

Paddington New Yard & Adjoining Land, London, W9 Planning Brief



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Executive Summary

As part of its approach towards the Crossrail line 1 proposals the council has prepared a series of planning briefs for the key sites affected by Crossrail across the city. The briefs aim to set out all of the relevant council policies and issues relating to the sites and to seek to obtain Crossrail Limited's (CRL), agreement to incorporate these matters into their proposals. The council supports the principle of Crossrail subject to considerations as set out in this and the other planning briefs.

The briefs have assisted the council in their negotiations with CRL during the passage of the Crossrail Hybrid Bill through Parliament. The Bill was granted Royal Assent on 22 July 2008 and now, as an Act of Parliament, has the effect of conferring the right to construct and maintain Crossrail and other associated and enabling works.

The site that forms the subject of this planning brief comprises a large area of land which lies between the A40 Westway and the Great Western Railway lines, extending between Great Western Road and Westbourne Bridge. This area of land is of key importance to CRL's proposed east-west Crossrail Line 1 railway, as it is required for construction work purposes and it would also form the western point of entry to the proposed underground section of this railway.

CRL's proposals for the site are in the main related to the construction of Crossrail line 1 and its long-term operation. The council supports the use of this site as a worksite however it is concerned over potential impacts on existing land uses. The purpose of this brief is to set out the council's considerations for this site in relation to these matters and in addition address any potential amenity, traffic and environmental impacts. Earlier versions of this brief have set out the council's considerations on CRL's proposed long term use of the site and looked at alternative uses should these proposals not come forward. In particular the council considers that CRL's proposals could be adapted to provide an additional Crossrail station on the basis that the site presents a considerable development opportunity to provide a new transport interchange to benefit this part of the City. Following Royal Assent of the Bill the Royal Borough of Kensington & Chelsea also expressed their desire for a Crossrail station in an area just west of Ladbrooke Grove. If either proposal is developed further, this brief sets out the relevant council policies that should be considered and applied.

Any development or works at Paddington New Yard and Royal Oak must ensure that the environment around the site is protected from the adverse impacts of construction and that issues such as site access and noise screening are suitably addressed. In addition, any new development should reflect and enhance the character of the surrounding area and also conform to the council's policies and relevant guidelines for example in respect of sustainable buildings.

The council will require detailed consideration to be given to traffic and pedestrian flows and will call for measures to be put in place to deal with any adverse impacts that would result from the development.

CRL's final proposals for the site are expected to take account of and address all of the issues set out in this brief.

1 Introduction

Purpose of the Brief

- 1.1 The site that forms the subject of this planning brief comprises a large area of land which lies between the A40 Westway and the main Great Western railway lines, extending between Great Western Road and Westbourne Bridge. The site currently accommodates transport and aggregate plant based uses as well as studio space for artists and small businesses. As a consequence of both its location and the long-term uses on the site it is affected by significant environmental constraints. A site location plan of Paddington New Yard and adjoining land is included as Figure 1.
- 1.2 This area of land is of key importance to Crossrail Limited's (CRL) proposed east-west Crossrail Line 1 railway, as it is required for construction work purposes and it would also form the western point of entry to the proposed underground section of this railway.
- 1.3 Crossrail line 1 is a proposal to introduce a new east-west railway linking Maidenhead and Heathrow with Abbey Wood and Shenfield through new tunnels under central London. The council strongly supports Crossrail Line 1 with a link to Heathrow as the best medium to long term opportunity to improve rail based transport in London. The project is now being promoted by the Secretary of State for Transport through the joint company CRL, which is a joint venture between Transport for London (TfL) and the Department for Transport (DfT). To assist in the council's negotiations with CRL planning briefs have been prepared for key Crossrail sites across the City, of which this site is one. The Crossrail Bill was granted Royal Assent on 22 July 2008 and now, as an Act of Parliament, has the effect of conferring the right to construct and maintain Crossrail and other associated and enabling works.
- 1.4 Whilst the council has consistently supported the principle of the Crossrail proposal it also has clear policies to protect the general amenity of residents, businesses and visitors in Westminster against any adverse impacts of the proposal. The council therefore identified aspects of the Bill proposals which did not meet the council's policies or concerns. In order to address these concerns the council instructed Parliamentary Agents to submit Petitions to Parliament in respect of the Crossrail Bill.
- 1.5 This brief is a revised version of the draft planning brief for Paddington New Yard and Adjoining Land which was approved by the Planning Sub-Committee (Planning Briefs and Local Development Framework (LDF)) on 16 June 2008 for public consultation. The draft brief, and earlier versions, have served as key documents in negotiations with CRL and along with the other draft planning briefs for Crossrail sites in Westminster they provided the basis for setting out the council's petitioning strategy throughout Parliament's consideration of the Crossrail Bill.
- 1.6 In response to the petitions made by the council and others prior to the enactment of the Bill CRL made a number of undertakings and assurances to Parliament. These are recorded on the Register of Undertakings and Assurances and are binding on CRL, the "nominated undertaker" (any person appointed to construct Crossrail), the Secretary of State for Transport and any other organisation exercising the Act's powers. A copy of the relevant undertakings and assurances for the site covered by this planning brief are included as Appendix 1.
- 1.7 During the Parliamentary process the briefs were instrumental in helping to secure a number of these assurances and undertakings. The value of the draft planning briefs during negotiations has been significant and this is reflected in the following assurance given by CRL:

The Nominated Undertaker will have regard to the provisions of the Planning Briefs, where they are relevant, when preparing technical submissions to the council under the Bill in relation to Crossrail works (including applications and submissions under the heritage deeds and Schedule 7 to the Bill), save that –

- *In relation to submissions under Schedule 7 to the Bill, this only applies so far as those provisions are relevant to the permitted grounds of refusal with respect to the matters in question.*
- *The provisions only apply so far as, upon consulting with Cross London Rail Links Limited (or other similar or replacement body concerned with Crossrail) in connection with the briefs, the council has properly had regard to any observations or concerns expressed to it with respect to their contents so far as relevant to Crossrail.*
- *The provisions do not apply to applications under conditions imposed by a direction under paragraph 2 of Schedule 16 to the Crossrail Bill with respect to the replacement concrete batching plant at Paddington New Yard.*

For the purpose of this assurance “the Planning Briefs” means the planning briefs (at present in draft) for –

- a. Paddington New Yard*
- b. Paddington Station and Environs*
- c. Davies Street*
- d. Hanover Square*
- e. Dean Street*
- f. Tottenham Court Road*

- 1.8 CRL have yet to finalise detailed proposals for each of the Crossrail sites in Westminster. Whilst the Crossrail Bill has obtained Royal Assent, and is therefore an Act of Parliament, in accordance with the assurance given above CRL are required to have regards to the provisions of the planning briefs where relevant. The planning briefs will therefore continue to have a key role in negotiations with CRL as their detailed proposals are developed. On this basis the purpose of this revised brief is to continue to set out the council's considerations for this site in relation to matters arising from the construction of Crossrail, covering in particular potential amenity, traffic and environmental impacts. The brief also sets out the council's considerations on existing land uses, as well as CRL's proposed long term use of the site, and looks at alternative uses should CRL's proposals not come forward.
- 1.9 The draft brief was the subject of extensive consultation with key stakeholders and where appropriate the main issues raised have been addressed in the revisions to the brief. A full report setting out the planning considerations on the representations made was presented to the Planning Sub-Committee (Planning Briefs and Local Development Framework) on 14 July 2009. The committee resolved to recommend to the Cabinet Member for Built Environment that the revised brief should be adopted as a Supplementary Planning Document (SPD).
- 1.10 On 11 August 2009 the Cabinet Member for Built Environment agreed that the brief should be adopted as an SPD. It is therefore now a material consideration in determining any planning applications for the site. The brief has been produced in line with the procedures set out in Planning Policy Statement Note 12 (PPS12 – 'Local Spatial Planning') and is in accordance with the planning policies in the *City of Westminster UDP* with the *London Plan*.and is also in general conformity with the *London Plan*.

- 1.11 Whilst by following the above procedure the brief constitutes a material consideration in determining planning applications, the Crossrail Act (2008) grants deemed planning permission to construct and operate Crossrail Line 1. Notwithstanding this, through the provisions laid out in the Act the council signed an undertaking to become a 'qualifying authority' which allows the council to assess more detailed aspects of the proposals as set out in Schedule 7 of the Act. Through this process the council would not be able to refuse permission for proposed works on points of principle however, they would be able to request additional details or amendments to proposals on the grounds of the provisions laid out in the Act. This may include the impact of proposals on design and location within the Act Limits. Furthermore, by setting out the council's principal planning issues and requirements this brief will form the basis of negotiations with CRL throughout the further development of the Crossrail proposals.

2 The Site, Surrounding Area and Planning History

The Site

- 2.1 The site that forms the subject of this planning brief is located within the North West Westminster Special Policy Area (NWWSPA) as defined by the council's *Unitary Development Plan (UDP)* (January 2007). The site, which is entirely situated on private land, lies within the transport corridor of the A40 Westway and the Great Western railway lines to Paddington Station, extending between Great Western Road and Westbourne Bridge. The western side of Great Western Road forms the boundary between the City of Westminster and the Royal Borough of Kensington and Chelsea. The Great Western railway lines and the associated railway land to the south are also given consideration in this planning brief. A site location plan of Paddington New Yard and adjoining land is included as Figure 1.
- 2.2 The brief area can be split into two distinct zones, located at the western and eastern ends of the site, which are linked together by a narrow strip of redundant rail siding. These sites are known to the council and surrounding residents and businesses as Paddington New Yard (to the west) and Royal Oak (to the east).

Paddington New Yard

- 2.3 The western part of the site, illustrated in Figure 2, comprises the area of land bound by the Grand Union Canal to the north, the Great Western railway lines to the south, Great Western Road to the west and the Brindley Estate and Westbourne Green Sports Complex to the east. The elevated structure of the A40 Westway over sails the site traversing east-west at its northern perimeter. The main vehicular and pedestrian access to this area is via a ramp onto Great Western Road. There is a second access to the east from Harrow Road via Alfred Road. The closest London Underground station to the site is Westbourne Park located on the west side of Great Western Road. The railway, Great Western Road, A40 Westway and the Grand Union Canal are significant boundaries and help define the character and partly dictate how this site functions. The Grand Union Canal is designated as a Site of Metropolitan Importance for Nature Conservation (SMINC).
- 2.4 Paddington New Yard was formerly used in association with the railway however, it now has more of a mixed use character. The main use of the site is in connection with the Westbourne Park Bus Garage. This garage comprises a large red brick faced building, dating from the 1970's, and is located partly beneath the A40 Westway flyover fronting onto Great Western Road. The Westbourne Park Bus Garage provides parking and ancillary facilities for First Group who operate a number of Central London Bus Routes from this site. The distribution of uses in connection with the bus garage at Paddington New Yard is shown in Figure 3 and includes the following:
- the main bus garage accommodating approximately 70 buses, providing an internal washing facility, a cleaning area and 14 maintenance areas;
 - to the north west of the main bus garage, adjacent to the canal, is an open parking yard accommodating a total of 18 buses;
 - to the south east of the site a parking area for approximately 150 buses within a midi fenced compound incorporating a covered bus washing shed, a diesel tank and a bus watering and sweeping area.
- 2.5 Other existing land uses on the site which are not associated with the bus garage are also shown on Figure 3 and include:
- to the west of the midi compound a concrete batching plant with an open compound;

- to the north of the concrete batching plant a single storey portacabin occupied by the 'platform dwellers' and a Network Rail electricity substation;
- to the north of the midi compound a former three storey British Rail lost property office now occupied by Great Western Studios (GWS) as artists studio space and small businesses;
- to the north east of the site a former paint factory recently used by Transport for London (TfL) and CRL for storage (65 Alfred Road), and now being redeveloped by GWS LLP to provide a permanent home for GWS, with financial support from the council;
- to the east of the site, adjacent to 65 Alfred Road and located underneath the A40 Westway, is 'Murphy's Yard' which is currently in use as an open storage area by highways maintenance contractors.
- to the north west of the site, within the arches of the Carlton Bridge, a tyre workshop.

Royal Oak

- 2.6 The second main area of land subject to this planning brief is the eastern part of the site, illustrated in Figure 4, which lies between Lord Hill's Bridge and Westbourne Bridge, with Ranelagh Bridge in between. The open area to the north of Royal Oak London Underground Station is currently used as a taxi depot, with a parking area and ancillary facilities. Vehicular (taxi) access to this area is via a ramp from the Harrow Road gyratory.
- 2.7 The only listed structure within the brief area is Westbourne Bridge which is Grade II listed. No part of the site lies within a conservation area.

Surrounding Area

- 2.8 With respect to surrounding land uses, the brief area is mainly severed from adjoining sites by the railway, canal and main roads. Notwithstanding this, the site is surrounded by a substantial number of residential districts. The residential uses fringing the planning brief site are illustrated in Figure 5 and include the Brunel Estate and Westbourne Park Villas to the south of the railway lines, the Brindley Estate to the east of Paddington New Yard and the Carlton Gate residential development to the north of the Canal, on the site of the former Harrow Road St Mary's Hospital. To the north of Harrow Road opposite Lord Hill's Bridge are Westbourne Park and the residential flats of the Warwick Estate and opposite Westbourne Bridge are residential properties within a southward projection of the Maida Vale Conservation Area.
- 2.9 Directly north of the canal, adjacent to the Carlton Gate housing development is a development comprising a day hospital, community mental health team offices and rehabilitation hostels.
- 2.10 To the east of Paddington New Yard and directly north of the redundant rail sidings is located the Brindley Estate, Warwick Estate, Westbourne Green Park and the more recently constructed Westminster Academy and associated community sports facilities. This area is subject to a separate 'Westbourne Green' Planning Brief, adopted February 2004, which sets out the council's planning aspirations for the area. Figure 6 shows the location of 'Westbourne Green' in relation to Paddington New Yard and Royal Oak. The Westbourne Green site is primarily council owned and the planning brief was prepared in response to the development opportunities that had arisen as a result of the council's review of its local land ownership and operational requirements for the area. Proposals, which have been completed and are now in active use include the provision of a new secondary school, (The Westminster Academy), improved sports and leisure facilities, improved housing, two new and expanded health centres, a new youth and community centre and improved public realm. Construction works are underway to improve the six 21-storey residential tower blocks on the Brindley and Warwick Estates and include the

provision of new windows, over cladding on the outside of the buildings, roof renewals and major repairs including the provision of new lifts.

- 2.11 It is considered that the uses outlined above are the most sensitive receptors to the proposed Crossrail works on the Paddington New Yard and Royal Oak sites. CRL are therefore required to pay particular attention to the potential impacts of their proposed works on the amenity of these properties both during and following construction of Crossrail line 1. In particular CRL are required through design and mitigation to control the effects of noise from within the Crossrail worksites and this will include carrying out further baseline noise surveys once detailed construction plans are in place. Figure 5 identifies the residential uses fringing the planning brief site, as well as other non residential sensitive uses, and the council would expect CRL to use this information to determine where to take baseline noise monitoring surveys from. CRL have confirmed that the Nominated undertaker will be required to consult with the local authority when determining suitable monitoring locations for determining baseline noise levels for any relevant noise assessments that they carry out. The council will seek to ensure that all relevant sensitive receptors are covered by the monitoring and that their eligibility for noise mitigation measures determined.
- 2.12 The 2008 revised Crossrail safeguarded directions include an area of land to the south of the Westway adjacent to the narrow strip of rail sidings, which forms part of the Westminster Academy site. This land was first added to the directions in 2004 albeit it only became clear in May 2006, when CRL published their second group of Amendment Provisions to the Crossrail Bill (AP2), what they required the land for. This amendment allows for the extension of sidings on the Paddington New Yard site to accommodate a reinstated concrete batching plant post construction of Crossrail. The additional land is required to allow the railway retaining wall to be moved north and for the Westbourne Park Passage Footbridge to be extended to span the new sidings. The detailed considerations on the impact of these proposals on the Westminster Academy is discussed in more detail in section 5 of this brief.
- 2.13 To the east of Westbourne Bridge is the Paddington Special Policy Area (PSPA). This is the largest development site in Westminster and a site of strategic importance in London. There are major development and transport projects underway as well as new proposals for the area. Development achievements to date include 1.14 million sq ft of office/retail/leisure space and 919 new homes. Other major proposals include mixed-use developments, public transport improvements and the redevelopment of St Mary's Hospital and the Post Office sites. The physical development of the PSPA and the delivery of works and benefits under related planning agreements bring major changes to the local area and present opportunities for the regeneration of North West Westminster. The council maintains an up-to-date fact sheet on the progress of the regeneration programme within the PSPA which can be viewed on the council's Website at <http://www.westminster.gov.uk/environment/planning/majorprojects/paddington/factsheet.cfm>
- 2.14 The Great Western railway (London – Bristol) has been recommended for UNESCO World Heritage designation and is currently sitting on the UK tentative list. This forms part of a proposal to designate a number of sites along the Great Western Railway route between Paddington and Bristol as a World Heritage Site on the basis of the outstanding historical importance of this revolutionary railway designed by Isambard Kingdom Brunel in the 1830's. The World Heritage status could be implemented at the earliest by 2010 although a review of the UK tentative list may follow a review and consultation on World Heritage policy.

Site History

2.15 The relevant planning history for this site is shown in Appendix 2.

3 Crossrail Proposals

Background to Crossrail Safeguarding and Promotion

3.1 The Secretary of State for Transport deposited a Hybrid Bill to Parliament on 22 February 2005 to seek the necessary powers to construct and operate Crossrail Line 1. The Bill was accompanied by an Environmental Statement and included Crossrail line 1 Safeguarding Directions for the central section of the route (including Westminster). On 24 January 2008 the Directions were further amended to safeguard land for the possible extension of the route. Accompanying the Directions were plans which identify:

- Limits of land subject to consultation with the promoters of Crossrail (before granting planning permission)
- Areas within these limits which are of “surface interest” (areas of possible surface intervention such as ticket halls, ventilation shafts and work sites)

The site which is the subject of this planning brief is an “area of surface interest”, and the safeguarding designation is shown on Figures 7 and 8.

3.2 During the passage of the Crossrail Bill through Parliament a number of changes to the project were identified as a result of continued project development and discussions with stakeholders. The changes to the project were made by publishing ‘amendment of provisions’ the first group of which were published on 18 January 2006 and a second group on 9 May 2006. A third group of amendment provisions were published on 7 November and on 16 May 2007 a fourth group were published.

3.3 The Crossrail Bill was granted Royal Assent on 22 July 2008 and now, as an Act of Parliament, has the effect of conferring the right to construct and maintain Crossrail and other associated and enabling works. Appendix 3 shows the proposed route for Crossrail Line 1 and CRL’s revised timetable for Crossrail line 1 assumes that the start of passenger service could be in 2017 with full construction starting in 2010 and the main tunnelling in 2011.

