent's Park Estate and will consist of a newly formed western retaining wall which is approx.190m long on the RPE side (between 11-17m deep) and eastern wall at approx.100m on the track side (between 9 and 8.25m deep).
- 2.3 The development will demolish the existing range of residential (use class C3) buildings within the site boundary, they have already been acquired by HS2 and the properties are now vacant. These buildings will be demolished to allow for the excavation of an open trough structure to

accommodate the HS2 alignment immediately adjacent to the existing West Coast Mainline rail corridor.

- 2.4 The application is for an open trough structure with retaining walls on the east and west side. The applicant seeks approval of plans and specifications relating to the design and location of the western retaining wall structure, the eastern retaining wall structure, and associated earthworks to form the railway trough structure “earthworks” (‘earthworks’ is defined as meaning “terracing, cuttings, embankments or other earth works”) and seeks approval for the:
- design,
  - external appearance; and
  - location
- 2.5 The applicant also claims that the parapet walls which are proposed to form the top part of the western and eastern retaining walls are walls falling within paragraph 5 set out at paragraph 3(6) of Schedule 17, and therefore the applicant states that it seeks approval of location of the parapet walls.
- 2.6 The inside face of the retaining walls (track facing), will be a fin design ribbed concrete finish on the final approach into Euston on both sides of the new cutting.
- 2.7 The western and eastern parapet walls would measure 1.8m high from street level/top of the retaining wall and would be constructed along the entire length of the retaining wall. It would be constructed of reinforced concrete with fixings provided to facilitate future artwork on the Western elevation facing streets such as Mackworth Street, Stanhope Street and Harrington Street.



### Revisions

- 2.8 The Council has actively tried to engage with the applicant to provide revisions to the scheme and the application was subject to pre-application advice prior to submission. No revisions were forthcoming to address concerns raised about the western parapet wall’s street facing design and appearance.
- 2.9 The simple introduction of a brick slip would have been a vast improvement.



### **3. Assessment**

3.1 The main considerations in relation to this proposal are:

- Interpretation of the HS2 Act
- Local environment or local amenity
- Impact on archaeological, historic and nature conservation value
- Amenity
- Effects on road safety or on the free flow of traffic in the local area

### **4. Interpretation of the HS2 Act**

4.1 The Council notes that the application is made under paragraphs 2 and 3 of Schedule 17 to the HS2 Act (as noted at paragraph 3.2.1 of the Written Statement submitted in support of the application). The applicant does not specify which element of the plans are submitted for approval under paragraph 2 (building works) and which element is submitted for approval under paragraph 3 (earth works).

4.2 The plans clearly show that the parapet walls are a direct extension of the below ground retaining walls and are made from the same reinforced concrete as the retaining walls proposed. It is considered that the parapet is an essential part of the wall in that it is a safety feature to stop anyone/thing falling into the cutting. Therefore, you can't have the cutting without the wall extending above the footpath line. Officers are of the view that the retaining wall above ground forms part of the same structure and should be considered as part of the building works and earthworks and the Council therefore has control over the design and external appearance of the parapet wall and not just the location. Therefore, we consider the parapet wall as part of the same construction of the building works and earthworks and should be considered as such under paragraphs 2 and 3(2)(b) of Schedule 17, rather than as a stand-alone fence/wall under the paragraph 3(2)(e) the "wall or fences" category of works.

4.3 In the alternative, insofar as approval is sought for the retaining walls as building works (under paragraph 2 of Schedule 17), which for the reasons given above the building works include the parapet part of the wall, plans or specifications can be refused on the grounds set out at paragraph 2(5) which include the ground that "the design or external appearance of the building works ought to be modified (i) to preserve the local environment or local amenity .....and is reasonably capable of being so modified, or ..."

### **5. Design and Appearance**

#### Design principles

5.1 When determining an application for planning permission regard must be had to the development plan and to other material considerations and the determination must be made in accordance with the development plan unless material considerations indicate otherwise (see [section 70\(2\) of the Town and Country Planning Act 1990](#) and section 38(6) of the Planning and Compulsory Purchase Act 2004). The current application is not made under the TCPA, but under Schedule 17 of the HS2 Act and therefore the statutory duties imposed by the 1990 and 2004 Acts do not apply. However, the policies of the development plan policies which set out the Council's general approach to dealing with matters of design, conservation, archeology, amenity and transport are a helpful reference point in terms of making an assessment of an application of this nature under Paragraph 3 of Schedule 17 of the HS2 Act.

