

Delegated Report		Analysis sheet		Expiry Date:	23/03/2021
		N/A		Consultation Expiry Date:	01/03/2021
Officer				Application Number(s)	
Charlotte Meynell				2021/0356/HS2	
Application Address				Drawing Numbers	
Granby Terrace and Land within Railway Cutting to South London NW1 3SA				Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposals					
Application for approval under Schedule 17 of High Speed Rail (London - West Midlands) Act 2017 of a two-span expansion to the existing Granby Terrace Bridge (in the Euston Approaches) to provide a connection over the new HS2 rail corridor comprising of a bridge structure and parapets; and the installation of supporting concrete props for the provision of bridge support and ground stability.					
Recommendations:		Grant Consent			
Application Type:		Schedule 17 – Conditions of Deemed Planning Permission			
Conditions or Reasons for Refusal:		Refer to Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	0	No. of objections	0
Summary of consultation responses:		<u>Two site notices were displayed within the vicinity of the site on 05/02/2021 that expired on 01/03/2021.</u> No third party comments were received.			
Consultee comments:		<u>Network Rail:</u> No response received. <u>Transport for London (TfL):</u>			

	<p>TfL have no comments on this application; however, we do request confirmation that there will be no impact on pedestrian & cyclist safety and that pedestrian & cyclist movement will not be impacted during construction. This is to ensure that there are no safety concerns with the proposed alternative designs.</p>
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Site Description

The site comprises of the highway of Granby Terrace to the west of Granby Terrace Bridge, and the area directly to the south and south-east of the highway. The western end of Granby Terrace forms a junction with Stanhope Street (southwards) and Park Village East (northwards), and the eastern end of the existing Granby Terrace Bridge forms a junction with Hampstead Road.

The existing bridge comprises a concrete beam deck supporting the road and pavement enclosed by parapet walls of approx. 1.65m in height. The inner façade of the parapet walls has a flint finish with a concrete coping. Visibility from the public realm either side of the railway cutting is limited due to the height of railway cutting walls and available sight lines.

No part of the site is located within a conservation area, nor does it include any listed buildings or Scheduled Ancient Monuments. However, it is close to the eastern most boundary of Regents Park Conservation Area to the west, and the south-eastern most tip of the Camden Town Conservation Area to the north-east of the existing Granby Terrace Bridge. The surrounding townscape is varied in scale and character with the differing characters of the adjacent conservation areas and post war housing estates to the south and east. Approximately 70-150m to the north and east of the proposal are the rear of the Georgian Terraces of Nos. 1-35 Mornington Crescent and 261 and 263 Hampstead Road, which are Grade II listed. There are also Grade II* listed Nash Villas approximately 250m to the north-west of the site along Park Village East.

Relevant Planning History

2021/0126/HS2: Application for approval under Schedule 17 of High Speed Rail (London - West Midlands) Act 2017 of installation of Wall Berm and Upstand Support Structure to structurally support the existing Park Village East retaining wall. The berm will be located in the railway cutting, adjacent to the existing Park Village East retaining wall and extending from Euston Scissor Box (open section) to Parkway Tunnel; and the installation of Euston Scissor Box (open section) - structurally supporting the portal between the Euston Tunnels and Scissor Cut, located within the railway cutting bound by Mornington Street and Granby terrace Bridge and forming part of the portal for the new HS2 tunnels.
Approved 17/03/2021

2019/6302/HS2: 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). **Refused 26/03/2020. APP/HS2/6 - Appeal Allowed 27th July 2020**

Reason for refusal:

The Euston Throat Retained Cut by virtue of its design and external appearance fails to preserve (a) the local environment and local amenity; and (b) a site of historic interest. The design and external appearance of the western elevation of the Euston Throat Retained Cut above ground parapets ought to be modified to take account of the fact that the site is in a prominent location which is highly visible from the neighbouring Regent's Park Conservation Area. The structure design and materials could reasonably be modified to respond more appropriately to the local context.