3.4 The council supports any rail project that seeks to improve the quality, reliability and accessibility of public transport and this is set out in the Unitary Development Plan (policy STRA 20). As set out in Section 1 of this brief the council has consistently supported the principle of the Crossrail proposal however, it also has clear policies to protect the general amenity of residents, businesses and visitors in Westminster against any adverse impacts of the proposal. The purpose of this brief is therefore to reaffirm the council’s considerations on the current Crossrail proposals for this site and, as agreed, for CRL to have regard to the provisions of the brief as they develop their proposals and prepare technical submissions for approval by the council for Crossrail works.

3.5 The following sections outline the works currently proposed by CRL for the construction of Crossrail. The description of works has been taken from the Crossrail Bill, supporting documents, relevant Amendment Provisions, Crossrail Act (2008) and correspondence with CRL. Whilst the descriptions of works are as accurate an interpretation of what the information provided by CRL allows it is recognised that some of the works and timings are likely to change as the project develops. The description of works has been taken from a note produced for the council by CRL dated 5 June 2009. They are therefore the most accurate account at the time of writing. Notwithstanding given that CRL must have regard to the content of this brief when preparing their technical submissions it is imperative that they continue to share their detailed proposals with the council as they are developed.

- 3.6 It is worth noting that according to CRL the main change to the scheme for this site, following the enactment of the Crossrail Act, has been the removal of the Westbourne Bridge Ventilations shaft as it is no longer required. CRL have confirmed that the current scheme is not substantially different to the permanent works as described in their Environmental Statement (ES) and that the impacts are therefore as assessed in the ES. They have reaffirmed that the Environmental Minimum Requirements (see section 8) as required by the Secretary of State will be applied and as such the impacts as set out in the original ES should not be exceeded.

Proposed Advanced Works

- 3.7 Before CRL can begin work on the new Crossrail railway in the Paddington area, some advance works would need to be carried out to make land available for its construction. Enabling works would include:
- relocation of existing Network Rail maintenance facilities, track works and signalling;
 - relocation of the external midi bus parking compound adjacent to the eastern side of the Westbourne Park bus garage and provision of a permanent one storey deck;
 - relocation of electrical substation and cables within the area; and
 - other utility diversions including the Marcon Culvert (CRL have confirmed that the Ranelagh sewer no longer requires moving).
 - The retaining wall to Murphy's Yard will be moved north to allow for clearance to the sidings.
- 3.8 The compound at Paddington New Yard, which is currently being used as a bus parking facility, is intended to be used for tunnelling support works. The Midi Compound, shown on Figure 3, is located on the section of land between the railway lines and the Great Western Studios building and currently accommodates parking spaces for 150 buses, a wash bay and fuelling station. As part of the Crossrail project CRL proposes to use this area as a temporary working site, principally to accommodate the driving of the running tunnels eastwards from the Westbourne Park area towards Liverpool Street.
- 3.9 CRL originally proposed to relocate the midi bus parking compound in an extension to the eastern side of the Westbourne Park bus garage and on 16 December 2004 the Planning and City Development Committee resolved to grant planning permission for a proposal to extend the existing main bus garage to facilitate this proposal. The resolution to grant permission was made subject to the completion of a unilateral undertaking to secure financial contributions towards environmental improvements and planting along the canal side and towards the funding of the Environmental Inspectorate. However, on 25 May 2005 CRL wrote to the council requesting that the planning application be withdrawn on the grounds that they would prefer to resolve land ownership issues prior to determination of the application as these affect their ability to deliver the planning benefits.
- 3.10 The extension to the bus garage is now included as a scheduled work within the Crossrail Act and as a consequence the works do not require planning permission. Notwithstanding some detailed matters will be subject to the requirements of Schedule 7 of the Act and will require approval from the council. Through this process and negotiation the council will seek to ensure that the planning benefits agreed by the 16 December 2004 Committee are secured.
- 3.11 CRL originally proposed to carry out these works in advance of the main construction of Crossrail however, in the Parliamentary transcripts of 7 May 2008 CRL's Counsel confirmed that the midi bus parking moves off site during the duration of works and that they have reached agreement with the bus operating company as to the process of the move. The council has not received direct confirmation of this and is keen to consider the

details of this move. CRL have confirmed that following the construction of Crossrail the permanent extension to the bus garage would be built in accordance with the terms of the Crossrail Act.

Proposed Use of the Site During Construction

Paddington New Yard and Royal Oak worksites

- 3.12 The Crossrail twin bore running tunnels under central London would be constructed and equipped from major work sites at either end of the tunnels. The worksite at the western portal would extend for more than a kilometre east from Paddington New Yard through Royal Oak. This worksite would be required to facilitate the works listed in the paragraphs below, the locations of which are shown on Figures 9 & 10.
- 3.13 A 310 m long approach ramp will descend into the portal, which will be located at Royal Oak to the west of Lord Hill's bridge. Intervention stairs will be provided at the portal and plant rooms will be constructed above. There is no longer considered a need for a shaft at the portal and intervention and escape will be via the portal or Paddington Station.
- 3.14 Six metre diameter twin-bore tunnels will descend from a depth of approximately 15 m at the tunnel eye at Royal Oak Portal. From here the rails will continue to descend to an approximate depth of between 20 and 30 m below street level at Paddington station.
- 3.15 The principal demolitions associated with the works in this route window will comprise: taxi servicing facilities buildings (below Westway); buildings associated with and including the Great Western Studios (formerly the parcels office and Network Rail lost property); buildings located in Murphy's Yard; bus washing facilities; and temporary closure of the Tarmac Topmix concrete ready-mix plant which will be re-instated following the construction period with the provision of six storage silos on the site and two sidings.
- 3.16 Following the completion of a three month mobilisation and site clearance period, the diaphragm walling for the cut and cover box will take place over a 12 month period. A box will be constructed to provide access for the launch of the tunnel boring machines and will subsequently become a vacuation and intervention point. After this the excavation for the cut and cover box and the construction of the roof slab will commence and take 18 months to complete.
- 3.17 On completion of the Tunnel Boring Machine (TBM) launch chamber the tunnel drives to Farringdon station will commence. This will take approximately 2 years and will be followed by clean-out of the tunnel and trackbed work. Fitting out of the approach ramp and the tunnel portal will be undertaken during the driving of the twin-bore tunnels.
- 3.18 Construction of a temporary surface rail siding facility and conveyor to move excavated material at Royal Oak worksite will be completed approximately a year into the tunnelling programme. This will be used to support the removal of excavated material and the delivery of tunnel segments. The rail sidings and conveyor system will be removed after the completion of the tunnel drives. Paddington New Yard will then be used as a worksite to support tunnel track laying and railway systems activities.
- 3.19 The Royal Oak worksite will be located on a long narrow strip of land alongside the Westway (A40)/Harrow Road. The Paddington Central worksite (the site of the former Paddington Goods Yard) to the east will be used for the delivery, processing and storage of materials.
- 3.20 Road access to the Royal Oak worksite will be from Great Western Road. A secondary access to the Royal Oak worksite is proposed from Harrow Road via Alfred Road for light goods vehicles & cars. As per the undertaking given in Parliament the use of Alfred Road

by Crossrail construction heavy goods vehicles will be prohibited, except in circumstances where it would not be practicable to use the Great Western Road access or in true emergencies. A further access to the Royal Oak worksite will be from Harrow Road under Westbourne Bridge.

- 3.21 Readymix concrete will be delivered by road. Pre-cast concrete tunnel lining segments will be delivered by rail to the Paddington Central worksite. Excavated material will be removed by rail from Royal Oak worksite once the temporary sidings are constructed, about one year into the programme. Prior to this the segments and excavated material will be transported by road.
- 3.22 The Westbourne Park reversing facility, consisting of island platforms with no footbridges, will be constructed to the west of Royal Oak portal. The construction of the Westbourne Park reversing facility will take place over a period of about one year and eleven months, commencing after completion of the tunnel drives. The facility will require track alterations to the Great Western Mainline Railway to accommodate the reversing facility and the two Crossrail lines. The current six-track layout between Ladbroke Grove Junction and Paddington will be retained.
- 3.23 Plant at the worksites would include road/rail plant and railway goods trains, piling rigs, walling rigs, cranes, telescopic handlers (tunnel segment handling), excavation equipment, compressors, ventilation equipment, generators, and concrete and grout pumps, fork lifts, mixers and dumpers.
- 3.24 The excavated material at Paddington New Yard would therefore come principally from the following main construction activities:
- Construction of the approach ramp (open cut) and cut-and-cover box;
 - Construction of the tunnel drive to Farringdon Station;
 - Construction of the Paddington Crossrail Station at Eastbourne Terrace;

For the tunnel drives which start at Royal Oak, it is expected that all of the excavated material from the construction of the running tunnels can be transported by rail away from Royal Oak to the west. The excavated material will be loaded onto trains at Westbourne Park which will use temporary sidings to access the Great Western Mainline adjacent to the site. Excavated material cannot be taken away by rail until the sidings, conveyor and portal structure are in place to support the main tunnelling works. Until they are constructed, excavated material will be taken away by road to facilitate the construction of the portal which needs to be built in order to launch the TBM's. Once in place, the sidings can accommodate the trains which will take away the excavated material from the tunnels.

- 3.25 Crossrail will need to apply to Network Rail for the allocation of train paths to facilitate the use of rail to remove the excavated material. It is expected that the number of train paths should be able to accommodate the removal of the excavated material by train from the tunnels. CRL are working with Network Rail to identify four train paths per 24 hour period that would be able to accommodate peak tunnelling activities.
- 3.26 Notwithstanding the above the enabling works and main works at Paddington Station to excavate the station box will require the use of road transport to take away the excavated material. This is because there is no direct way of loading a train at the Eastbourne Terrace worksite. Excavated materials must therefore be taken away by road out of the area or to a railhead (such as at Westbourne Park). CRL are however, committed to reviewing the construction planning to reduce the numbers of vehicles on the road where practicable. CRL gave an assurance in Parliament 607 which states:

The Promoter will require the nominated undertaker to, after the passage of the tunnel

boring machine (TBM) through the station site, maximise so far as reasonably practicable the volume of excavated material from the Eastbourne Terrace station box taken to the Royal Oak worksite via the tunnels. Until the passage of the TBM through the station box, the excavated material will be transported by road.

- 3.27 The purpose of Supplementary Environmental Statement 3 (SES 3) of the Crossrail Bill (November 2006) was to set out and consider the environmental impacts of revisions to the Crossrail Bill which were defined as being within the limits of the Bill and as such did not require an Amendment of Provisions. This included the provision of a temporary concrete batching plant at Paddington New Yard during the construction of Crossrail.
- 3.28 The Act already makes provision for the temporary closure and removal of the existing concrete batching plant and for its permanent reinstatement upon completion of the Crossrail works. Without the provision of a temporary facility the proposals would have resulted in a period of approximately four years during which no concrete batching plant would be present on the site. The temporary facility now proposed would be located on a different footprint to the existing plant and would be operational during the Crossrail works. It would have a smaller (approximately 60,000 m³ per annum) output capacity than the existing plant and would be entirely road served. This further highlights the imperative for CRL and Network Rail to ensure that there are sufficient rail paths available to facilitate the removal of excavated material as the additional road traffic from the temporary plant will exacerbate the significant impacts already identified. Figure 11 shows that the temporary facility would be situated to the west of Paddington New Yard (Royal Oak worksite west), closer to the access road.
- 3.29 Through negotiations, and in accordance with Schedule 16 of the Act, CRL have drafted a set of planning conditions that will deal with the impacts of the operation of both the temporary and permanent concrete batching plants and which will allow the council to consider detailed matters such as design. CRL have assured that in conditioning the temporary and permanent batching plants that the Secretary of State shall have regard to these conditions and that it will consult with the council if there are any material changes to the draft conditions. The council, as local planning authority, would be responsible for implementing the conditions through the normal processes set out in the General Development Procedure Order. The detailed assurances and undertakings are set out in Appendix 1 and the draft conditions are set out in Appendix 4.
- 3.30 CRL have produced a construction methodology and detailed site plans however, this information has not been shared with the council to date. Such information is fundamental to assessing the impacts of the construction on surrounding amenity and the environment.

Other Areas of Land Subject to Safeguarding Directions

- 3.31 In order to facilitate the construction of the open ramp, the Royal Oak portal and the cut-and-cover box section CRL have shown that the Great Western railway lines to the south of this area will need to be realigned. Detailed proposals for the realignment have not however, been submitted and as such the impact on the rail services from Paddington Station cannot be addressed. It is imperative that CRL enter into negotiations with Network Rail to ensure that any impact on the services is kept to a minimum. The council also requires information regarding whether the Hammersmith and City Lines will be affected by the proposals. As with Network Rail, the council expects CRL to enter into full negotiations with TfL and London Underground regarding this issue.
- 3.32 CRL have advised that some of the additional safeguarded areas are pieces of land that are in the ownership of Network Rail and that they do not necessarily have specific plans for each area and that they may not be required for construction. A large area of land to the west of Great Western Road within the Royal Borough of Kensington and Chelsea has also been included in the revised safeguarding boundary albeit there are no specific

proposals for use of the site. In order for a full and proper assessment to be made on the impact of using these sites it is essential that further information is provided.

Summary of Crossrail Construction Activities

- 3.33 The main construction activities associated with the above can therefore be summarised as follows:
- Demolition and setting up the site including conveyor, railhead, reversing facility and temporary concrete batching plant;
 - Excavation and construction of the open ramp and cut-and-cover box;
 - Installation of the tunnel boring machines;
 - Servicing tunnelling operations from the working shaft;
 - Train deliveries and movements, and associated loading and unloading;
 - Lorry movements, and associated loading and unloading. CRL have advised that during the peak period of construction up to 110 lorries per day will access Paddington New Yard and up to 60 lorries per day would access the Royal Oak worksite. CRL should reconsider this figure in light of the various amendments to the proposals, including the provision of a temporary concrete batching plant, and advise the council accordingly. Figures should cover the situation with and without the provision of rail sidings for excavated material as well as expected changes throughout the construction period.

Proposed Use of the Site Post Construction

Paddington New Yard

- 3.34 Upon the opening of Crossrail services some westbound trains would terminate at Paddington. As there is insufficient space to provide reversing facilities at Paddington, trains would continue empty to Westbourne Park where a purpose built reversing facility is proposed. The council is keen for CRL to develop this part of the proposal and look into the potential for providing an additional station for public use.
- 3.35 It is unclear if future changes to train services including the potential extension of Crossrail services to Reading would lead to further changes in CRL's requirements for the site. The provision of railway related line-side equipment (which would not require planning permission) should be carefully located to avoid inhibiting access or economic use of any surplus land which is not required for the operation of the railway. The boundary treatment and landscaping should provide effective screening in order to protect the environment and local amenity.
- 3.36 As stated above the Act includes the extension to the Westbourne Bus Garage as a scheduled work.
- 3.37 As outlined above upon completion of the Crossrail works the Act would also facilitate the reinstatement of a permanent rail-served concrete batching plant with the same output capacity as the existing plant. SES 3 sets out that in order to maintain the capacity at the same level as the existing plant, taller silos than originally proposed in the Bill would be required. SES 3 explains that the reinstated facility will comprise four aggregate silos enclosed in a single structure 19.3 m high, which will exceed the height of the adjacent A40 Westway flyover. It is not possible for the batching plant to be reinstated on the same footprint and Figure 9 shows the area in which it will be located. The council has not however, to date seen detailed plans of this proposed facility and urges CRL to share this information with them to enable the full impacts of the proposal to be considered.

4 Planning Policy Framework

- 4.1 The brief sets out the planning policies and other material considerations relevant to the development of the site, which will be taken into account by the council when considering CRL's proposals for the site and any other type of planning application. Proposals will be judged on their merits against the criteria set out in this planning brief, the current adopted *Unitary Development Plan (UDP) 2007*, the emerging *Local Development Framework (LDF)*, the *London Plan* and relevant national guidance notes, policies and instruments.

The Local Development Framework

- 4.2 The statutory development plan for Westminster is the *UDP*, adopted January 2007. The council intends to "save" all the policies in the *UDP* for a minimum of 3 years, until at least January 2010. During this time the *Core Strategy Development Plan Document (DPD)* and *City Management DPD* are being prepared which when adopted, will supersede certain *UDP* policies. Some *UDP* policies may be saved beyond 3 years, subject to the approval of the Secretary of State. The most relevant policies in the *UDP* for the development of this site are concerned with transport, the environment, land use, residential amenity and issues regarding North West Westminster.
- 4.3 The Core Strategy Development Plan Document (DPD) is the key document within the LDF, sitting alongside the London Plan as the local policy document. All other local policy documents and guidance will flow from the Core Strategy. The Draft Core Strategy is expected to be published in late 2009, and submitted to the Secretary of State in early 2010 for consideration. Adoption of the Core Strategy is expected by early 2011.
- 4.4 Emerging DPDs' policies can be a material consideration in the determination of planning applications, although the weight attached to the policies depends on the stage the policy has reached in the Development Plan process. Once the Draft Core Strategy has been submitted to the Secretary of State, careful consideration will be required to assess the weight that should be attributed to relevant emerging policies.
- 4.5 A second DPD is also proposed within the LDF: the City Management Plan. This will contain the more specific policies for development control purposes and will run at a timetable at least 6 months behind the Core Strategy. Policies in this document likewise gain weight as a material consideration as they progress through the plan development process.
- 4.6 Supplementary Planning Documents (such as this planning brief) cannot designate or produce policy. Rather this document gives guidance as to how the policies in the London Plan, and later the Core Strategy, should be implemented on a site specific basis.

The London Plan (2008)

- 4.7 The *London Plan (2008)* is the Spatial Development Strategy for Greater London and together with the *City of Westminster's UDP*, they form the current as well as the most important development plans to be considered for the purpose of understanding the policy context for this planning brief. *Policy 3C.12* of the London Plan sets out to make major improvements to the transport network with new cross London links and an enhanced London National Rail network. The Mayor states that he aims to work with strategic partners to improve the strategic public transport system in London. He identifies the implementation of Crossrail line 1 as a particularly high priority to support London's core business areas.
- 4.8 Crossrail is also a key element of the Mayor's Transport Strategy where it is identified as a major project vital to London's status as a 'World City'. The Mayor sees the project as facilitating substantially increased capacity into and across central London, tackling

overcrowding at Liverpool Street and Paddington mainline termini, linking the City and West End to Heathrow and assisting economic development in east London.