- 5.2 All development should be aimed at achieving the highest standard of design and the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In new development, detailing should be carefully considered so that it conveys quality of design and creates an attractive and interesting development. Schemes should incorporate materials of a high quality. The durability and visual attractiveness of materials will be carefully considered along with their texture, colour, tone and compatibility with existing materials.
- 5.3 Development should:
- respect the local context and character;
  - preserve or enhance the historic environment and heritage assets
  - comprise details and materials that are of high quality and complement the local character;
  - integrate well with the surrounding streets and open spaces and contributes positively to the street frontage;
  - be designed to minimise crime and antisocial behaviour;
  - incorporate high quality landscape design (including public art, where appropriate) and maximise opportunities for greening for example through planting of trees and other soft landscaping and;
  - preserve strategic and local views.
- 5.4 Views from and into the Conservation Areas should be protected as they are important local views that contribute to the interest and character of the borough.
- 5.5 Development should seek to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The Council will resist development outside of a conservation area that causes harm to the character or appearance of that conservation area.
- 5.6 The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Development should respond positively and sensitively to the existing context and integrate well with the existing character of a place, building and its surroundings. Good design should ensure the scale of the proposal overall integrates well with the surrounding area.

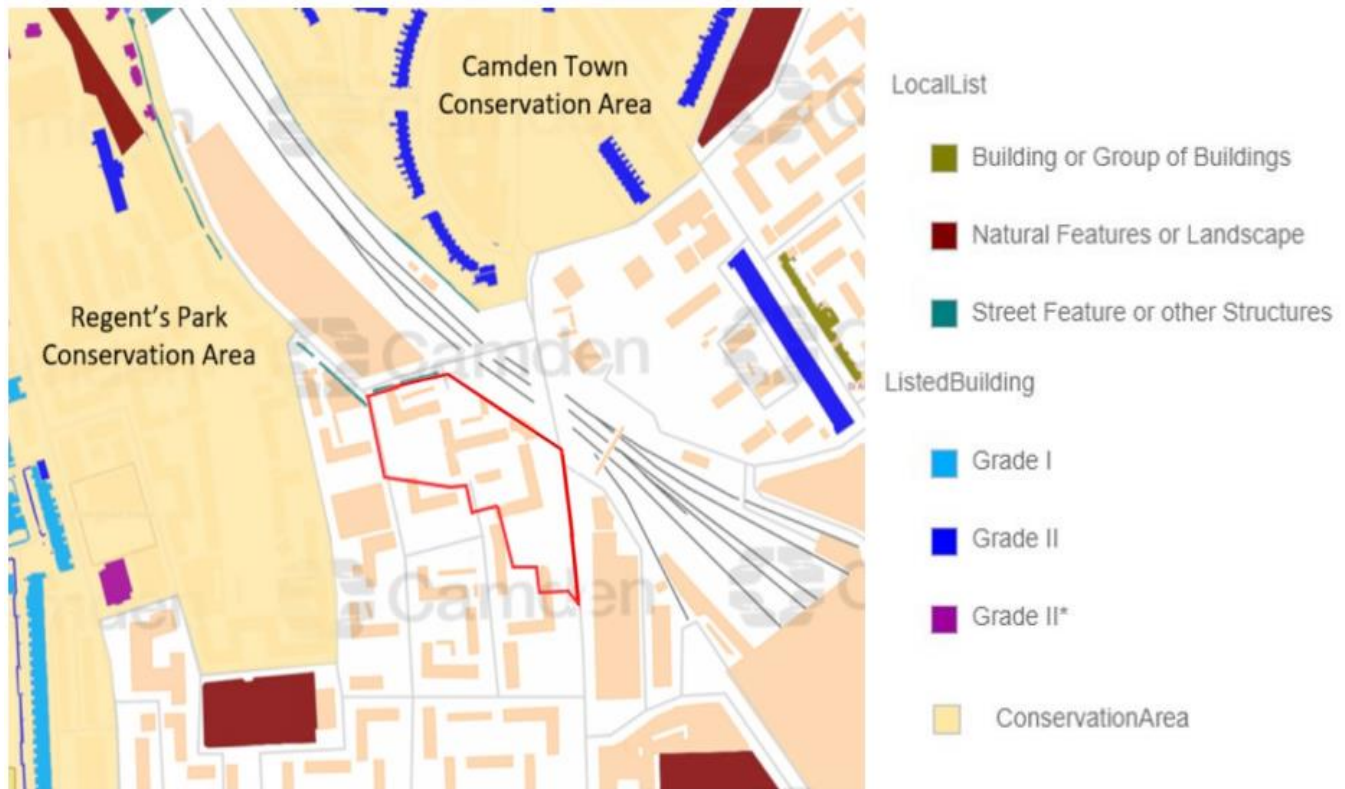
#### Assessment

- 5.7 As set out in the interpretation section above, the Council consider that as the retaining and parapet wall are one structure, it is relevant for us to consider the design of the entire structure including the parapet wall, which extends above ground level above the cutting.
- 5.8 The retaining wall will be built from reinforced concrete with a fin design ribbed concrete finish on the final approach into Euston on both sides of the new cutting. Officers do not object to the track facing elevations of the retaining wall as this will add visual interest to the users of the train and the upper levels of higher neighbouring buildings, which have some angled views of the walls. If the development was acceptable, officers would secure these details by condition.
- 5.9 The parapet wall will be constructed from reinforced concrete and include fixings on the western elevation (non-trackside) to facilitate future artwork but the artwork does not form part of this application. The eastern wall will not have fixings and is within the cutting much lower down close to the existing Network Rail tracks.

- 5.10 The existing residential properties within the site boundary will/have been be demolished to facilitate the development and residential properties will remain on the edge of the cutting along Mackworth Street, Stanhope Street and Harrington Street. Public views of the development will also likely be possible from the upper levels of taller buildings in neighbouring streets on both sides of the cutting. The main concern is the visual amenity of the properties that will face directly onto the western parapet wall (street facing) which are mentioned above.
- 5.11 While officers understand that concrete is HS2's preferred material of choice in terms of structural strength and safety, HS2 Ltd. has been advised to amend the scheme to include some visual interest that reflects the character and appearance of the local area given the length and public visibility of this western parapet wall. The Council consider the detailed design and appearance of the parapet wall facing the street to be poor quality and does not relate to or preserve the local character, local amenity or local environment.