In allowing the appeal the Inspector stated:

Para.11 I accept that the parapet walls have been designed as a direct extension above ground of the retaining walls, being a continuation of the reinforced concrete structure. However, the submitted plans show that they are not serving any earthworks function. The Appellant has indicated that it could have submitted separate submissions for the retaining walls and parapet walls, which the Council has acknowledged. As the parapet walls could have been treated separately from the retaining walls and do not have any earthworks function, I find that they should be considered as a 'wall' under paragraph

3 of Schedule 17 to the Act. As such, the Council may only refuse to approve plans and specifications for them on the basis that the development ought to, and could reasonably, be carried out on land elsewhere within the development's permitted limits. The Council has not refused the Submission on this basis.

Para. 13. I am satisfied that a single submission under Schedule 17 can cover both earthworks and fences or walls as separate operations that would fall to be judged according to the respective criteria in paragraph 3(6). In the case of the appeal proposal, the parapet walls are a separate operation to the earthworks and can be dealt with under a different paragraph of the Schedule.

Para 14. The HS2 London-West Midlands Environmental Statement (ES) provides an assessment of the visual impact of HS2 and its effect on landscape and cultural heritage, including Regent's Park CA, together with avoidance and mitigation measures. The ES was considered by the Parliamentary Select Committee when Phase One was approved through the passage of the Act and therefore these matters should also have been considered when the Act was passed.

Para 15. I am satisfied that the Appellant has carried out a thorough and detailed assessment of the impact of the proposed structures, including the parapet walls, on the local environment and local amenity and sites of historic interest.

Para 18. For the reasons given, I have found that the parapet walls are a 'wall' rather than being part of the 'earthworks', as defined in Schedule 17 of the Act. As such, they cannot lawfully be considered as part of the earthworks, and the effect of their design on the character and appearance of the surrounding area and the setting of Regent's Park CA are not matters that are within the scope of the Council to consider in its determination of the Submission. Therefore, having taken account of all matters raised, I conclude that the appeal should succeed.

2018/3241/HS2: Lorry routes associated with demolition, site clearance and other enabling works for HS2 at the Carriageway Shed, Park Village East and Granby Terrace Overbridge Satellite Compound. Incorporating routes via: Transport for London Road Network (TLRN); Great Portland Street, Albany Street, Osnaburgh Terrace and Osnaburgh Street; Granby Terrace; Varndell Street and Harrington Street; Harrington Square. **Approved 21/11/2018**

Relevant policies

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
- High Speed Rail (London - West Midlands) Act 2017 - Schedule 17 Statutory Guidance *Draft 09-Nov-2020*

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
- Camden Local Traffic Management Plan
- High Speed Two Phase One: Route-wide Traffic Management Plan

Assessment

1. Background

Legislation and policy context

- 1.1 Phase One of High Speed 2 (HS2) is the first phase of a new high-speed railway network proposed by the Government to connect major cities in Britain.
- 1.2 On 23rd February 2017, Royal Assent was granted, namely the High Speed (London-West Midlands) Act 2017 (“the HS2 Act”), for Phase One of HS2. The HS2 Act 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 of 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 The Council can only consider the application within the constraints of the HS2 Act, rather than planning policies set out in the Development Plan. The grounds for determination under the HS2 Act which the Council can base its decision to approve the application and attach reasonable conditions, or to refuse the application, are set out under Schedule 17(5) of the Act. In relation to this application, this is limited to the design or external appearance of the building works where arrangements ought to be modified in order 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
 - preserve a site of archaeological or historic interest or nature conservation value.
- 1.7 These building works must be reasonably capable of being so modified. The other grounds for refusal or approval are related to an assessment of whether the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.

- 1.8 Any representations received from the public or third parties will be considered by the Council but within the context of the HS2 Act.
- 1.9 Schedule 17 of the HS2 Act requires HS2 to submit to Camden for approval of certain matters relating to design and construction. This application seeks approval of plans and specifications.
- 1.10 It is important to note that the HS2 Act states that all applications must be determined within eight weeks of submission (unless the Council and the Nominated Undertaker agree an extension of time for determination), or the application is deemed to have been refused.