- 4.9 In December 2008 the Mayor announced a review of the London Plan. In May 2009 he outlined new policies to improve access to jobs, housing and transport as London's population climbs past the 9m mark by 2031. It was stressed that the new spatial plan must address low carbon development and greater use of green energy.
- 4.10 A full draft of the new London Plan will be published for public consultation in autumn 2009. In the summer/autumn of 2010 it will be submitted to an examination in public, led by a panel of independent inspectors, which will report back to the mayor in spring 2011. It is intended that the final version of the new London Plan will be published in the winter of 2011-12.
- 4.11 In order to address the funding of Crossrail in advance of a full review of the London Plan on 18 May 2009, The Mayor of London published drafts of (a) Proposed London Plan Alterations and (b) associated Supplementary Planning Guidance (SPG) on 'the Use of planning obligations in the funding of Crossrail' for consultation purposes. The drafts propose raising funds towards the costs of Crossrail from schemes which (i) are within the London Plan Central Activities Zone boundary and (ii) involve an increase of 500 sqm. or more in gross office space. No land uses other than offices are affected by the draft policy and SPG.
- 4.12 The publication of these documents is a material consideration in planning terms, however leading counsel advises that they have only low weight in the determination of planning applications, due to the early stage they have reached in the statutory process. It is considered that the City Council is correct to continue to apply the policies of the statutory development plan in deciding what planning obligations should be secured in this case – namely the London Plan published in February 2008 (consolidated with alterations since 2004) and the Unitary Development Plan adopted in January 2007, supported by the Section 106 Supplementary Planning Guidance – until the proposed alterations to the London Plan are adopted.
- 4.13 A Statement of Intent was issued by TfL in May 2009 explaining the process towards adoption of a revised Transport Strategy. Its proposed high level outcomes are:
- Economic development and growth (including improving transport connectivity)
 - Quality of life (including improving journey experience, and air quality impacts)
 - Safety and security (including public transport safety)
 - Transport Opportunities (including improving accessibility)
 - Climate Change (including reducing CO2 emissions)

Public consultation is scheduled to begin in Autumn 2009, and the GLA intend to publish in Spring 2010.

- 4.14 In addition to the strategic policy framework set out in the London Plan and the UDP, the following supplementary planning guidance and documents will also be pertinent to the development of this site.
- The Government's Planning Policy Guidance (PPG) notes and replacement Planning Policy Statements (PPS), particularly:
 - *PPS1 (Delivering Sustainable Development)*,
 - *PPG4 (Industrial, commercial development and small firms)*
 - *PPS9 (Biodiversity and geological conservation)*
 - *PPS12 (Local Spatial Planning)*,
 - *PPG13 (Transport)*,

- *PPG 15: Planning and the Historic Environment,*
- *PPG 16: Archaeology and Planning,*
- *PPS23 (Planning and Pollution Control)*
- *PPG24 (Planning and Noise)*
- *The Mayor's Transport Strategy and revisions (2001 & 2004);*
- *The City of Westminster's 5 Year One City Programme, launched November 2005;*
- *The Westminster City Plan (Westminster's Sustainable Communities Strategy) adopted November 2006;*
- *The City Of Westminster Economic Development Strategy (April 2008);*
- *The City of Westminster Open Space Strategy (February 2007)*
- *The City of Westminster Supplementary Planning Guidance on Planning Obligations (January 2008)*
- *The City of Westminster's various other Supplementary Planning Guidance / Documents.*

5 Land Use Considerations

Impact on Existing Land Uses

Westbourne Park Bus Garage – Paddington New Yard

- 5.1 Westbourne Park Bus Garage is considered to be a key piece of strategic infrastructure, supporting the London bus network and offering 24 hour facilities. In accordance with Policy *TRANS 4* the council seeks to ensure that existing bus facilities such as bus garages are retained upon redevelopment. The council therefore welcomes in principle CRL's proposal to extend the existing main bus garage to facilitate the relocation of the Midi Compound bus parking facilities. In line with policy this proposal would safeguard the operation of a vital piece of bus network infrastructure and allow for continued use of the current bus network timetables. Whilst the proposal would not measurably improve the provision of public transport, the proposed development would provide for the continued use of the bus garage and is therefore in accordance with the policies contained within the *UDP* and the London Plan. Taking this in to account the council requires full details of the proposal to relocate the midi compound temporarily off site during the construction of Crossrail.

Great Western Studios and 65 Alfred Road- Paddington New Yard

- 5.2 The Great Western Studios building, currently used by small businesses and as artist studios, is required by CRL as part of their main Crossrail construction worksite. A formal Notice to Quit has been served on Great Western Studios (GWS) requiring vacant possession of the existing GWS building at the end of August 2009.
- 5.3 The council has always recognised that there is a need to balance the requirements of the NWWSPA policies with the need for Crossrail and the overall benefits that this proposal would bring. The council has therefore continually petitioned for CRL to facilitate the relocation of around 140 businesses currently located within Great Western Studios.
- 5.4 After several years of discussions with both Crossrail and Transport for London (TfL) an Agreement to Lease was entered into on 17 October 2008 by GWS LLP to develop, in three phases, the adjoining site at 65 Alfred Road (adjacent to the site and shown on Figure 3 as the TfL Archive store) into a thriving multi-let studio workspace complex. On 19 March 2009 planning permission (08/10932/FULL) was granted permitting the development of a three storey building with B1(b) and B1(c) use, arranged as 91 studios extending to a total of 62,311 sq ft with ancillary café. The development will also maximise the opportunity presented by the Grand Union Canal - utilising the towpath for displaying art works, introducing a lighting scheme and creating windows onto the canal. The towpath will also be opened up to provide a new pedestrian and cycle route between the canal towpath and Alfred Road.
- 5.5 The GWS redevelopment project will ensure the seamless transfer of around 140 businesses and 220 jobs from the existing GWS building to the new development at 65 Alfred Road. The council is also providing financial assistance to GWS LLP through funds ring-fenced to promote economic development, securing a range of economic, social and environmental benefits.
- 5.6 This a major step forward and the council welcomes the progress made between all parties. The new GWS development will result in the transformation of this site into a thriving hub of commercial activity where a creative industry cluster can grow and prosper.

Concrete Batching Plant – Paddington New Yard

- 5.6 As already outlined the site of the existing concrete batching plant at Paddington New Yard would be required for the construction of the railhead and storage of excavated materials. The Crossrail Act (2008) makes provision for the temporary closure and removal of the existing concrete batching plant, the provision of an entirely road served temporary facility during the construction of Crossrail and the reinstatement of a permanent rail served facility upon completion of the Crossrail works.
- 5.7 It is recognised that the current facility has a strategic function and Policy 4A.31 of the Mayor's *London Plan* stipulates that spatial policies should support the better use of aggregates and that Development Plan Documents should:
- identify and safeguard aggregate resources suitable for extraction
 - adopt the highest environmental standards for aggregates extraction in line with National Minerals Policy Guidance
 - support the development of aggregate recycling facilities in appropriate and environmentally acceptable locations, with measures to reduce noise, dust and visual intrusion to a practical minimum
 - safeguard wharves with an existing or future potential for aggregates handling and ensure adjacent development is designed accordingly to minimise the potential for conflicts of use and disturbance
 - protect existing railhead capacity to handle and process aggregates
 - minimise the movement of aggregates by road, and maximise the movement of aggregates via the Blue Ribbon Network in accordance with policies in Chapter 4C.

The reinstatement of a permanent concrete batching plant following the construction of Crossrail and the provision of a temporary facility during construction is therefore in accordance with the Mayor's Policy. The temporary facility would however, be entirely road served which is not in accordance with this policy and the cumulative impact that this would have, combined with Crossrail construction traffic, is of major concern to the council. CRL and the operators of the temporary facility should therefore engage with the council at the earliest opportunity to consider how this situation will be managed.

- 5.8 Throughout the Parliamentary process the council has consistently made CRL and Parliament aware of its concerns over the operation of a concrete batching plant on this site. The existing batching plant was granted planning permission in 1984 and does not operate under the controls that would be attached through planning conditions today. The existing facility is considered to give rise to amenity problems however, it is acknowledged that the reinstated facility would be built in accordance with more stringent standards, using modern equipment, and as such the impacts are likely to be far less. This was confirmed to the House of Lords Select Committee on 7 May 2008 when they were hearing a petition made by Westbourne Park Villas Association. In addition, as outlined in section 3, in response to the council's concerns CRL have drafted a set of planning conditions that will deal with the impacts of the operation of both the temporary and permanent concrete batching plants and which will allow the council to consider detailed matters such as design. The council, as local planning authority, would be responsible for enforcing the conditions through the normal processes set out in the General Development Procedure Order. The detailed assurances and undertakings in respect of the reinstatement of the plant are set out in Appendix 1 and the draft conditions are set out in Appendix 4.
- 5.9 Whilst through the imposition of the planning conditions the council will be required to approve matters such as detailed design and siting the council is concerned over the proposals for the permanent facility as set out in SES 3. This states that the facility would comprise four aggregate silos enclosed in a single structure 19.3 m high, which will exceed the height of the adjacent A40 Westway flyover. The council has not been consulted on

any proposals to this level of detail and has not seen any plans which illustrate the relationship of these silos to the Westway. It is imperative that this information is shared with the council at the earliest opportunity in order for the impacts to be fully considered.

Murphy's Yard – Paddington New Yard

- 5.10 Murphy's Yard is currently located underneath the Westway adjacent to Alfred Road and sits at a higher level than the main Crossrail worksite in the railway corridor. CRL have confirmed that they propose to demolish the buildings located here as the scale of main works on this site means that it is highly constrained and that they therefore require Murphy's Yard to be lowered to railway level to provide additional workspace. The land gain will be in the region of 1,700 square metres.
- 5.11 Murphy's Yard is currently in use as an open storage area for highways maintenance contractors however, it is understood that the materials stored at this site are in fact for works carried out in the adjoining London Borough of Camden. The location of the facility is also not ideal as the contractor's vehicles currently use Alfred Road as their access point which has had an adverse impact on the amenity of the residential units along this Road as a consequence of noise, dust and general activity. The employment opportunities of this facility are also considered to be limited as it is primarily used as a storage area. On this basis the council would not object to the relocation of this facility.

Westminster Academy

- 5.12 In order to achieve the ground lowering described above a new retaining wall will be constructed on the north side of the Murphy's Yard side and it will be necessary to demolish the retaining wall to the west of Westbourne Park passage footbridge. The new retaining wall will be constructed approximately four metres to the north taking a section of the Westminster Academy grounds. This work is needed to allow the realignment of the siding that serves the concrete batching plant located to the west. The length of this siding, which will not extend east beyond the Westbourne Park Passage footbridge, is dictated by the length of the trains that serve the batching plant. The north-south alignment of the siding is dictated by the alignment of the Crossrail tracks. The siding must go to the north of the Crossrail tracks and these in turn are fixed by existing railways to the south. It is these factors that dictate the need to construct the realigned retaining wall at the Westminster Academy.
- 5.13 CRL have advised that the wall has been designed with full awareness of the Westminster Academy and has sought to reduce as far as practicable the disruption the works will cause. The design of the works means that the land lost to Westminster Academy and the community sports area is about 410 square metres which is less than the land take assessed in the Additional Provisions. The design of the works also means that the construction of the retaining wall will not require the occupation or alteration of the Academies all-weather pitches or their access routes, and these shall remain in use throughout the works. On completion of the Crossrail works the land temporarily occupied for construction will be returned to the Academy. Prior to this it will be restored in accordance with a scheme agreed with the council.
- 5.14 Once this section of wall has been built the ground in front of it will be excavated down to track level. The lowering will reduce the level from approximately 27.5m above datum to approximately 22m. After this excavation the wall will be block faced at the Murphy's Yard section and brick faced at the Westminster Academy section. A two metre metal palisade fence will be constructed on top of the retaining wall.
- 5.15 The council has consistently sought to minimise the impact of works on the Westminster Academy and community sports area and this formed a significant aspect of the council's petition in Parliament. At all stages the council has sought to ensure that there is a constant dialogue between CRL and the Academy. CRL have recently assured the council

that they have met with the Academy and had previously worked with the Academy's architects to ensure the layout of the Academy grounds and the Crossrail proposals would not conflict. They have also confirmed that the land take is within the scope of the Crossrail Environmental Statement.

- 5.16 Notwithstanding, the council remains concerned over the impact of these works on the operation of the Academy and community sports facilities. The Academy is a key stakeholder in the immediate area and is valued significantly in terms of its role as an education and community sports provider. The Academy formed part of a wider initiative to regenerate the Westbourne Green area and has been considered especially successful. The council will continue to work with CRL to ensure that any impact on this sensitive receptor is minimised and that the dialogue between all parties is continued on a regular basis. The Academy have been invited to the regular Crossrail Paddington Community Liaison Groups that are held to ensure that their concerns are heard and addressed.
- 5.17 The Academy have specifically requested that they expect clear risk assessments to be undertaken as well as conditions on the timing of any works. CRL have advised that assurance (323) for work being carried out during the school holidays refers to the footbridge not the retaining wall. During the council's petition to parliament these measures were sought for the retaining wall works which at the time were integral to the works to the north span of the footbridge. On this basis the council will continue discussions with CRL to seek ensure that the works to the retaining wall are carried out in school holidays.

Westbourne Park Passage Footbridge

- 5.18 Westbourne Park Passage is outside of the brief area however, it runs from Alfred Road across the existing Westbourne Green sports complex and links with a footbridge, owned and managed by Network Rail, which passes over the railway lines and the Crossrail safeguarded area. The footbridge provides access to Westbourne Park Villas and Bayswater beyond. This is an important pedestrian route and the bridge was provided as a means to protecting a previous right of way. This route is also retained as part of the Westminster Academy development and they have provided ramp access on the north side of the bridge as part of their proposals. The environment of the bridge is however, particularly poor and contributes to local residents' fear of crime. Although outside of the council's control, improvements to the Westbourne Park Passage footbridge, owned by Network Rail, are actively being sought. The impact of Crossrail on the footbridge, as well as on the general amenity and local environment of the wider Westbourne Green area, has therefore required particular consideration.
- 5.19 The condition of this bridge has been a key petitioning issue for the council and local resident associations and was given significant consideration by the House of Commons Select Committee. Through the parliamentary process undertakings and assurances, as shown in Appendix 1, have been secured to ensure the improvement of this bridge. This includes, following the Select Committee's recommendations, the proposal in Additional Provisions 3 to construct a new ramp from Westbourne Park Villas up to the southern span of the footbridge. As outlined above, Additional Provisions 2 had also previously scheduled amendments to the proposals to allow the railway retaining wall to be moved north and for the Westbourne Park Passage Footbridge to be extended to span the new sidings for the permanent concrete batching plant. Given that Additional Provisions 3 then goes on to state that the extension of the footbridge and works to the retaining wall will not be necessary clarification over the extent of CRL's works to the northern end of the footbridge is still required.
- 5.20 In addition to securing improvements to the bridge through the Parliamentary process Sustrans through their Connect2 proposals have secured lottery funding for investment in walking and cycling across the country. The bid comprised a number of schemes and

included the Westbourne Park Passage Footbridge. The funding is essentially pump priming for projects and Sustrans will work with organisations to attract additional funding for the delivery of projects. The scheme for Westbourne would see the construction of a new, straight, wider bridge, with ramped access that will be at the heart of a network of cycle and pedestrian priority routes, linking in to existing networks. Kensington Gardens, Westbourne Green, Kilburn, Kensal Green and Westminster Academy will be connected by routes that prioritise walkers and cyclists. The new network and bridge, as well as improvements to two existing bridges over the Grand Union Canal, will mean journeys through Westbourne Green will often be quicker, and certainly more attractive, when made on foot or by bike. It is imperative that the redesign of the footbridge explicitly maximises protection against railway noise in Westbourne Park Villas and the rest of the conservation area (see London Ambient Noise Strategy, and in due course Westminster's own Noise Strategy). ..

- 5.21 Given the ongoing changes and uncertainty over CRL's detailed proposals, it has been difficult for the council to progress discussions or designs of the Westbourne Park footbridge. However, Crossrail have recently appointed a Project Programme Partner and a Project Delivery Partner who will be responsible for overseeing delivery of the core central tunnelled section of the Crossrail route and who will also manage the design process.
- 5.22 At the same time that the Crossrail Bill was passing through Parliament, Network Rail and the Department for Transport have been developing the Inter City Express Project (IEP) which will replace the existing high speed trains. Earlier this year, a preferred bidder was announced to supply new rolling stock for the Great Western Main Line to and from Paddington. Subject to the type of rolling stock to be used (electric or diesel), this project could also have implications for the Westbourne Park footbridge, both in terms of what further improvements are needed to the footbridge (e.g. if further overhead electrification needs to be provided) and the programme for carrying out the works. It is currently anticipated that the new rolling stock will be operational in 2016, i.e. in advance of Crossrail operation
- 5.23 In addition to the Network Rail lines and proposed Crossrail lines, the Westbourne Park footbridge passes over London Underground lines. This is currently just the Hammersmith and City line, but underground train frequencies on these lines will be doubled with London Underground's proposed extension of the Circle line to Hammersmith which is programmed to be implemented in December 2009. Each rail company has differing 'standards', constraints and approval procedures that they will apply for any structure that passes over the running line. There is also the added complication of the existing (Heathrow Express Railway) and proposed future overhead electrification of the main railway lines, and potential changes arising from the IEP for replacement trains on those lines by 2016.
- 5.24 CRL are required to deliver their obligations in respect of the works to the footbridge by 2017 which is not within the Sustrans / lottery deadline of March 2014. It is therefore fundamental to the delivery of this project for all parties to work together to ensure that the improvements are secured and at the earliest opportunity. Given the complexity of this project and the interests involved the council will continue to hold discussions with Crossrail, Network Rail, London Underground and Sustrans on all of the outstanding and unresolved issues which have an impact on the Westbourne Park footbridge. The council will continue to work with all parties to ensure that the Westbourne Park footbridge scheme is delivered in accordance with the undertaking and assurances given to Parliament and that it remains part of the Sustrans Connect2 project.

Taxi Depot - Royal Oak

- 5.25 Policy *TRANS 7* of the *UDP* seeks to maintain the contribution of licensed taxis and mini-cabs to the range of public passenger services and states that the council will keep under review the need for taxi ranks and other types of dedicated taxi parking. The existing Royal Oak taxi depot offers substantial parking for taxis which operate in Central London. In accordance with *TRANS 7*, and the pursuit for sustainability, the council will therefore seek the relocation of this facility within the area.
- 5.26 In their response to the previous version of this brief TfL advised that they could assist in investigations of any possible relocation of the Royal Oak taxi depot facility. CRL also gave an assurance to Parliament which stipulated that they would continue to seek to consult with the owners of the taxi facility to ascertain their interests and future requirements, providing relocation assistance and compensation, where relevant. Alternative locations should therefore be discussed with the council and TfL and designed to their satisfaction in terms of the impact on taxi operation and general amenity of the area.

Use of the Site During Construction

- 5.27 In accordance with Policy *TRANS 5* the council strongly supports Crossrail line 1 (with a link to Heathrow) as the best medium to long term opportunity to improve rail-based public transport in London. The council therefore supports the construction of Crossrail in principle however, this is subject to the other requirements sets out in this planning brief which deal with potential impacts on existing land uses, long term land uses, economics, amenity, environmental impacts, traffic, design and the public realm.
- 5.28 The operation of a temporary concrete batching plant during construction has been dealt with above and in section 3. A copy of the draft conditions that would be attached to the permission by the Secretary of State are included as Appendix 4.