- 5.12 Officers have raised concerns about the design and appearance of the western 1.8m high parapet wall (street facing) which would appear out of character within the street. Objections have also been received from local residents and the Camden Town CAAC stating that the appearance and design is out of context within the area and does not reflect local character that it appears alien and is inappropriate in this location. Objectors are also concerned that the materials are out of keeping with the area and that the colour is unsympathetic.
- 5.13 There is a need for a local solution in the area that preserves the local environment and local amenity. Railway parapet walls are normally constructed from brick, which is seen as more in keeping with the local area. Officers have suggested that the use of a brick slip or additional brick wall in front of the concrete parapet would be a solution to the problem, but the applicant has rejected this due to additional cost and as they don't want to set a precedent going forward.
- 5.14 There have been several objections to the fixing of art to the western side of the western parapet, residents expressing concern this would lead to graffiti and the wall and fixings not be properly maintained. Officers view is that the artwork would be not more vulnerable to graffiti than an alternative design, their concern is that the artwork to be applied to the structure does not provide a high quality and contextual response and that it would be better for the actual structure design and materials to seek to achieve this.
- 5.15 The objectors have suggested the use of planting or green infrastructure would be an improvement and prevent graffiti. Officers would suggest that a brick facing to the parapet wall with a brick planter and planting in front to preserve local amenity (and support biodiversity) would be another welcome option that the applicant could have explored further. This would have provided a more local context than the proposed concrete and relate better to the estate in terms of design. A similar treatment can be found along Park Village East, which is in close proximity to the site.
- 5.16 Overall, it is considered that the detailed design and facing material of the western parapet wall (street facing) is contrary to relevant design guidance. It does not preserve the local environment or local amenity. The chosen finish of concrete does not respect the local character or integrate well with the local street context.

## **6. Impact on archaeological, historic or nature conservation value**

- 6.1 While the site is not within a Conservation Area, it is adjacent to the Regent's Park and Camden Town Conservation areas, the former of which would be affected by views from and to the development (shown on the map below). Camden Town CAAC objected to the design/appearance, impact on views into/from the conservation area, lack of biodiversity and that the art opportunities are not suitable as they could result in graffiti.



6.2 Concerns were also raised that the development would impact on the listed buildings in close proximity. It is noted that the closest Grade II listed buildings are found on the eastern side of the railway line along Mornington Crescent (listed buildings shown in blue). It is considered the rear of these properties already overlook the existing cutting and the development to extend this on the land on the other side of the cutting would not cause detrimental harm to their setting or significance and would have a similar but acknowledged slightly worse outlook to the existing view but not to the extent that would warrant a reason for refusal. The other listed buildings near the site are considered to be a sufficient distance away from the development or screened behind existing townscape. The grade II\* listed Nash-designed houses at the northern end of Park Village East are a sufficient distance away not to have their setting affected. However, it is noted that the wall may be visible in long views along Park Village East from outside these houses.