Additional environmental and community protection measures

- 1.11 The HS2 Phase One Environmental Statement (ES) was produced to accompany the HS2 Act. The ES includes the likely significant environmental impacts along the route along with the measures to manage and reduce these impacts. In order to ensure that the environmental effects 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 EMR's, to use reasonable endeavours to adopt measures that will further reduce adverse environmental impacts.
- 1.12 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.
- 1.13 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.
- 1.14 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 set out how the project will adapt and deliver the required traffic management measures.
- 1.15 The purpose of the enabling works LTMP is to set out information regarding traffic management of HS2 construction in Camden and how HS2 Ltd. will engage with stakeholders such as Camden upon this.
- 1.16 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.
- 1.17 There would be specific and significant impacts from HS2 Ltd. and its construction on Camden, Camden Council, petitioners and affected parties, such as Camden Cutting Group. The Council has therefore sought to secure 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 paragraphs 2 and 3 of Schedule 17 of the HS2 Act.
- 2.2 The works submitted for approval and their grounds for approval under the HS2 Act include:
- A two-span concrete frame bridge structure with a width of 15m and depth of 58m, to form an extension to the existing Granby Terrace Bridge to the junction with Stanhope Street and Park Village East, to support the Granby Terrace highway across the new HS2 railway. (Paragraph 2 Building Works)
 - 1.8m high parapet walls alongside each footway. (Paragraph 2 Building Works)
 - A single layer of structural fair-faced concrete support props that extend across the railway cutting beneath and to the southern side of the proposed bridge. The props include 29 short props with a length of 10m and 6 long props with a length of 20m, all 1m x 1m in cross-section. (Paragraph 2 Building Works)
 - Eastern retaining and liner walls, both with a length of 72m and height of 8m, with the retaining wall piles to be cast against the ground with a fair-faced concrete finish. (Paragraph 3 Earthworks)
 - Western retaining and liner walls, both with a length of 72m and height of 13m, with the retaining wall piles to be cast against the ground with a fair-faced concrete finish. (Paragraph 3 Earthworks)