Proposed Use of the Site Post Construction

Paddington New Yard

- 5.29 As stated above following the main construction of Crossrail part of the Paddington New Yard site will become an operational facility for Crossrail to facilitate the provision of a permanent turn back facility for trains terminating at Paddington. This is illustrated in Figure 9.
- 5.30 Policy *STRA 20* of the *UDP* seeks to improve access to facilities and services by integrating land use and transport policies in co-operation with other bodies across London. Policies *STRA 21* and *TRANS 5* also seek to improve the quality, reliability, efficiency, safety and accessibility of public transport by promoting and supporting proposals that integrate, improve and extend underground and rail networks. The council recognises that a good public transport system is essential for meeting the economic and social needs of the City's businesses, workers and residents. Furthermore, the council acknowledges the need to improve the accessibility of public transport in terms of the proximity of services to homes and other destinations. The predominant land use surrounding Paddington New Yard is residential and given the close proximity of other major developments, such as the Westminster Academy, provision of an additional station in this area would be in accordance with these policies and would bring benefits to the local residents and businesses in the area. The council therefore urges CRL to consider utilising the turn back facility as an additional Crossrail station.
- 5.31 Following Royal Assent of the Crossrail Bill the Royal Borough of Kensington & Chelsea made additional approaches to CRL for a station attached to the Kensal Green site off Ladbrooke Grove. In considering the feasibility of providing an additional station in either of

these locations the council would expect CRL to consider all other issues set out in this planning brief and the policies contained in the *UDP*. This would include ensuring that the proposal includes suitable and convenient access for all and support facilities such as safe and accessible public toilets. If either proposal for an additional crossrail station is developed further the council would in particular expect the following to be taken into account:

- Impact on adjacent residential areas, and on railway construction and operations
- Vehicular access
- Pedestrian access, links to bus routes/stops etc
- Impact on local regeneration and employment activities
- Impact on train services

5.32 The operation of a reinstated permanent concrete batching plant following the construction of Crossrail has been dealt with above and in section 3. A copy of the draft conditions that would be attached to the permission by the Secretary of State is included as Appendix 4.

Alternative Long Term Uses of the Site

5.33 The brief area is located within the NWWSPA . The aim of establishing the NWWSPA has been to address the concentration of socio-economic and physical issues that have been identified in the area in so far as they can be affected by land use policy. This policy designation focuses on encouraging opportunities for new economic development and the regeneration of the area. Furthermore the brief area is designated in the *UDP* as a Major Opportunity Site (OP4) on the basis that it is considered a largely under-used site. This designation acknowledges the fact that the site is protected as a works site for Crossrail albeit the *UDP* stipulates that the preferred long term uses for the site would be commercial and/or public service use.

5.34 Notwithstanding the above, the provision of the Westbourne Park Bus Garage Extension, the turn back facility / additional station and the reinstatement on site of the concrete batching plant suggests that there would be limited or no additional space available for other uses on the Paddington New Yard site. Whilst the council strongly supports the construction of Crossrail in principle, it is regrettable that the site will no longer be available for other uses such as employment uses. Paddington New Yard is identified as a key site in the NWWSPA and as such in the event that there is the opportunity to include other uses on the site the council, in accordance with Policy *NWW 2*, would seek to ensure that the land remains available for non-housing development. Proposals could include small-scale business or industrial buildings, hybrid technology uses, artists' studios and workshops, provision of arts and cultural uses and sports and play facilities. Such proposals would be subject to other criteria set out in the planning brief and in the *UDP* including issues relating to design, access, traffic, amenity, environmental quality and appropriate planning benefits.

5.35 Whilst the provision of new residential accommodation is given the highest priority in the *UDP* it is recognised that NWWSPA has been subject to large amounts of new housing development and that this has increased pressure on existing facilities, whilst removing opportunities for other forms of development. Key sites in NWWSPA should therefore aim to provide a range of uses appropriate to the needs of the area. Furthermore, the majority of the brief site is adversely affected by the presence of the A40 flyover, railway lines, the bus garage and the concrete batching plant. Taken together, these facilities create an environment which is considered to be unsuitable for residential use.

5.36 The exception to the above is the area of land to the north of the Bus Garage adjacent to the Canal. An earlier separate planning brief on this site was issued in 1991. This puts forward the preference for residential use, with limited office space for London Buses or a

community use as alternatives, together with design and highways considerations. In the 1996 draft planning brief for Paddington New Yard the long term use of this site for bus parking was considered unacceptable on a long term basis. The council is still of the opinion that this site could be used for a more beneficial use in accordance with the NWWSPA policies or for residential purposes. Any proposed alternative use would be subject to the policies in the *UDP*, including those that deal with affordable housing, the mix of accommodation size and parking.

- 5.37 As stated in Section 3 CRL have no long-term uses proposed for the eastern part of the worksite at Royal Oak (Figures 4 and 10). CRL previously advised that they would landscape this area and in accordance with the relevant provisions in the Act it is assumed that this will still take place following construction. Whilst it is acknowledged that landscaping would offer some visual amenity it is regrettable that no additional uses on this part of the site are proposed. This is of particular concern now that the site is no longer required for the construction and access to the Westbourne Bridge ventilation shaft. As above proposals for this site could include small-scale employment uses or possibly some sports and play facilities. Whilst open space is also a preferred use quoted in *NWW 2* given the location of this part of the site, and the restricted pedestrian access, it is not considered that this would be quality open space that could be best utilised by the general public. Indeed given its location and lack of surveillance there are concerns that if left open to the public this area could be a haven for anti social behaviour. Notwithstanding this well managed facilities, such as sports uses, with controlled access could provide facilities appropriate to the needs of the area. The council therefore suggests CRL to consider the feasibility of including additional uses on this site.

6 Traffic Considerations

- 6.1 The council recognises that strategically Crossrail line 1 is urgently needed and would help improve the efficiency and reliability of public transport across the City, increasing capacity and thereby reducing congestion on both road and rail networks. Notwithstanding this at a more local level the council would, in accordance with Policy *TRANS 5*, seek to work with CRL to protect the environment of worksites from the adverse impact of construction and the effect that this has on traffic movements. In terms of the planning brief site as existing there is a complex set of access arrangements to the various uses on the site which is considered to be a major constraint on the development of the site. CRL should therefore take into consideration the issues outlined below and in response the council expect CRL to produce detailed Traffic Assessment (TA) as the proposals are developed in more detail in order to assess the overall transport implications of the development. In accordance with Policy *TRANS 14* the council would expect the TA to devise suitable transport improvements to mitigate against any adverse impacts and commitment would be sought from CRL to provide assurance that they would carry out any necessary works. The outcome of these studies should be discussed at the relevant liaison groups which have been established as a forum to exchange information and discuss impacts / mitigation of proposals.

Access to the Site

Royal Oak

- 6.2 Access to and from the eastern part of the site at Royal Oak (Figures 4 and 10) is via a ramp from the Harrow Road gyratory adjacent to 179 Harrow Road which also provides access onto the Paddington Central site to the east of the planning brief site. The exit from the site is via a new ramp onto the Harrow Road eastbound carriageway at the junction with Westbourne Terrace Road. These access routes would have a significant amount of additional traffic movements during the construction of Crossrail. During the first 14 months of construction, material from the construction of the cut-and-cover box would be transported via road to Paddington New Yard. In addition to this, part of the Paddington Central site is safeguarded for Crossrail and CRL have indicated that they are likely to use this site for the delivery, processing and storage of materials. The effect of additional vehicular movements at these junctions therefore requires full assessment and the council would seek the implementation of suitable mitigation measures for any adverse impacts identified.

Paddington New Yard

- 6.3 There are currently two vehicular accesses to this part of the site. Access to the east of the Paddington New Yard part of the site is from Alfred Road and is used primarily for access to 65 Alfred Road and Murphy's Yard. Buses from Westbourne Park Bus Garage do not use this eastern access except on carnival day when buses are diverted via this route. Alfred Road is a narrow road which is bound by predominantly residential accommodation to the north and the Westminster Academy and Carlton Tennis Club to the south. It suffers from parking pressures and given its residential nature is not suitable for use as a vehicular access for construction vehicles. The use of Alfred Road to access Murphy's Yard already gives rise to amenity and environmental problems as a result of noise and dust. The council would therefore like to see access from Alfred Road to Paddington New Yard closed to all vehicles. Some access by vehicles, other than construction vehicles, during the construction of Crossrail could however, be considered acceptable although this would be dependent on the nature of the use, the number of vehicles, the hours of operation and provision of a proper management of the access.

- 6.4 The second access to the site is to the west via a ramp to Great Western Road adjacent to the bus garage. The ramp is currently used mainly by buses in connection with Westbourne Park Bus Garage, lorries from the concrete batching plant and cars driven by staff of the bus garage and Great Western Studios. From the information provided in the Environmental Statement for the extension to the bus garage it appears that this access is however also used by cars travelling from Alfred Road. The traffic and transport section of this report showed that over a 24-hour period 250 cars entered Paddington New Yard via the Great Western Road ramp however, over the same period 415 cars exited via the same access. The access point from Alfred Road for cars may therefore explain the imbalance in the flows entering and exiting the Great Western Road ramp as cars may use it as a cut through. Paddington New Yard is not a formal public highway and is privately owned land the through use of this route is therefore not controlled by the council.
- 6.5 The council has consistently made CRL aware of its concerns regarding the use of Alfred Road and in response they have made the following assurance:

The Promoter will require the Nominated Undertaker to prohibit the use of Alfred Road by Crossrail construction heavy good vehicle, except in circumstances where it would not be practicable to use the Great Western Road access or in true emergencies. Use of Alfred Road by cars and light goods vehicle would be permitted.

In addition CRL have drafted the following planning condition in respect of the operation of both the temporary and permanent concrete batching plant facilities (as set out in Appendix 4):

.....All vehicular access to and from the Development shall only be from Great Western Road

Issues Arising During Construction of Advanced Works and Crossrail

- 6.6 The access ramp from Great Western Road has significant problems in respect to existing traffic movements. These can be considered as:
- The restricted width of the ramp
 - A narrow pedestrian footway on the north side of the ramp
 - Access to a car park under the bus garage directly off the ramp
 - A sub standard junction with Great Western Road
 - Great Western Road which has a poor accident record
 - Traffic can turn south on to Great Western Road adding to problems of through traffic in this predominantly residential area to the south of the railway
 - Impaired visibility as a result of buses waiting outside the main entrance to the bus garage on Great Western Road, and entering and exiting the bus garage through this entrance
 - Traffic can also turn to/from the north on Great Western Road towards Harrow Road. However, due to the limited junction and signal capacity at the Prince of Wales junction at Harrow Road and the provision of banned turns to allow pedestrian crossing facilities, traffic to and from Great Western Road has to use Elgin Avenue and Chippenham Road, both of which are predominantly residential.

The use of the existing access from Great Western Road by CRL therefore raises road safety concerns.

6.6 The main concerns relate to potential impacts on traffic movements relates mainly to the period during the construction of Crossrail. CRL should take the following issues identified into consideration:

1. **Impact and integration of uses on the site** – This is dependent upon the duration of existing uses being retained on the site. The council expects co-ordinated management to be legally enforceable between all users and possible improvements to the Great Western Road junction to facilitate safe and convenient access for all.
2. **Construction traffic routes** – The Crossrail Act stipulates that prior to the start of construction the routes used by lorries between worksites, along with any associated signage and traffic management measures, would be submitted for approval by the Local Authority. The council fully supports CRL's approach to agreeing routes with them prior to the start of construction and would urge them to enter into early negotiations and follow the procedures set out in the council's Code of Construction Practice. There are however, issues with regard to this site which require careful consideration. During the passage of the Crossrail Bill CRL submitted potential construction routes which are illustrated in Figure 12.

The construction of Crossrail is controlled by the Environmental Minimum Requirements which seeks to ensure that the impacts which have been assessed in the Crossrail Environmental Statement (ES) will not be exceeded. Whilst the ES did give some preliminary data for construction vehicles in order to understand the full impact of the proposed routes as the detail design is developed CRL should submit to the council and relevant liaison groups details of the number of construction vehicles which would be using this route daily and for what periods of time. It is understood that for the first 14 months of construction vehicles would be carrying excavated material from Paddington Station and the cut-and-cover box. After this time the conveyor would be put in place to transport material from the main tunnel drive and the cut-and-cover box whilst material from Paddington Station would continue to be transported by road which causes considerable concern because of the prolonged impact on residential amenity, particularly along Harrow Road and sections of Elgin Avenue and Chippenham Road. As stated above one of the main concerns of the proposed construction route is the use of Elgin Avenue and Chippenham Road as these are predominantly residential areas. The early use of a conveyor system, including the provision of train paths to facilitate the removal of excavated spoil from Paddington New Yard by rail, to limit movement by road would therefore be sought. Any proposed improvements to the junction and traffic signal capacity at the Prince of Wales junction needs early discussion with the council. Improvements would be sought to reduce the likely number of journeys using these roads.

Lord Hills Bridge / Harrow Road is a major transport node used by buses and London Underground which should be left operating during the works if possible. Buses should be notified of any closures and diversion routes in advance of the works. TfL and the council request a construction programme and consultation on traffic management arrangements along Lord Hills Bridge and discussion of any traffic diversion on bus routes.

3. **Capacity and safety of Great Western Road junction** – Given the problems associated with this junction in accordance with Policy *TRANS 18* the council would seek improvements which are considered necessary for safety and adequate access. Improvements should also consider methods to reduce the speed of users of Great Western Road at this point as it has been observed that vehicles tend to increase speed when approaching Great Western Road Bridge.

4. **Impact on pedestrian routes** – In accordance with Policy *TRANS 3* the council will seek to improve the conditions surrounding the Great Western Road junction for pedestrians paying particular attention to their safety, ease, convenience and directness of movement. It is recognised that pedestrians are far more likely to use the footpath on the west side of Great Western Road for access to Westbourne Park tube Station and this was supported by the information submitted in the Environmental Statement for the extension to the bus garage. Notwithstanding this the east side is still well used by pedestrians and given the complex interaction of users of the ramp to Paddington New Yard, as well as the main entrance to the bus garage the council is concerned that the impact of Crossrail would make the situation worse. There is currently a zebra crossing to the south of the site providing access to the tube station however, to the north of the bus garage site there is only a pedestrian refuge island to assist pedestrians crossing. The provision of a pedestrian crossing to the north of the site should therefore be considered in order to provide a safer crossing at this point. This may also help to encourage vehicles to reduce their speed as they approach the bridge on Great Western Road.

6.7 Transport for London (TfL) have stipulated in response to this brief that future development will need to consider and contribute towards improvements to bus stop infrastructure and pedestrian routes to them within 400 metres of proposed development sites, including any instance where existing bus infrastructure may need to be moved. TfL recommends making reference to the Traffic Management Act and the Network Management Duty and reminds developers of the need for notification of schemes and works on the TfL Network and the Strategic Road Network.

Traffic Assessment to Address Impacts During and Post Construction

6.8 In order to address the above concerns and fully analyse the potential impacts the council requires full detailed Transport Assessments (TA). These should address impacts during construction as well as long-term operational impacts. In addition to addressing the above points, Policy *TRANS 14* and *Appendix 4.1* sets out the information that the council would expect a TA to include. The following detailed information should also be submitted:

- Details of construction traffic routes, site servicing arrangements and the cumulative impact for the duration of the project;
- Details on existing and proposed pedestrian and vehicular flows at and around the environment of the entire planning brief site;
- Details of work site layouts and what effect these will have on the displacement of pedestrians, changes to the flow of traffic, road closures (both temporary and permanent);
- Details showing that safe, inclusive and convenient access for pedestrians is provided for at all times;
- Cumulative impact with other Crossrail worksites as well as other developments in the area i.e. works at Westbourne Green
- Traffic safety audits for both construction and operation phases to include accident data and predictions;
- All changes to the highway must be accompanied by robust and comprehensive assessments of the highway and transport impacts on to the nearby TfL Road Network, including A5 Edgware Road, A501 Marylebone Road and A40 Westway. This should be in line with the TfL Transport Assessment Best Practice Guidance, and will be further assessed through the Crossrail Traffic Liaison Group.
- Operational effects of long-term use on pedestrians and traffic, projected passenger usage (if an additional station is located on the site), displacement from other lines, growth etc.

- Effect on existing bus routes including potential changes during construction and any operational changes;
- Impact on parking provision at the site, along the construction traffic route and as part of the long-term operational uses;
- Details of the integration of public transport modes;
- Feasibility of closing the access to Paddington New Yard from Alfred Road following construction of Crossrail;
- Assessment of the impact of the congestion charging zone on the construction and operation of Crossrail
- Assessment of long-term uses in respect to relevant policies in the *UDP* which deal with access, road safety, servicing, car parking, proximity to public transport, environmental impacts, pedestrian safety, cycling and road improvements. In considering the long-term operational impacts regard should be given to the feasibility of providing an additional Crossrail station on the Paddington New Yard site in terms of providing sufficient safe access for pedestrians.
- Consideration of the use of the canal as a means of transporting materials and waste from the sites. British Waterways is promoting the use of the canals for the movement of freight, including waste and recyclables, in accordance with the Blue Ribbon Network principle and the Mayor's draft Freight Plan.