6.3 The impact on the Regent's Park Conservation Area is more immediate as its eastern boundary is only some metres away from the western section of the proposed wall. Although there are some housing blocks situated between the application site and the wall, its notable height, solid appearance, and insensitive and brutal use of concrete which is out of keeping with the materials and colours and finishes of buildings which are predominant in the conservation area, will be visible from the eastern section of the conservation area and impact on immediate views out of the conservation area. It will also provide an oppressive and overbearing sense of enclosure within a short distance of the conservation area boundary, impacting to a limited extent on its setting. The proposed structure will also be visible from the section of the conservation area to the north in Park Village East (including the stretch further north where the grade II\* listed residential properties are situated). The overbearing nature of the wall by way of its height, solidity and use of materials will have a notable impacting on the vista out of the conservation area looking south. Likewise, there will be a low-level impact on the setting on the conservation area due to its prominence in close proximity to its boundaries which is going to affect a limited number of shorter distance views into the conservation area.

6.4 Therefore, it is considered that there will be an impact on views out of the Regents Park Conservation Area. The parapet wall is considered to be brutal in terms of texture and materials

and out of keeping as result with the character of the surrounding area which is in large part of a residential character (whether inside or outside of the conservation area) rather than an industrial character which this wall suggests. As a result of such harmful development within its setting the proposal does not preserve the Regents Park Conservation Area as a site of historic interest.

### Archaeological

- 6.5 The site is not located within an area of archaeological interest, and as such, the proposed development is not considered to result in harm to the archaeological interest of the site.
- 6.6 However, with regard to cultural heritage (including archaeological or historic interest) Control measures are outlined within the Code of Construction Practice (CoCP) (Section 8), E8: Archaeology, in addition to the HS2 Phase One Heritage Memorandum within the EMRs.
- 6.7 In a similar vein to paragraphs 189 - 192 (Proposals affecting heritage assets) of the National Planning Policy Framework, a route-wide Generic Written Scheme of Investigation: Historic Environment Research and Delivery Strategy (GWSI:HERDS) has been prepared which sets out the general principles for design, evaluation, mitigation, analysis, reporting and archive deposition to be adopted for the design development and construction of the HS2 scheme.

## **7. Amenity**

- 7.1 The development results in a number of existing residential properties being demolished and the remainder are significantly set away from the development. Views of the development will be limited to a 1.8m parapet wall, which will be seen above the retaining wall on the side neighbouring Mackworth Street, Stanhope Street and Harrington Street and views from the upper floors of taller buildings in close proximity to the development. It is not considered to result in loss of outlook but it is considered to result in a poorer quality visual amenity to the properties that face onto this parapet wall, and as a result local amenity will not be preserved. Given this scale and siting the development is not considered to have a detrimental impact on the amenity of either neighbouring property in terms of loss light, privacy, overlooking or a sense of enclosure.
- 7.2 The site was identified as having a site contamination potential. The Council's Contaminated Land officer reviewed the application and raised no objection or comment to the development.
- 7.3 Under the EMRs, CoCPs, LTMPs, LEMPs and assurances specific to Camden and alongside the other statutory environmental controls included in the HS2 Act and the assurance that HS2 Ltd. shall mitigate amenity impacts, there are no outstanding additional issues with regard to the local environment or amenity, which would warrant grounds for refusal on this matter alone.

## **8. Effects on road safety or on the free flow of traffic in the local area**

- 8.1 The Council's Highways department raised no objection if the development is constructed in line with the HS2 Act.
- 8.2 TFL were consulted and raised no objection subject to HS2's ongoing co-operation and consultation on the project. Additionally, this is subject to HS2 fulfilling the requirements of the Protective Provisions Agreement between TfL and the Secretary of State, dated 15th May 2014

## **9. CIL**

- 9.1 The proposal would not be liable for the Camden Community Infrastructure Levy (CIL) or the Mayor of London's Community Infrastructure Levy (CIL).

## **10. Conclusion**

10.1 The Euston Throat Retained Cut by virtue of its design and external appearance fails to preserve the local environment and local amenity. The design and external appearance of the western elevation of the Euston Throat Retained Cut above ground parapets ought to, and could reasonably, be modified to preserve the local environment and local amenity so that it takes account of the fact that the site is in a prominent location which is highly visible from the neighbouring Regent's Park Conservation Area and will not preserve the Conservation Area as a site of historic interest. The structure design and materials are reasonably capable of being modified and ought to be modified to preserve the local environment, local amenity and the site of historic interest.

## **11. Recommendation**

11.1 Refuse approval of plans and specifications pursuant to paragraphs 2 and/or 3 of Schedule 17 of the HS2 Act.