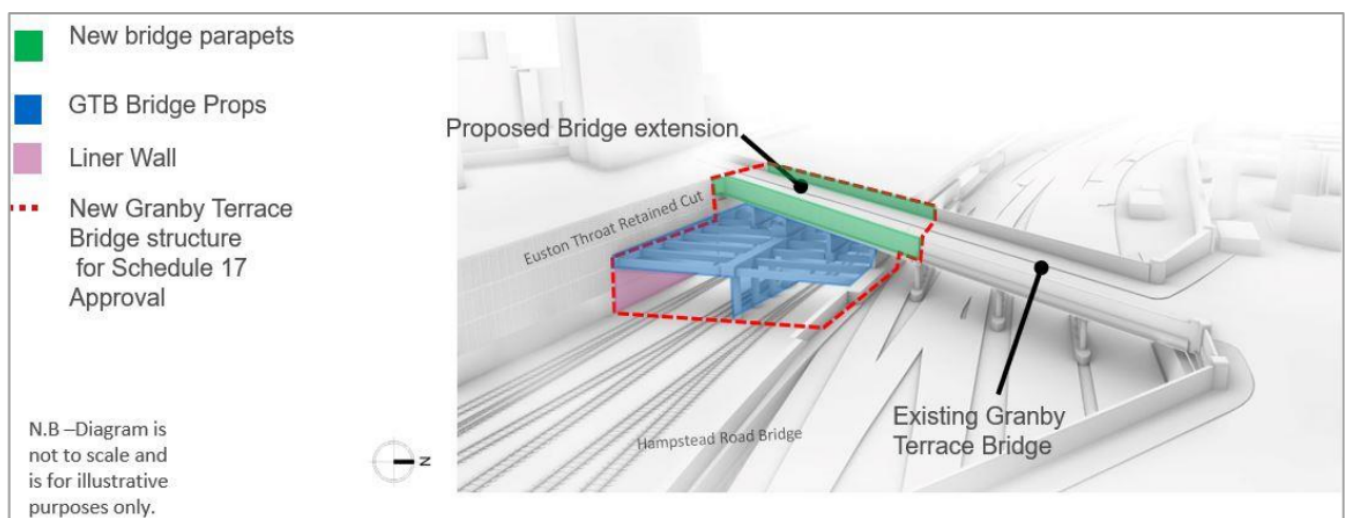


Figure 1: The proposed works for approval

Revisions

- 2.3 No revisions were received during the course of this application.

3. Assessment

- 3.1 The main considerations in relation to this proposal are:
- *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*
- 3.2 The Council notes that the application is made under paragraphs 2 and 3 of Schedule 17 of the HS2 Act (as noted at paragraph 3.2.3 of the Written Statement submitted in support of the application). The applicant has stated the nature of the works submitted for approval and their grounds for approval under the HS2 Act. Works of this type have been clarified by the Planning Appeal reference APP/HS2/6 where the Inspector considered whether the proposed parapet

walls (for the erection of retaining and parapet walls between Hampstead Road Bridge and Granby Terrace Bridge) can lawfully be considered as part of the earthworks, in terms of Schedule 17 of the Act.

Local environment or local amenity

- 3.3 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 set out the Council's general approach to dealing with matters of design, conservation, archaeology, 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.
- 3.4 The proposed works are defined as building works and earthworks in accordance with Schedule 17 of the Act. The applicant identifies within their submission that some of the building works (lower sections of central support concrete columns and supporting base slab with internal piles underneath) are below ground level. These below ground elements do not require approval by the Local Planning Authority by virtue of paragraph 30(g), Schedule 17 of the Act and are therefore not part of this assessment. Furthermore, the proposed works interface with the approved Euston Throat Retained Cut (ETRC) retaining walls to the east and west, and the ETRC parapet walls to the west. Therefore, officers are only considering the above ground sections of the support props, the proposed bridge structure, the parapet walls, and the retaining and liner walls situated beneath the ETRC retaining walls.
- 3.5 The proposals seek to extend the existing Granby Terrace Bridge across the widened railway cutting to accommodate the additional rail tracks into/out of Euston Station as part of the HS2 proposals. The existing bridge is owned by Network Rail and would be retained in situ.
- 3.6 The aim of the bridge design has been to integrate the appearance of the bridge extension with the existing bridge, with particular attention to the experience of its users. With regards to the proposed bridge structure and parapet walls, a number of design solutions and iterations have been reviewed with the applicant, Planning Officers and Urban Designers at pre-application stage to reach the existing proposals. A primary constraint has been HS2 bridge design requirements and codes of practice relating to structural strength and efficiency, user safety and the discouragement of graffiti and climbing. A further consideration has been the treatment of the transition between the existing bridge parapet walls and the proposed parapet walls in terms of the differing heights and material continuity.
- 3.7 The existing bridge parapet walls are 1.65m high, but the proposed bridge extension requires parapet walls with a height of 1.8m to meet current safety standards. The profile to the top of the proposed parapet walls would also be different to the existing parapets, for the safety of the wall as a barrier and to discourage climbing. The proposed 'shadow gap' is considered to provide the most effective and 'honest' solution rather than, for example, splicing the two structures together in an attempt to disguise the transition. The addition of a splay to the triangular 'steeple' top of the proposed parapet walls adjacent to the existing flat-topped parapets aids the transition between the differing geometries of the parapet walls. A condition will be added to secure the submission of further detailed drawings of the transition between the existing and proposed parapet walls, including the shadow gap and splay to the proposed coping, to both sides of the bridge, to ensure a successful transition.
- 3.8 In terms of providing a degree of continuity between the existing flint finish to the pavement facing parapet wall, an exposed aggregate finish is proposed as the preferred option. This option is considered to provide a continuity of character of the wall surface whilst differentiating

itself as a new addition. It also provides a deterrent to graffiti. The precise finish of the exposed aggregate will be the subject of an approval of details application to secure the appropriate particle size and colour and therefore a condition is recommended to be added to any permission.