7 Townscape, Design and Public Realm Considerations

- 7.1 The existing site is considered to be in an area of low townscape quality and any new developments on the site should positively improve the quality of the area. The opportunity exists to generate new compositions and points of interest. High quality, innovative modern architecture on this site may be acceptable, provided that it respects the scale and form of the surroundings.
- 7.2 As stated in Section 5 CRL's current proposals indicate that there would be limited or no additional space available for other uses on the Paddington New Yard site. As proposed this part of the site would include in the long-term the extension to the Westbourne Park Bus Garage, a turn back facility for trains terminating at Paddington and a concrete batching plant. The council would expect CRL to ensure that these proposals comprise high quality new development on the site in order to improve and enhance the townscape of this part of the City. The site is visible from the Brunel Estate to the south as well as from trains coming in to and out of Paddington Station and it is important that views to the site from such locations are enhanced.
- 7.3 As already highlighted in section 5 the council will be required to approve the external appearance and siting of both the temporary and permanent Concrete Batching Plant facilities. Given the details set out in SES 3 on the proposed height of the permanent facility detailed design proposals should be submitted at the earliest opportunity to allow full consideration of the impact of the proposal in design terms and ensure that it accords with the paragraph above. In the absence of detailed plans it is impossible to comment on the proposed works. Furthermore, the council has concerns over the impact of the proposals on the Westway given that SES 3 stipulates that the silos will be higher than this road. CRL should note that the Planning Inspectorate has consistently upheld the council's decision to refuse permission for advertisements that sit above the height of the Westway.
- 7.4 Concerns about the need to assess and take steps to prevent the interaction of railway structures to create re-radiated noise also apply to the concrete-batching plant. Tarmac, the operator of the existing plant, has applied on some of their sites advanced and imaginative landscaping measures e.g. Heathrow Terminal 5. The council will encourage proposals for the new plant to incorporate appropriate noise-absorbent cladding and green roof / green wall technology.
- 7.5 The extension to the bus garage has already been considered by the Planning and Development Committee and is acceptable in design terms. Furthermore it is considered that the overall visual amenity of the canal would be much improved through planning obligations to secure environmental improvements / new planting adjacent to the canal as part of this scheme. This is in line with *UDP Policy DES 13* which seeks to enhance and improve access to, and the amenity of, the Grand Union Canal. The council will therefore seek to respect and enhance the character of the canal side in all development proposals in order to secure an attractive environment and ensure that views of the canal are safeguarded. *Planning Guidelines on Canalside Development (1992)* and the *London Canals Study – Westminster* have been prepared to assist developers and should be read in conjunction with the policies of the *UDP* as well as the following publications:
- *Grand Union Canal – Paddington Branch – Cycling, Walking and Access Improvement Study (British Waterways 2003).*
 - *Waterways and Development Plans (British Waterways 2003),*
 - *Waterways for Tomorrow (DETR 2000)*
 - *Planning a Future for the Inland Waterways (Inland Waterways Amenity Advisory Council 2001)*

- 7.6 The form of any development on the land located to the east should respond to the proportions generated by the boundary of this part of the site. It is unlikely that a building/s higher than the roadway level of Lord Hill's Bridge would be acceptable. The context of this part of this site is also constrained by the setting of the adjacent Royal Oak station which is contained within an outlier of the Bayswater Conservation Area. The area around the Westbourne Terrace Bridge, a Grade II listed structure, should be treated with great care. It would be inappropriate for a new building to be in close proximity to, or under this bridge, in order to safeguard its special architectural and historic interest.
- 7.7 The site must be evaluated for cultural heritage impacts in accordance with the European Directive on the Assessment of the Effect of Certain Plans and Programmes (the SEA Directive). This requirement necessitates the inclusion of PPG 15: Planning and the Historic Environment and PPG 16: Archaeology and Planning. The council will seek to ensure that the status of the tentative Great Western Railway World Heritage Site is not negatively impacted upon through the development of this site.
- 7.8 The public realm refers to all of the physically and visually accessible space around developments. This may include features such as streets, pavements, forecourts, open spaces, canal towpath, Westbourne Passage Footbridge, parks and building facades. The council expects such spaces to be carefully designed, using high quality materials and detailing. Spaces should be carefully designed and managed to limit visual clutter, discourage graffiti and deter anti-social activity and crime. Where appropriate the council will seek enhancements to and the management of the public realm that forms the setting for developments.
- 7.9 If a new Crossrail station were to be provided as part of the turn back facility at Paddington New Yard this would offer an ideal opportunity to generate a new point of interest with quality innovative modern architecture. The station design should be of the highest quality in form and should provide adequate and convenient access for all and adopt measures to reduce the opportunity for crime and anti social behaviour including informal surveillance of public spaces. The council would also expect pedestrian access to the station to be provided from the Brindley Estate to the east which is a substantial residential area and is also the location of the Westminster Academy. There is a current route through the site from Alfred Road which is used by the public however, it appears not to be a public right of way and would potentially be lost as part of CRL's proposals. Ideally the council would like to see a route for pedestrians provided from Alfred Road designed to be safe and convenient access for all.
- 7.10 Developments should also include landscaping and planting to improve the visual amenity of the area, especially alongside the canal and views from adjoining residential sites. One resident from the Brunel Estate was particularly concerned that during the winter months the trees that form the boundary between the estate and the railway lines lose their leaves. They therefore have no protection during the winter months from the worksite and seek a permanent planting scheme with all year coverage. This is something that CRL and the council should consider following the results of the baseline noise surveys and consideration of impact.
- Archaeology**
- 7.11 The promoters of Crossrail must properly assess and plan for the archaeological implications of the proposals so that the scheme includes appropriate archaeological safeguards in line with policy DES 11 of the *UDP*. Such safeguards normally consist of design measures to ensure the permanent preservation of archaeological remains in situ or, where that is not appropriate, archaeological rescue investigations and recording in advance of development. The advice set out in PPG 15: Planning and the Historic Environment and PPG 16: Archaeology and Planning should be taken in to consideration as should that given by the Greater London Archaeology Advisory Service.

8 Impact on Amenity and the Environment

Impact on Amenity

- 8.1 In accordance with the policies contained in Chapter 9 (Environment) of the *UDP* the council will seek in all development scenarios to protect, maintain and where possible improve the quality of life for residents, workers and visitors to Westminster. This includes protecting the amenity of these groups, particularly residential, during the construction of developments as well as during their long term operation. The implementation of Crossrail line 1 would have significant impacts given the scale of the project, the length of time for construction and the cumulative impacts of worksites across the City. In all development scenarios the following issues should be considered and dealt with through the design of proposals. The cumulative impact of the various development proposals should also be considered:
- Impact on traffic and transportation in the area – In accordance with Policy *TRANS 14* and as discussed in section 6 to ensure that impacts are effectively dealt with to protect against adverse affects such as noise, congestion, air pollution. This includes agreeing construction traffic routes for heavy goods vehicles in accordance with the provisions of the Crossrail Act and relevant Codes of Construction Practice (see below);
 - In accordance with Policy *ENV 6* to reduce noise levels throughout the City, to limit and contain noise from development, to protect tranquil areas and to reduce noise from transport. This would include controlling the hours of construction and operation, for instance construction of the cut-and-cover tunnel. This is particularly important for the operation of the conveyor system as CRL propose that this operation would be 24 hours. If this is the case there should be effective acoustic screening of the conveyor system to protect the amenity of residents during the night time hours when trains do not run;
 - To reduce light pollution in line with Policy *ENV 10*;
 - To reduce, reuse and recycle waste in accordance with Policy *ENV 11*;
 - To protect amenities, daylight and sunlight, sense of enclosure, overlooking and environmental quality (*ENV 13 and STRA 16*).

Environmental Considerations

- 8.2 In order to ensure that the environmental effects of developments are systematically assessed and considered the council would expect development proposals to be accompanied by an Environmental Impact Assessment (EIA). The content of an EIA should be tailored to the nature of the project and its likely effects. Schedule 4 of the Government EIA Regulations sets out the format of an EIA and an associated checklist gives an indication of the kinds of effects that may be relevant. This covers population; habitats and species; soil; water; air pollution; architectural and historic heritage; landscape and topography; recreational uses; land contamination; noise; waste; landscape and open space; archaeology, buildings and their sustainability; daylight, sunlight, sense of enclosure and overlooking; and television reception. Traffic and transport issues should be covered by a Transport Assessment however, this should be cross-referenced in the EIA in all relevant cases. EIA's should also consider the cumulative impact of development proposals.
- 8.3 The original Environmental Statement (ES) for Crossrail was published with the Bill in February 2005. It has been supplemented by a number of additional volumes as further information has become available, and in the light of proposed changes to the project. It is the intention of the Secretary of State to carry out the project so that its impact is as assessed in the ES. In order to control this process CRL have published an Environmental

Minimum Requirements paper (EMR) which together with the powers contained in the Act and the Undertakings given by the Secretary of State will ensure that the impacts which have been assessed in the ES will not be exceeded. Any nominated undertaker will be contractually bound to comply with the controls set out in the EMR. In addition the EMR sets out the requirement for them to use reasonable endeavours to further reduce any adverse environmental impacts identified in the ES albeit this is only insofar as any mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme.

8.4 The EMR does however, contain the caveat to allow for new impacts in excess of those assessed in the ES where there is a change in circumstances. In these instances it is agreed that the nominated undertaker will take all reasonable steps to minimise or eliminate the additional impacts. Notwithstanding, given the limited detail on the project design to date, as well as the lack of detailed construction plans, it is the potential for new adverse impacts which gives the council major cause for concern. It is recognised that CRL have procedures in place to deal with these impacts through the Act, EMR, Information Papers and Undertakings and Assurances however, the council is keen to ensure that they are consulted on all issues to make certain that any adverse impacts are minimised. In particular the issues that are of major importance to this site and which require careful consideration include:

- Operational noise
- Cumulative and background noise from the A40 Westway and all railway activity
- Dust and particulate emissions
- Air Quality
- Vehicular traffic operation

Noise

8.5 As outlined in paragraph 2.11 CRL will carry out further baseline noise surveys once detailed construction plans are in place. Figure 5 identifies the residential uses fringing the planning brief site, as well as other non residential sensitive uses, and the council would expect CRL to use this information to determine where to take baseline noise monitoring surveys from. It is understood that this work would be undertaken in consultation with the local authority to ensure that all relevant sensitive receptors are covered by the monitoring and that their eligibility for noise mitigation measures determined. CRL have confirmed that the Nominated undertaker will be required to consult with the local authority when determining suitable monitoring locations for determining baseline noise levels for any relevant noise assessments that they carry out. The council will seek to ensure that all relevant sensitive receptors are covered by the monitoring and that their eligibility for noise mitigation measures determined. The council will also ensure that rail and elevated road noise is considered in the detailed assessment of impact.

8.6 When carrying out further noise assessments - which, as outlined by CRL's noise expert in evidence to the House of Lords Crossrail Select Committee, will assess cumulative noise from all sources - CRL should have regard to the council's emerging Noise Strategy. The council has been working to tackle noise pollution and has made a commitment to develop a noise strategy for the City. It is recognised that some noise problems are difficult to solve and are often beyond the council's control, however the Westminster Noise Strategy will develop an integrated approach to reducing noise problems and improving the sound environment across the city.

8.7 The London Ambient Noise Strategy, with which CRL is committed to comply with, calls for boroughs to develop their own noise strategies. In doing so, the council will take account of new noise regulation and policy requirements that are anticipated through DEFRA under the EU Environmental Noise Directive, as well as developments in best practice elsewhere.

The council will take a long term view which is necessary in view of the scale and duration of disruption that the construction of Crossrail will bring.

- 8.8 A Noise Issues and Options report was published for consultation for 6 weeks in October 2008. The primary purpose of the Noise Issues and Options Report was to give an opportunity to individuals and organisations to provide a steer to the council on the development of the Westminster Noise Strategy. A draft Westminster Noise Strategy is being finalised and will be published in 2009/10.

Air Quality

- 8.9 In common with many other urban areas Westminster suffers from poor air quality, as a result of the millions of vehicles, and the dense network of roads and buildings which not only emit pollution, but also act to prevent pollution from dispersing. As part of its duties arising from the Local Air Quality Management process, and following concerns at the high levels of nitrogen dioxide and particulates in the City, Westminster published its first Air Quality Strategy and Action Plan in 2001. The actions within this plan were intended to effect a reduction in pollution levels. Despite good progress against the actions in this plan, levels of air pollution continue to exceed national and European objective levels. Concerns at the health impact of air pollution make this a high priority.
- 8.10 A new Air Quality Strategy and Action Plan is currently being drafted which will focus on integrating air quality considerations together with other sustainability issues. It is recognised that measures to mitigate a number of impacts e.g. air quality and noise can often be combined. The plan will set out actions on lobbying to influence national and regional policy, on protecting public health, ecosystems and the fabric of buildings and structures, as well as on tackling emissions of pollutants from road transport, from rail, and from development. The council will seek a reduction in emissions of pollutants, and therefore measured concentrations, with the aim of meeting national and European objective levels.
- 8.11 Although the whole of the City of Westminster is an Air Quality Management Area, Paddington Station has particularly poor air quality with a corridor of pollution along the railway lines showing up on the London Atmospheric Emissions Inventory maps. First Great Western are now making good progress towards reducing their emissions and improving air quality in the station and beyond, having just completed a refresh of their High Speed Train fleet and replacement of the 1970's diesel engines. Apart from bringing significant reliability improvements, the new engines meet current emissions standards and make considerably less noise, although the impact on actual air quality is yet to be ascertained. Although the forthcoming electric Crossrail trains will replace some diesel local trains, the council seeks to work with rail operators to improve air quality in the area and reduce emissions from all engines.
- 8.12 Given the proposed uses on the Paddington New Yard site both during and post construction of Crossrail (including a worksite for storing and handling excavated material, an extended bus garage, concrete batching plant and railway uses etc) considering their impact on air quality is of paramount importance. The council would therefore expect CRL to consult with the council as more detailed proposals emerge to ensure that the emerging Air Quality Strategy is taken in to consideration and that any potential adverse impacts are minimised or eliminated in accordance with the provisions of the EMR.

Code of Construction Practice

- 8.13 In order to deal with the impact of construction on the amenity of surrounding residents and the environment the council has devised the Code of Construction Practice for developers. The council's Code of Construction Practice, most recently updated in April 2008, is

intended to define environmental standards and outline procedures pertaining to construction works. It covers the environmental public health and safety aspects affecting the interests of local residents, businesses, the general public and the surroundings in the vicinity of the proposed construction sites. Activities and impacts covered by the Code include site set-up and servicing arrangements, management of construction traffic and highway works, site management, public safety, noise and vibration, light pollution, hours of working, dust and air pollution, land contamination, waste disposal and protection of water quality and urban ecology.

- 8.14 The Code is intended to clarify for the developers and their contractors their responsibilities and requirements, as well as providing assurances to residents and others about the standards that they can expect during construction. It will be important to minimise the disruption to local residents, businesses, traffic and pedestrians in the surrounding area. Developers would therefore be expected to carry out any demolition and construction work in accordance with the council's Code of Construction Practice to ensure any disruption is kept to the minimum.
- 8.15 A site specific code of construction practice would be written for each development with the primary concept being to protect residential amenity. The phasing of works would also need to be carefully considered, particularly in respect of the various developments taking place in the area, and developers would be expected to discuss their phasing programmes at an early stage. Funding towards the actual cost of using the council's Environmental Inspectorate to monitor the work will also be required (Policies *STRA 7, ENV 5-6*).
- 8.16 CRL has prepared their own Construction Code which is set out in Annex 1 of their Environment Minimum Requirements document which would apply to the Crossrail works only. The Secretary of State will require the nominated undertaker to achieve the Environment Minimum Requirements, including the Construction Code, in designing and constructing the Crossrail works.

Other Standards and Controls

- 8.17 Compliance with all other relevant standards and controls set out in the *UDP* is required in all development scenarios, including the development of Crossrail line 1, and should be discussed with council officers at the earliest opportunity.

Accessibility For All

- 8.18 From the initial concept, proposals should be designed to be an inclusive environment for people of all abilities. Design teams should include from the outset an expert who can adjudicate between the needs of people with different disabilities. An access statement should be submitted to provide a framework for DDA Compliance during the development process and should detail how inclusion by design would permeate the development. The guidance note '*Inclusive Mobility*' (*Transport for London, 2005*) should be consulted when developing proposals. By being integrated and consistent throughout, the objective will be to realise cost effective and inclusive solutions which seek to influence and shape the physical outcome. The exact form of the access statement will depend on the size, nature and complexity of the proposals. However, each statement should identify:
- the philosophy and approach to inclusive design;
 - the key issues of the particular scheme; and
 - the sources of advice and guidance used.

Green Buildings, Recycling and Sustainability

- 8.19 The design principles listed below reflect Objective 6 of the London Plan: to make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well designed and green city. They will enable natural resources to be used more

efficiently, the reuse of resources, and a reduction in levels of waste and environmental degradation. Implementation of the Mayor's environmental policies, particularly in the Energy Strategy, will help to mitigate climate change by reducing carbon dioxide emissions.

- 8.20 It is recognised that the scope for future development on this site is limited due to the requirements of CRL. Whilst the paragraphs below relate mainly to new development and buildings it is considered that CRL should take in to account the sustainability principles set out in the development of their proposals. It is acknowledged that the Crossrail Act (2008) grants deemed planning permission for most of the Crossrail works and as such the control of the local authority over these aspects of the proposals is limited. Notwithstanding, given the status of climate change and sustainability on the world agenda it is imperative that CRL take these issues in to consideration. This is particularly relevant for CRL's proposals to build an extension to the Westbourne Bus Garage and a permanent concrete batching plant facility.
- 8.21 It is recognised that paragraph 9.5(l) of the UDP – making the best use of existing buildings – should not apply to proposals for this site given the poor quality and condition of the existing buildings.
- 8.22 The site represents an opportunity to demonstrate best practice in the design and construction of new buildings which utilises sustainable design and construction principles. The council has stated a clear policy aim to promote the efficient use of materials and the reduction of energy and water consumption in the UDP (Policy STRA 33: Sustainable design, construction and management of buildings). Accordingly, the council will strongly encourage that best practice sustainable development principles are adhered to in the design and construction of any future development on the site.
- 8.23 Any development of the site should conform to all relevant aspects of the City of Westminster Supplementary Planning Guidance on Sustainable Buildings (2003). Accordingly the design and construction of any development should conform with each section of the guidance, namely: design, energy, air, water and drainage, land, landscape and wildlife, transport, waste, materials, noise and site practices.
- 8.24 The council will expect the sustainable design criteria set out in policy ENV 1 to be addressed and require the incorporation of energy conservation and efficiency measures. Applications for planning permission on the site will be required to complete those elements of the Environmental Performance Statement applicable to the proposals as set out in Annex 9.1 of the UDP. The council would encourage independent appraisal of the sustainability of any buildings and if any development exceeded 50 residential units (or the large development thresholds set out in Table 9.2 of the UDP for other uses), an independent appraisal would be required.
- 8.25 The opportunity should be taken to provide on-site renewable energy installations. The Mayor's Energy Strategy (2004) states that a minimum of 10% of energy demand must be provided for on-site by renewable energy sources, where feasible, but the 2008 London Plan goes further, requiring 20%.
- 8.26 In their response to the consultation version of this brief the Greater London Authority (GLA) recognised that Crossrail represents an opportunity for developing district-heating infrastructure in London as the tunnels could carry insulated hot water pipes. They recognise that the project provides an opportunity to develop a significant district-heating network in London, by installing pipes into the tunnel or walls, as has been done in other cities. Buildings on top of and around stations would be in a privileged position to take their heat from such a system. As such the proposed or expected development associated with Crossrail stations should be designed to connect to a larger district heating network in the

future, specifically through the use of communal heating networks (London Plan Policy 4A.6).

- 8.27 The GLA also recognises that the Crossrail project represents an opportunity for ground source heating and cooling. Development associated with Crossrail stations should look to optimise the opportunity afforded by the Crossrail project. This does not preclude the development using any other type of renewable energy technology that is suitable for the site. The use of ground source heating and cooling would also have to be integrated into the communal heating networks.
- 8.28 Solar thermal and Photo-Voltaic systems could be appropriate. Consideration should be given to building design to achieve natural ventilation to avert the need for air conditioning. Layout of the site should achieve orientation of developments to optimise solar gain, and minimise energy use. Wind generators and borehole heating/cooling should both receive consideration. Biomass generators are unlikely to be suitable, due to the likely impact of their emissions upon air-quality.
- 8.29 There may be the potential to incorporate green roofs into any development proposals. Green roofs have several environmental benefits including encouraging biodiversity in urban areas, attenuating storm water run-off, providing an attractive open space for building residents / users, insulating the building from temperature extremes and absorbing air pollution and dust (see also the 'Biodiversity' section below).
- 8.30 The design of new development should incorporate the installation of a Sustainable Urban Drainage System (SUDS) to minimise rainwater run-off. The SUDS could ensure that rainwater run-off either soaks away on-site or is re-used. As stated a 'green roof' could retain water on-site. The development should achieve a high standard of potable water conservation through proven technology such as low flush or dual flush toilets, water saving taps and shower heads and grey or black water recycling on-site.
- 8.31 When designing for the highest standards of sustainable design the emerging policy approach at regional and national level should be considered. The Mayor's Energy Strategy (2004) proposed that by 2010 every London borough should have at least one zero-carbon development. On the 17 December 2008 the Department of Communities and Local Government launched a consultation exercise which sets out the detailed requirements for plans to make all new homes zero carbon by 2016. A zero carbon home would include a very high level of energy efficiency and a minimum level of carbon reductions that would need to be achieved, compared to current Building Regulations, through a combination of energy efficiency measures, onsite energy supply and/or connections to low carbon heat. The remaining carbon emissions (including from cooking and appliances) would need to be addressed via a proposed list of allowable solutions. A copy of the consultation paper can be found via the following website <http://www.communities.gov.uk/publications/planningandbuilding/zerocarbondefinition>
- 8.32 In addition to measuring the carbon compliance level of buildings the Code for Sustainable Homes measures the overall sustainability of a new home against categories of sustainable design, rating the 'whole home' as a complete package. The Code uses a 1 to 6 star rating system to communicate the overall sustainability performance of a new home. The Code sets minimum standards for energy and water use at each level and, within England, replaces the EcoHomes scheme, developed by the Building Research Establishment (BRE).
- 8.33 On the 27 February 2008 the Government confirmed that a mandatory rating against the Code for Sustainable Homes will be implemented for new homes from 1 May 2008. All social housing now must be built to Code 3, with all housing to follow in 2010. From 2013

the target is that all housing built will meet Code 4 as a minimum, and from 2016 all housing will need to meet Code 6.

- 8.34 As set out in section 5 of this brief the majority of the site is considered unsuitable for residential use. The exception is the area of land to the north of the Bus Garage. If a residential scheme were proposed on this site before 2017 the council would expect proposals to be designed to maximise the code level credits thereby aiming for the highest code level achievable overall.

Nature Conservation and Biodiversity

- 8.35 Planning policies in the UDP, the London Plan and Mayor's Biodiversity Strategy recognise the potential for the built environment to support biodiversity and encourage good sustainable design, and set out specific requirements to achieve this.

- 8.36 The site is located adjacent to the Grand Union Canal which is designated as a green corridor in the UDP and a site of Metropolitan importance in terms of its nature conservation value. In accordance with policy ENV 17 the council will protect and seek to enhance such areas.

- 8.37 A biodiversity assessment should be carried out prior to any work starting on site, including demolition, to investigate the impact (with particular attention to the presence of protected species, including UK Biodiversity Action Plan and London Biodiversity Action Plan species). Biodiversity information is a material consideration in planning decisions. In developing proposals for the site the following documents should therefore be consulted - Planning Policy Statement 9 – Biodiversity and Geological Conservation and Westminster City Council's Biodiversity Action Plans. In addition to these documents there are a number of resources available to assist developers when considering the nature conservation implications of development proposals in Greater London. These include the following:

Design for Biodiversity

http://www.london.gov.uk/mayor/strategies/biodiversity/docs/design_for_biodiversity.pdf

Protected Species Guidance Notes – prepared by the Natural London office and available via the London Biodiversity Partnership web site at the following address:
www.lbp.org.uk/07library.htm#to_advicenotes

- 8.38 Features that protect and enhance biodiversity should be integral to the design of the development. The council will encourage measures to provide habitats that will encourage local biodiversity. Green or brown roofs may have a role in relation to managing run off and attracting local biodiversity. They can provide important habitats for wasteland flora, invertebrates and birds. It is recommended that developers consult the English Nature report Green Roofs: their Existing Status and Potential for Conserving Biodiversity in Urban Areas (Report Number 498). Further information and guidance in to providing green roofs with multiple benefits can also be found at www.livingroofs.org.uk

Waste

- 8.39 In line with policy ENV 12, provision must be made for the storage of waste in all development and provision should be made for the separation of recyclable materials, with at least half of the storage space for sorting recyclables. The provision on site of facilities for the composting of food waste would also be strongly encouraged. Developers should consult the council's 'Waste and Recycling Storage Requirements' (March 2008) for further information. A waste management plan should be submitted with any future planning applications for this site.

Land Contamination

- 8.40 Planning Policy Statement 23: Planning and Pollution Control (PPS 23), and 'Model Procedures for the Management of Contaminated Land CLR11' both provide a 'risk management framework' when dealing with land affected by contamination. These documents should be taken in to consideration when preparing development proposals for this site along with Groundwater Protection 3 and Environment Agency Guidance on Requirements for Land Contamination Reports.

9 Mitigation of Impacts and Provision of Planning Benefits

- 9.1 The aim of this planning brief is to enable the development of the site to proceed in accordance with the requirements outlined in the brief and to ensure that any development meets the objective of the *UDP, 2007*, and the needs of the public and other stakeholders. The council encourages pre-application discussions with its Planning and City Development Department who may draw on specialist advice from statutory consultees or other local stakeholders as appropriate.
- 9.2 The brief also gives the opportunity to establish any necessary planning benefits at an early stage taking into account the needs and requirements of key stakeholders. There is a balance to be struck between the need for schemes to mitigate the impacts which they give rise to, contribute to the City and promote economic prosperity. Planning benefits would usually be secured as 'Planning Obligations' through the use of planning conditions or Section 106 (S106) Legal Agreements.
- 9.3 Following review of the s106 agreements, Central Government have decided to implement a dual agreement scheme; using 'Section 106 Agreements' as a mechanism to collect planning benefits in the immediate area, and a Community Infrastructure Levy to fund strategic / key-infrastructure developments. The council's general approach to planning obligations is set out in *UDP Policy STRA 7* with further site specific issues detailed in individual planning briefs. The council's guidance will be reviewed once more information on Government proposals to introduce a Community Infrastructure Levy and change the scope of planning obligations becomes available. Under the new system, the council will be required to produce an annual investment plan for the Community Infrastructure Levy.
- 9.4 The council's Supplementary Planning Guidance on Planning Obligations was Adopted in January 2008. Future updates will depend on the progress of the council's emerging LDF and greater clarity of Central Government's views.
- 9.5 Accordingly, the council will use the existing national and local guidance available at the time to negotiate the best method of addressing and ameliorating the impacts of any proposal submitted in accordance with this brief.
- 9.6 As set out in section 4 in order to address the funding of Crossrail in advance of a full review of the London Plan the Mayor of London has published drafts of (a) Proposed London Plan Alterations and (b) associated Supplementary Planning Guidance (SPG) on 'the Use of planning obligations in the funding of Crossrail' for consultation purposes. The drafts propose raising funds towards the costs of Crossrail from schemes which (i) are within the London Plan Central Activities Zone boundary and (ii) involve an increase of 500 sqm. or more in gross office space. No land uses other than offices are affected by the draft policy and SPG.
- 9.7 The publication of these documents is a material consideration in planning terms, however leading counsel advises that they have only low weight in the determination of planning applications, due to the early stage they have reached in the statutory process. It is considered that the City Council is correct to continue to apply the policies of the statutory development plan in deciding what planning obligations should be secured in this case – namely the London Plan published in February 2008 (consolidated with alterations since 2004) and the Unitary Development Plan adopted in January 2007, supported by the Section 106 Supplementary Planning Guidance – until the proposed alterations to the London Plan are adopted.
- 9.8 In summary the following list provides the details of the types of planning obligations and policy requirements that may be sought from the redevelopment of the site. These are not

in order of priority and will of course be dependent upon the final type of development that comes forward.

- Adequate consideration in CRL's proposals on the mitigation of impacts both during construction and during subsequent operation;
- Conformity with the Code of Construction Practice and funding for the Environmental Inspectorate;
- Relocation of replacement on site uses including Great Western Studios and the taxi depot (As discussed in section 4);
- Provision of alternative long-term uses in association with the policies contained in Chapter 5 of the *UDP*;
- New Station at Paddington New Yard
- Public transport improvements;
- Highway improvements, including the Prince of Wales Junction and Harrow Road District Shopping Centre;
- Environmental improvements as set out in Section 7;
- Public Realm improvements including upgrading of the footbridge from Westbourne Park Passage, improvements to the canal towpath (addressing current conflicts between pedestrians and cyclists), improvements to open space and provision of public art;
- Paddington Area Traffic and Environmental Management Study (PATEMS) contribution (including to take account of construction traffic);
- Social & Community Fund Account contribution;
- Support to Paddington First / Employment training - This would have the three-fold effects of reducing the shortage of skilled personnel in the area and the need for long distance commuting and lowering the number of long-term unemployed local residents;
- Address the impact on the Westminster Academy and community sports facilities with mitigation against loss of open space – consideration of replacement sports facilities at Royal Oak;
- Provision of CCTV which has the capacity to link to the council's central system;

9.9 In response to the consultation version of this planning brief CRL stated that the Crossrail Act does not allow for the provision of planning benefits and as such this section should make clear that the items listed in paragraph 9.8 will not be secured through the Crossrail planning regime or be deleted. Whilst it is acknowledged that the Crossrail Act does not expressly grant the provisions to secure planning obligations in accordance with circular 5/2005 the above list contains items that would help to mitigate the impact of future developments and therefore make it acceptable in planning terms. Through schedule 7 of the Crossrail Act the local authority can in some circumstances refuse permission on grounds which include amenity. Grounds for refusal include:

- that the design or external appearance of the work ought to be modified to preserve the local environment, local amenity or sites of historic interest or nature conservation value, or to prevent or reduce prejudicial effects on road safety or the free flow of traffic in the local area, and is reasonably capable of being so modified; or
- That the development ought to, and could reasonably, be carried out elsewhere within the relevant limits shown in the deposited plans that accompanied the Act

9.10 The list set out in paragraph 9.8 will therefore continue to be used in negotiations with both CRL and other future developers of the site as it attempts to consider what measures are required to mitigate certain impacts of development. The items listed could be secured by either planning obligation or by condition and as the council will have the authority to condition submissions made under the Crossrail Act, albeit on more limited grounds, the li will remain relevant in future negotiations.

10 Contacts and Further Information

Westminster City Council Key Contacts

Graham King	Strategic and Crossrail Act issues	020 7641 2749
Rachael Ferry-Jones	Policy, <i>UDP</i> and planning brief issues	020 7641 2418
David Clegg	Conservation and Design issues	020 7641 3014
Sarah Whitnall	Planning Applications, Land use and Development Control	020 7641 2929
Don Murchie	Transport Policy issues	020 7641 2517
Brent Turton	Construction Management	020 7641 2581
Andrew Grimm	Refuse planning	020 7641 7962
John Wilkinson	Noise Issues	020 7641 5962
Andrew Holdsworthwild	Access	020 7641 6347

Crossrail Limited

Stephen Deaville	Crossrail	020 3023 9237
Helpdesk	24 Hour Helpdesk	0345 602 3813

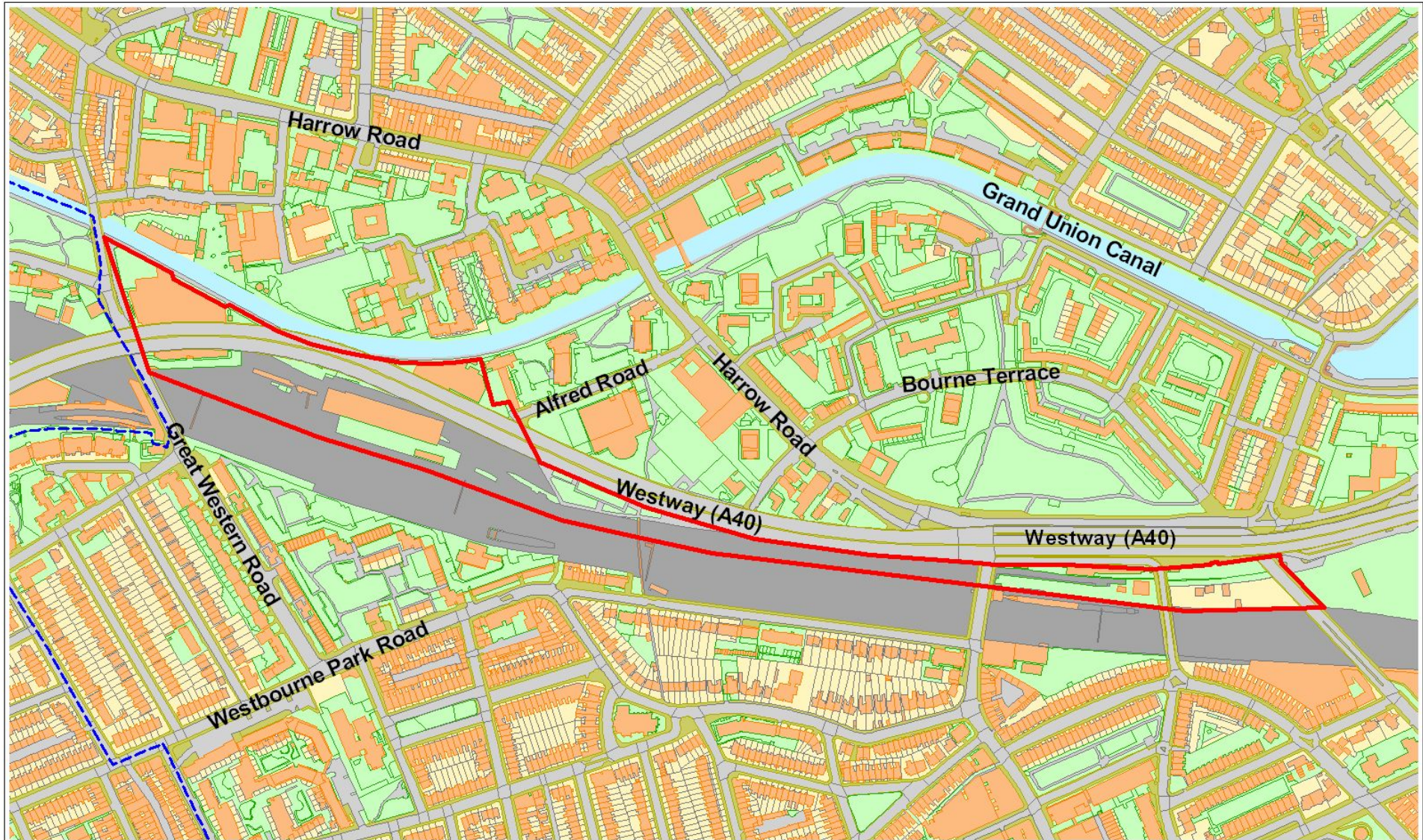
Further Information

Details of relevant Supplementary Planning Guidance / Documents and further information can also be obtained from the City of Westminster's website - www.westminster.gov.uk

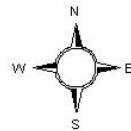
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Figure 1: Paddington New Yard site location



 Paddington New Yard site boundary

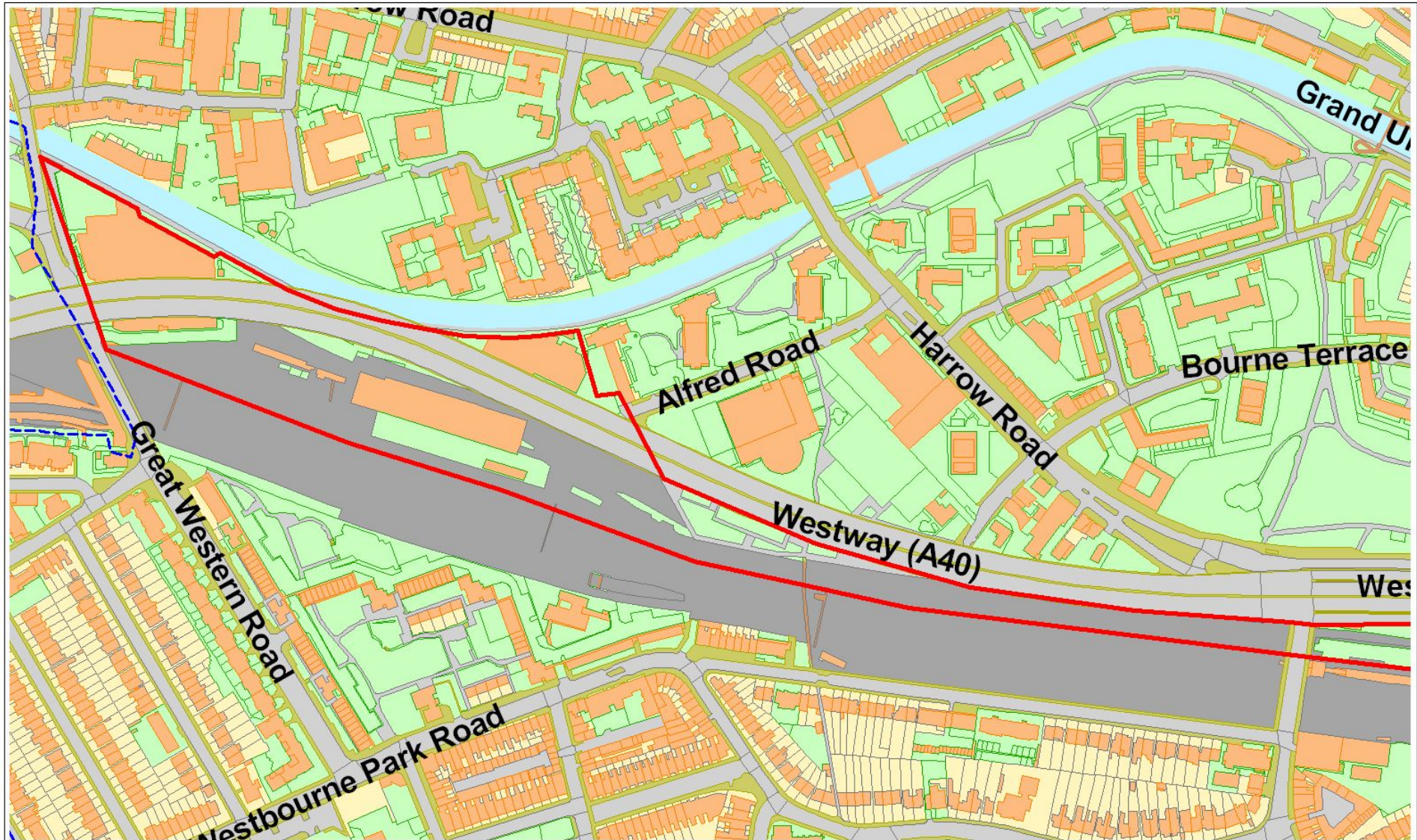


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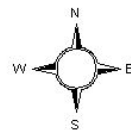


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Figure 2: Paddington New Yard worksite location