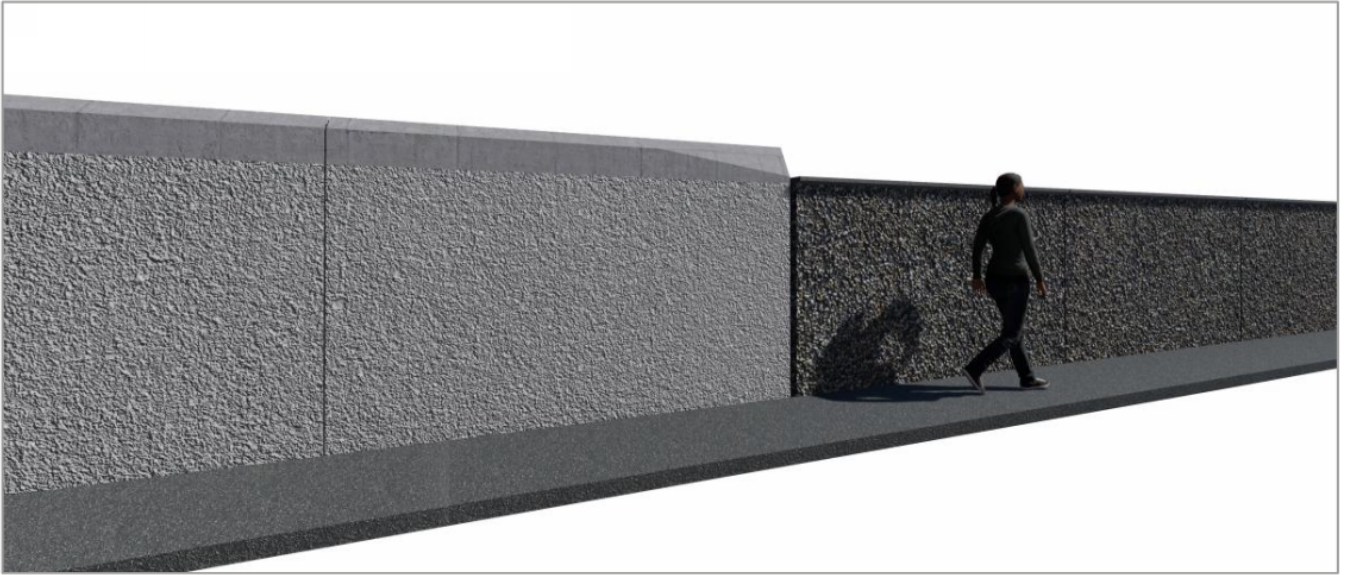


Figure 2: Rendered view of transition between the existing (to the right) and proposed (to the left) Granby Terrace Bridge parapet walls, looking north-east

- 3.9 The successful transition of the bridge extension also relates to its interface with the approved parapet of the ETRC and to Park Village East to the north of the junction. The aim has been to maximise visibility for pedestrians and vehicles and to provide an appropriate transition to the parapet of the ETRC. Various options have been considered to maximise visibility with a chamfered corner being considered to most effective option. Terminating the proposed parapet wall with a pilaster column is considered to make the most appropriate transition between the two parapets. It also mirrors the pilaster columns at the eastern end of the existing bridge at its junction with Hampstead Road. The extent of the parapet on the north-western edge of the proposed extension will also end at a pilaster (a fair faced concrete column). The interface between the western edge of Granby Terrace Bridge and a wall / safety barrier running along the cutting edge on Park Village East is subject to a separate Schedule 17 application and not considered as part of this application.