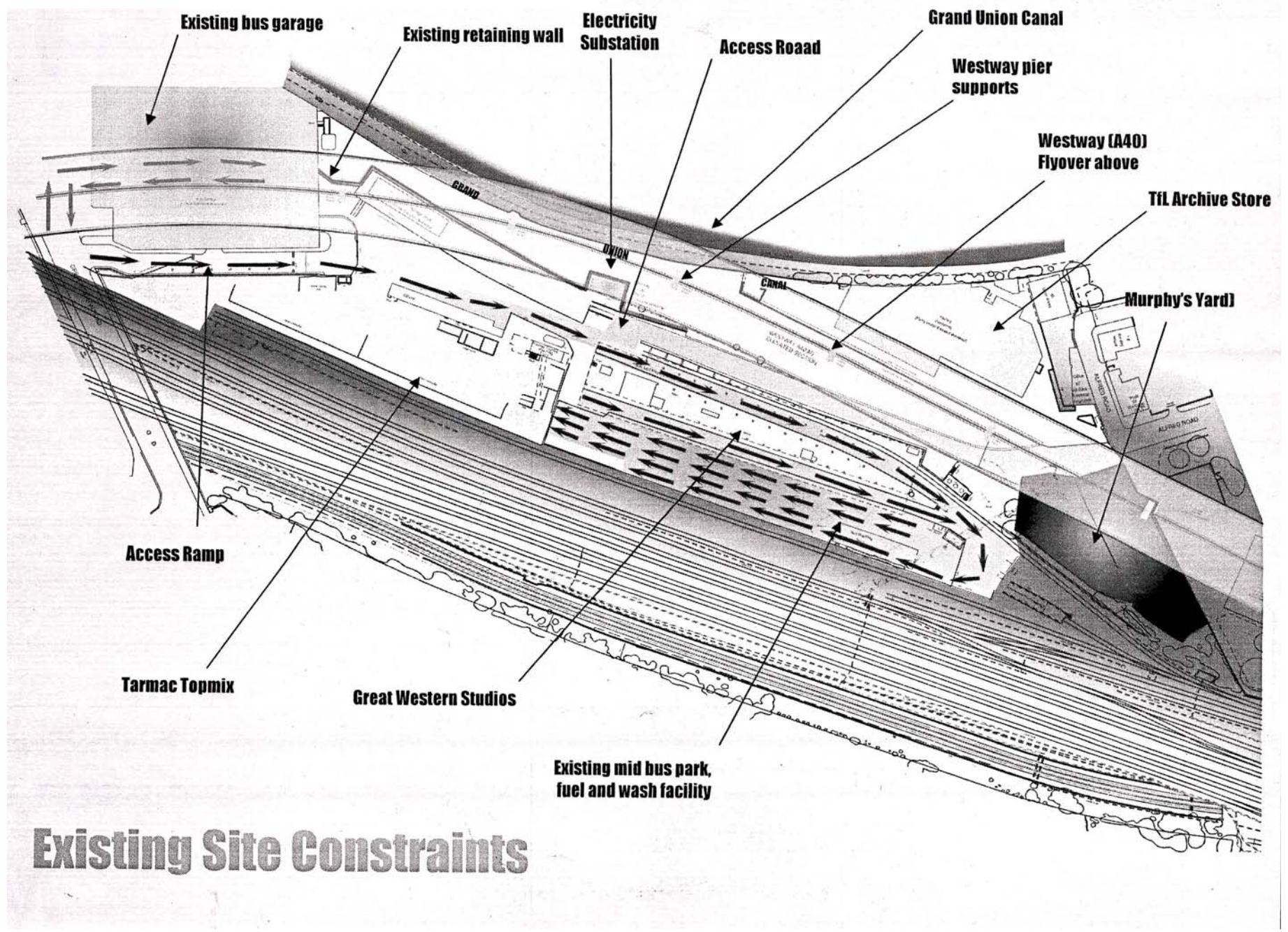
□ Paddington New Yard site boundary



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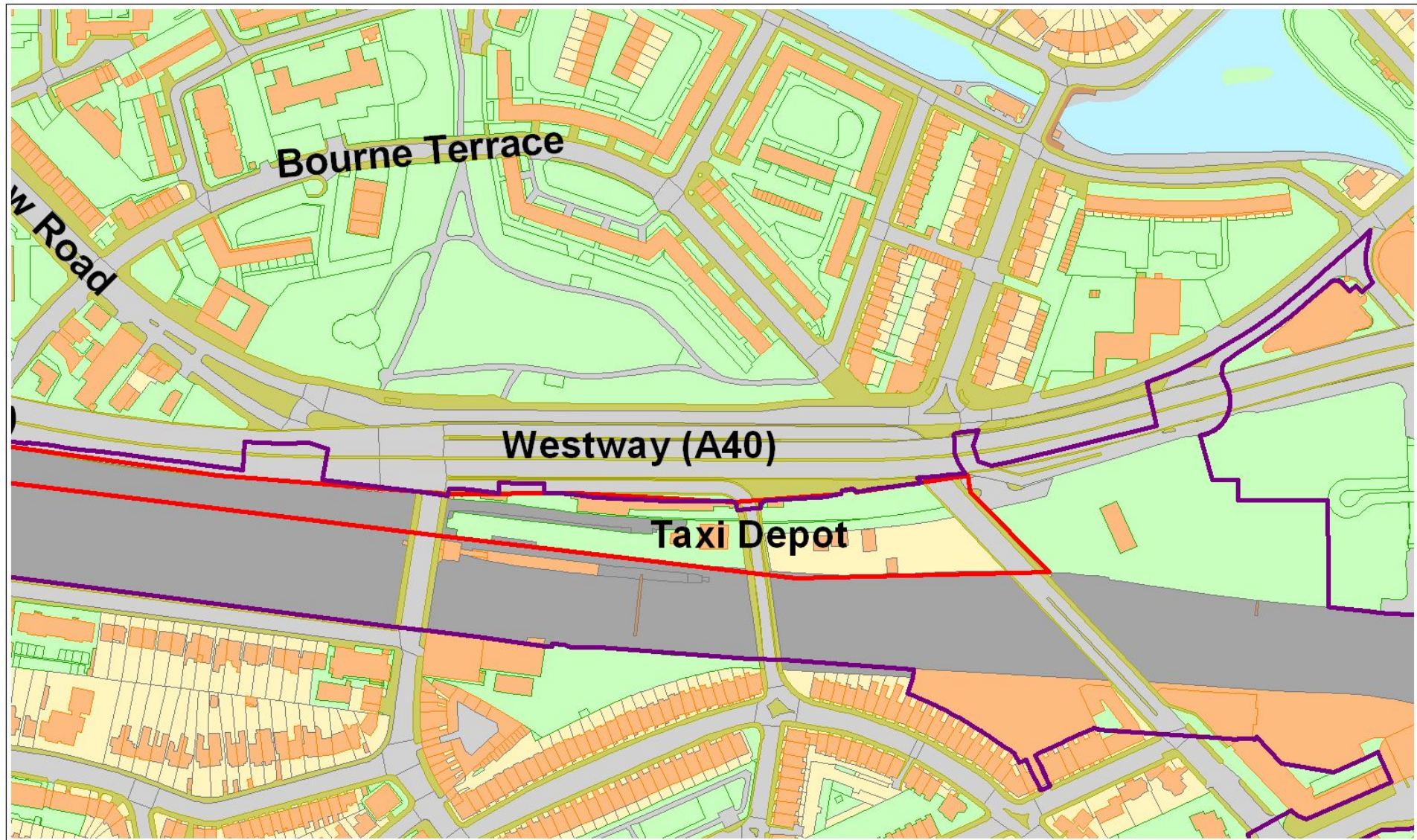
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Figure 3 : Paddington New Yard Site Layout

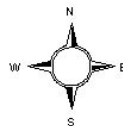


Existing Site Constraints

Figure 4: Royal Oak worksite location



- Crossrail Line 1 safeguarding zone, January 2008
- Paddington New Yard site boundary






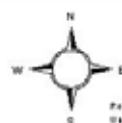
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Figure 5: Residential Use fringing the Paddington New Yard



-  Residential uses fringing the Paddington New Yard site from which the City Council would expect CLRL to select where to take Baseline Noise Monitoring Surveys from
-  Other non-residential sensitive receptors where the City Council would expect CLRL to select where to take Baseline Noise Monitoring Surveys from
-  Borough Boundary Line

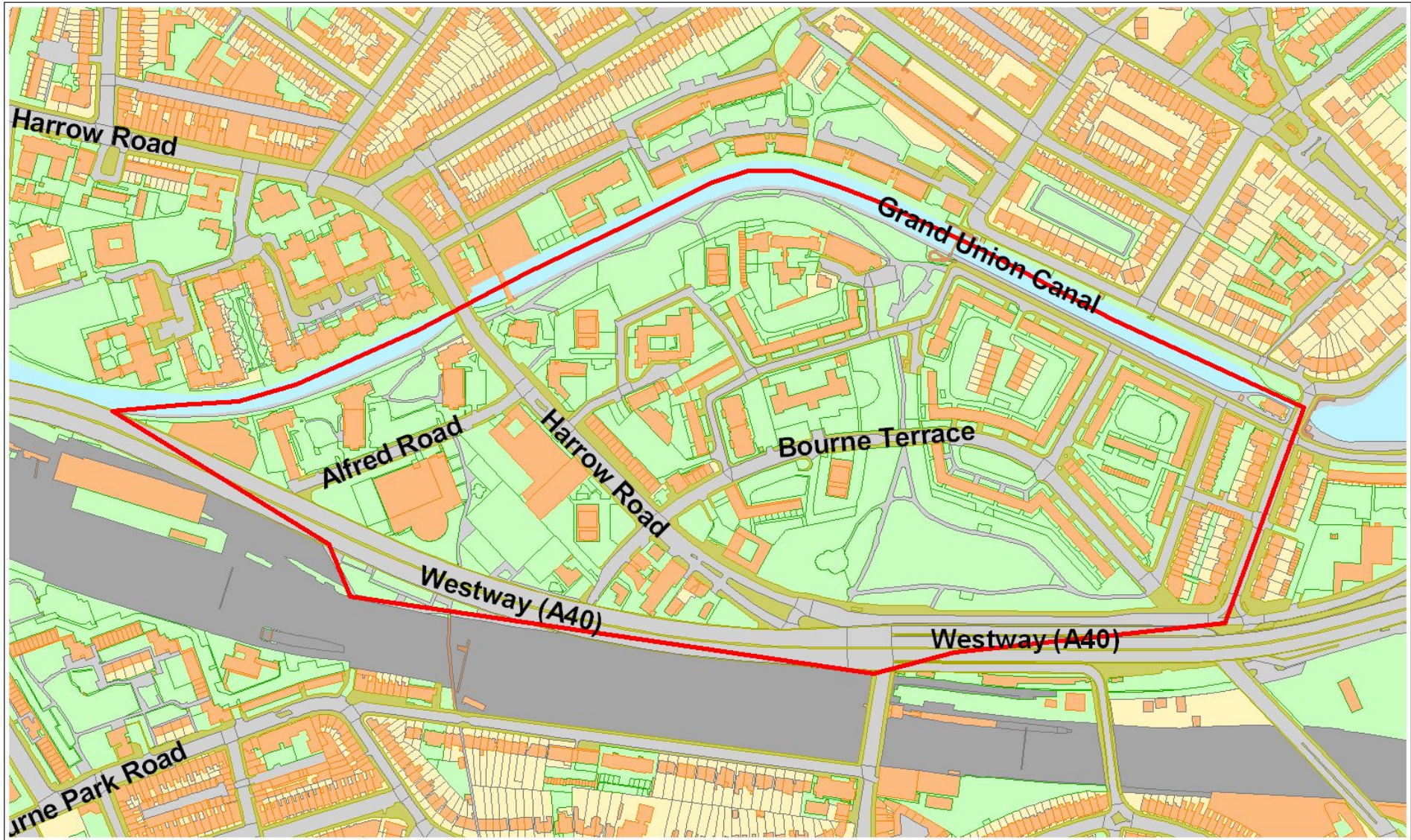


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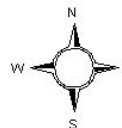


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Figure 6: Westbourne Green planning brief site location



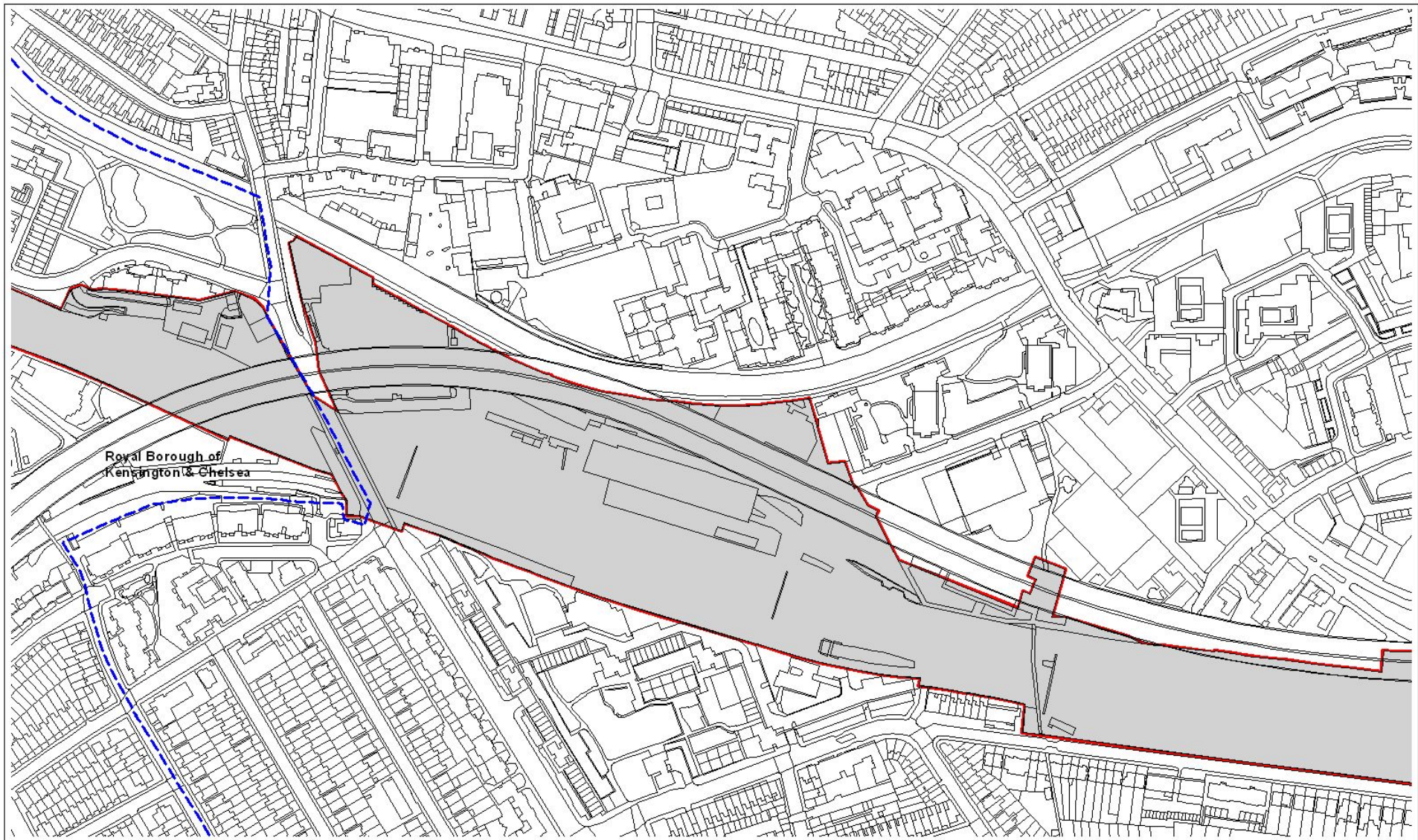
Westbourne Green planning brief site





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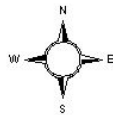
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Figure 7: Alignment of Crossrail Line 1 safeguarding zone



-  Crossrail 1 safeguarding zone, January 2008
-  Crossrail 1 areas of surface interest, January 2008

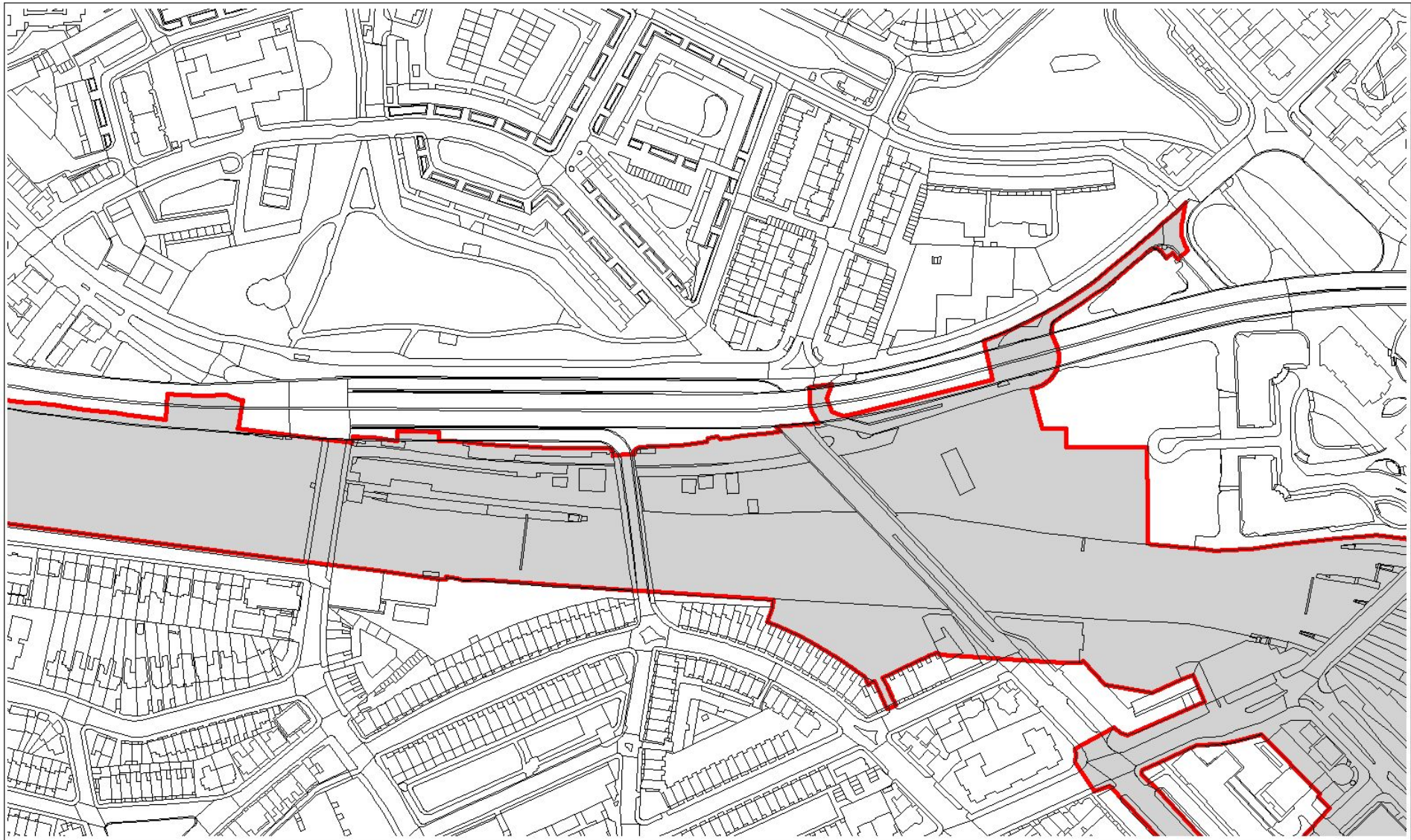
 Borough Boundary Line





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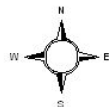
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Figure 8: Alignment of Crossrail Line 1 safeguarding zone