Figure 3: Indicative view of the proposed bridge extension looking east towards the existing Granby Terrace Bridge, with the ETRC parapet walls shown to the right in dark grey

- 3.10 A supporting propping structure is required beneath and to the south of the bridge extension to provide the structural strength required for the loading requirements of the bridge deck and retaining walls of the ETRC. This will consist of a single layer of props and will be of a simple lattice design. As with the existing bridge, the visibility the exterior façade of the proposed parapet walls, the bridge structure and the propping structure below, is considered to be limited due to the heights of surrounding walls and sight lines. To the extent that it will be visible, it is considered to successfully integrate with the materiality of the ETRC and the slab structure of the existing Granby Terrace Bridge through its construction in fair-faced concrete. As such, it is considered that the proposed structures will be viewed in association with the railway infrastructure and it is not considered that they will cause harm to the setting of the adjacent conservations areas or the listed buildings to the north of the site.
- 3.11 The proposed retaining and liner walls would be cast against the ground beneath the supporting propping structure, and will have limited visibility from the public realm. The walls will however be visible from the HS2 trains coming into/out of Euston Station. The liner walls will have a fair-faced concrete finish, which would differ from the ribbed concrete finish of the ETRC retaining walls above. This is required due to maintenance, safety and buildability issues which prevent this section of the wall from also having a ribbed concrete finish. In the context of the above, this finish is considered acceptable.

Archaeological, historic or nature conservation value

- 3.12 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. However, with regard to cultural heritage (including archaeological or historic interest), it is noted that control measures are outlined within the Code of Construction Practice (CoCP) (Section 8), E8: Archaeology. This is in addition to the HS2 Phase One Heritage Memorandum within the EMRs.
- 3.13 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 which is to be adopted for the design development and construction of the HS2 scheme.

- 3.14 While the site itself is not located within a Conservation Area, it is located within close proximity of the Regents Park and Camden Town Conservation Areas and several listed buildings as noted above. As discussed within the local environment section above, it is not considered that the proposal would harm either the setting of the surrounding listed buildings or the setting of the adjacent conservation areas. This is due to the limited visual impact afforded from both public and private vantage points. The structures would be read as part of the railway structure and infrastructure rather than a separate structure within the immediate setting of the listed buildings.

Amenity

- 3.15 In considering the amenity impacts of the proposal, it is not considered that the proposals result in loss of outlook nor is it considered that they result in a poorer quality visual amenity to the properties along Park Village East and Stanhope Street that face onto the proposed structures, and as a result local amenity will be preserved. Given this scale and siting of the proposal, the development is not considered to have a detrimental impact on neighbouring residential amenity in terms of loss of light, privacy, overlooking or a sense of enclosure.
- 3.16 It is noted that there are a number of regulatory controls to mitigate impacts to residential amenity. These include those under the EMRs, CoCPs, LTMPs, LEMPs, and the assurances specific to Camden alongside the other statutory environmental controls included in the HS2 Act and the assurance that HS2 Ltd. Therefore, there are no outstanding additional issues with regards to the local environment or amenity, which would warrant grounds for refusal on this matter.

Effects on road safety or on the free flow of traffic

- 3.17 The Council's Highways department raised no objection if the development is constructed in line with the HS2 Act.
- 3.18 TfL were consulted and raised no objection; however, they requested confirmation that there will be no impact on pedestrian and cyclist safety and that pedestrian and cyclist movement will not be impacted during construction, in order to ensure that there are no safety concerns with the proposed alternative designs. The existing Granby Terrace and Granby Terrace Bridge have been stopped up for construction of the new railway cutting and ETRC, and there is currently no pedestrian or cyclist access across Granby Terrace. A separate application for the construction and realignment of Granby Terrace highway and road lighting will be submitted under Schedule 4 of the HS2 Act in due course. Lorry routes will also be subject to a separate Schedule 17 application, which will carefully consider the impact on pedestrian and cyclist safety.

4. Recommendation

- 4.1 Approval of plans and specifications pursuant to paragraphs 2 and 3 of Schedule 17 of the HS2 Act.