-  Crossrail 1 safeguarding zone, January 2008
-  Crossrail 1 areas of surface interest, January 2008

 Borough Boundary Line

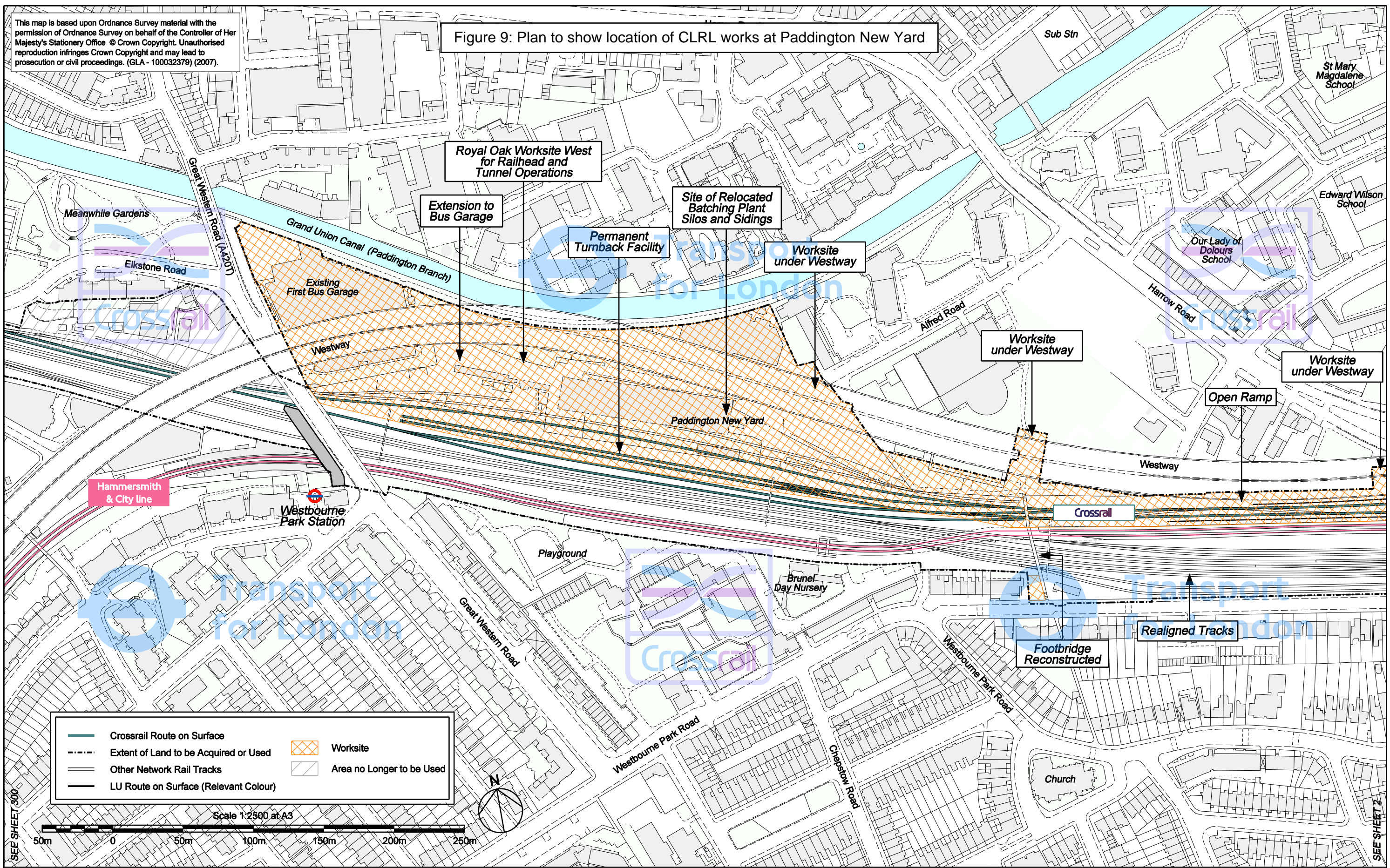


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Figure 9: Plan to show location of CLRL works at Paddington New Yard



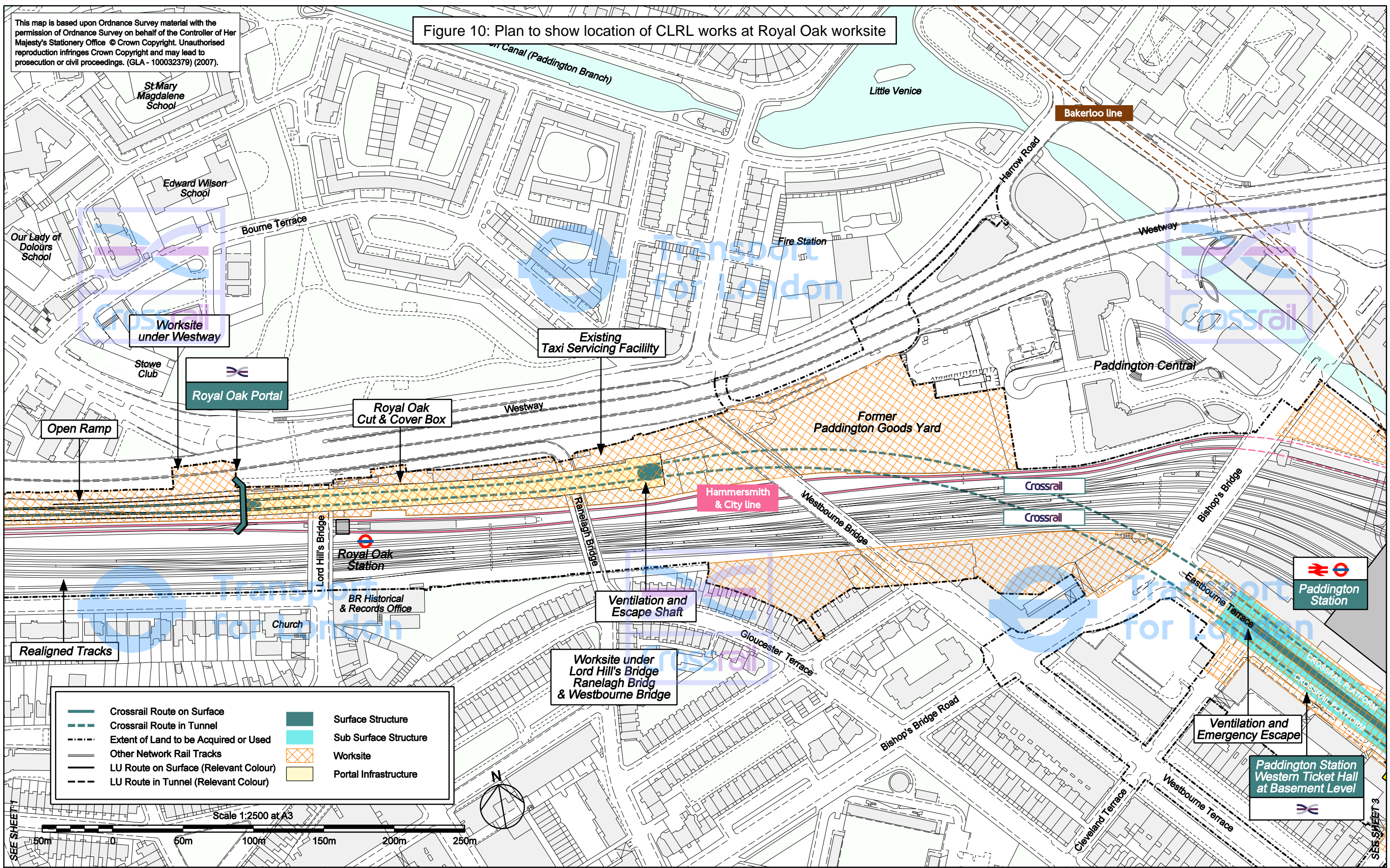
- Crossrail Route on Surface
- Extent of Land to be Acquired or Used
- Other Network Rail Tracks
- LU Route on Surface (Relevant Colour)
- Worksite
- Area no Longer to be Used

Scale 1:2500 at A3

50m 0 50m 100m 150m 200m 250m

Figure 10: Plan to show location of CLRL works at Royal Oak worksite

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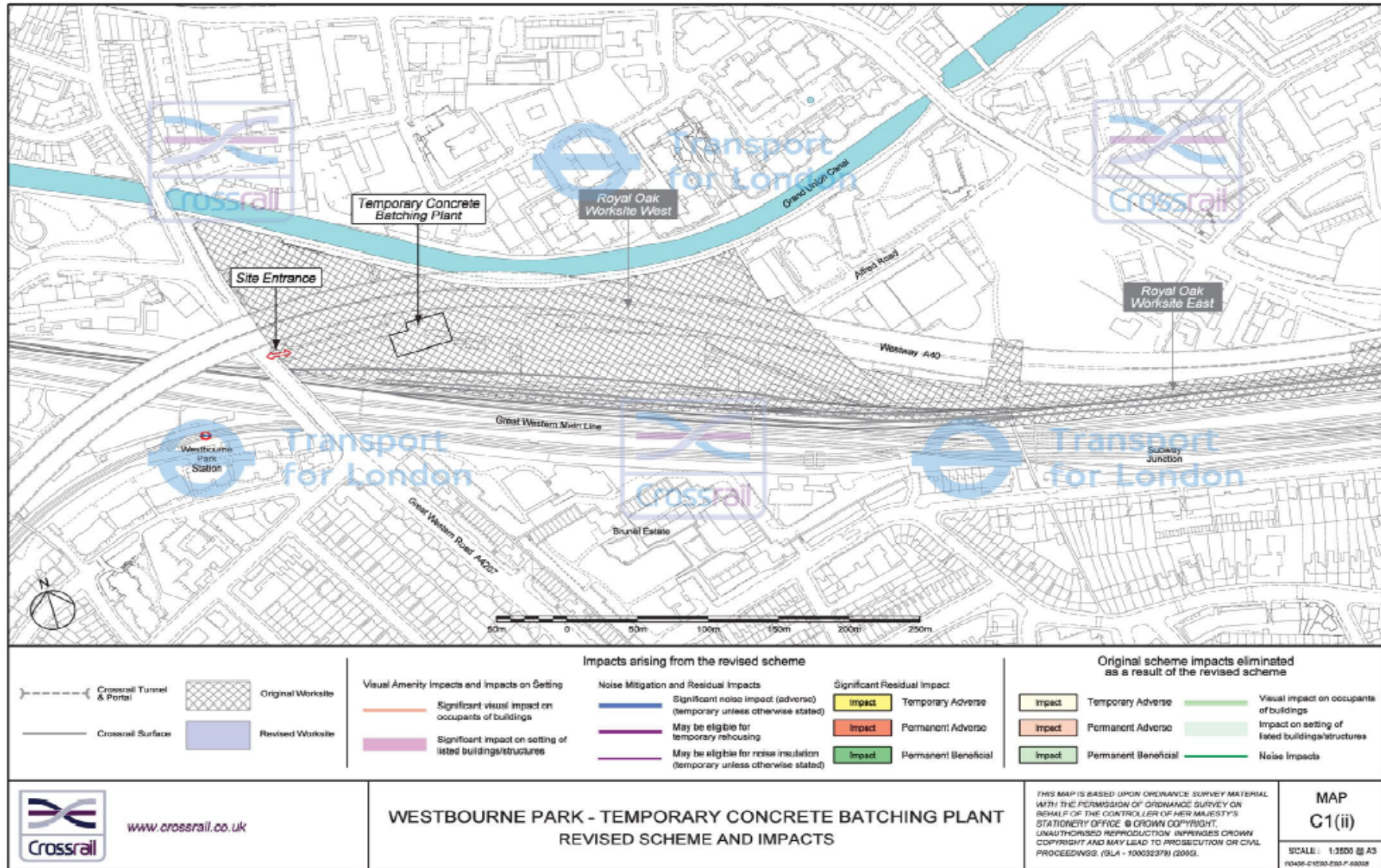


	Crossrail Route on Surface		Surface Structure
	Crossrail Route in Tunnel		Sub Surface Structure
	Extent of Land to be Acquired or Used		Worksite
	Other Network Rail Tracks		Portal Infrastructure
	LU Route on Surface (Relevant Colour)		
	LU Route in Tunnel (Relevant Colour)		

Scale 1:2500 at A3

50m 100m 150m 200m 250m

Figure 11 – Supplementary Environmental Statement 3 – Revised Scheme to show Temporary Concrete Batching Plant (November 2006)



Appendix 1 Relevant Undertakings and Assurances

The Promoter has, in response to petitions made by the City Council and others on Paddington New Yard and the surrounding areas, made these undertakings and assurances during the petitioning stage at the House of Parliament. The register, named as Register of Undertakings and Assurances, captures all the individual undertakings and assurances given to petitioners and to Parliament to ensure that the "nominated undertaker" (any person appointed to construct Crossrail), as well as the Secretary of State for Transport or any other organisation exercising the Act's powers, complies with them. Below is an extract of the undertakings and assurances that are relevant to this site.

The register forms part of the Crossrail Environmental Minimum Requirements (EMRs) and an undertaking has been given that "any nominated undertaker will be contractually bound to comply with the controls set out in the EMRs". The register should be read in conjunction with the other documents that are also part of the EMRs, namely the Construction Code, the Environmental Memorandum and the Planning and Heritage Memorandum.

No	Type	To whom	Date given	Subject	Reference	Text
323	Assurance	Westminster City Council (AP2:11)	August 2006	Westminster Academy - footbridge works	Petition Response Document - Page 8 - Paragraph 4 - Second Sentence	The Promoter will therefore seek to carry out as much of the works as practicable during the school holidays to reduce the impact on the Academy's operations
330	Assurance	Westminster City Council (321)	May 2006	Westminster Academy - pedestrians using footbridge	Petition Response Document - Paddington - Page 21 - Paragraph 3 - Last Sentence	The Promoter will continue to consult the petitioner regarding these works and the associated mitigation to minimise disruption to pedestrians using the footbridge.
332	Assurance	Westminster City Council (321)	May 2006	Paddington New Yard - consultation and relocation of taxi depot and LPG facility	Petition Response Document - Paddington - Page 29 - Paragraph 4	The Promoter will continue to seek to consult with the owners of the taxi facility to ascertain their interests and future requirements, providing relocation assistance and compensation, where relevant, in accordance with the provisions noted above.
431	Assurance	Paddington Residents Active Concern on Transport (PRACT) (120)	02/02/2007	Westbourne Park footbridge, provision of CCTV	Letter from CLRL to Paddington Residents Active Concern on Transport (Smith-Zamit) - Paragraph 2	I can confirm that we are prepared to provide passive provision for CCTV on the works to the Southern side of the footbridge. The provision would be by way of brackets and trunking to the structure of the bridge. We are not able to guarantee that permission for the installation of CCTV equipment will be granted as this is an issue for the owners of the footbridge, Network Rail.
441	Assurance	Parliament	09/10/2007	Paddington - community	Government Response to House of Commons	The Promoter can confirm that a dedicated community liaison point of contact for the Paddington area will be assigned in due course, and that

				liaison	Select Committee Interim Decisions - Paragraphs 11.1-11.2	the local community will be notified of the relevant contact details nearer to the start of construction. The Promoter has discussed the Committee's recommendation on the establishment of a local liaison group for the Paddington area with Westminster City Council, Paddington Residents Active Concern on Transport, and the Brewers Court Residents Association. The Promoter is pleased to report that a consensus on a way forward that fits the needs of the area has been established, and that the first meeting of the local liaison group will be in November.
442	Assurance	Parliament	09/10/2007	Paddington - relocation of Congestion Charge Zone boundary	Government Response to House of Commons Select Committee Interim Decisions - Paragraphs 11.5 - Second Sentence	The Promoter is committed to continuing its discussions with TfL and Westminster City Council to ascertain whether the CCZ boundary can be relocated.
443	Assurance	Parliament	09/10/2007	Westbourne Park footbridge	Government Response to House of Commons Select Committee Interim Decisions - Paragraphs 13.1-13.2	The Promoter will require the nominated undertaker to provide appropriate lighting and, if their use is recommended by the relevant local Crime Prevention Officer, concave mirrors at appropriate points with a view to maximising sight lines so that, as far as reasonably practicable, those using the Westbourne Park footbridge are able to see people approaching in the opposite direction. In addition, if the access issue for people with restricted mobility cannot be resolved – such as to allow two wheelchairs to comfortably pass on the southern [this should read northern, as we will be rebuilding the southern spans] spans of the footbridge (which the Promoter does not propose to rebuild) – the Promoter will require the nominated undertaker to provide a signal system for the spans concerned that would be manually activated when someone with a wheelchair, pavement buggy or wide pushchair enters the footbridge in order to warn people approaching from the opposite direction.
458	Assurance	Westminster City Council (321)	19/02/2007	Westbourne park footbridge - consultation	Letter from CLRL to Westminster City Council (Smith-King) - Paragraph 4 - First Sentence	I can confirm that, as the detailed design is taken forward, we are prepared to consult further with the City Council and PRACT/ WPVRA on revisions to the design of the southern end of the footbridge
484	Undertaking	BAA plc - Heathrow Airport & Heathrow Express Operating Company Ltd (53)	26/02/2007	Old Oak Common depot	Undertaking signed on behalf of the Secretary of State	

566	Assurance	BAA plc - Heathrow Airport & Heathrow Express Operating Company Ltd (12)	30/04/2008	Heathrow Express	House of Lords Select Committee - Transcript - Day 24 - Paragraph 9577	<p>The Secretary of State for Transport undertakes to use all reasonable endeavours to ensure that, save in respect of any emergency works required for the continued safe operation of either London Underground Limited's network or Network Rail Infrastructure Limited's network, there are no concurrent planned closures:</p> <p>(a) of all the railway lines between Paddington Station and the eastern end of the Heathrow spur attributable to the exercise of the powers of the Crossrail Bill to construct the authorised works and</p> <p>(b) of the Piccadilly Line between Hammersmith and Heathrow during the hours</p> <p>When either Heathrow Connect services or Heathrow Express services and Piccadilly Line services are ordinarily scheduled to operate. The Secretary of State also undertakes to use all reasonable endeavours to ensure that the nominated undertaker for the relevant Crossrail works, Network Rail Infrastructure Limited and London Underground Limited, consult and co-operate with each other in the process of the planning of works that may give rise to the aforementioned concurrent planned closures.</p>
573	Assurance	Westbourne Park Villas Residents Association (40)	15/05/2008	Westbourne Park concrete batching plant	Letter from CLRL to Westbourne Park Villas Residents Association (Deaville-Bright) - Paragraph 6	The Promoter can confirm that in developing the designs for the sidings to serve the concrete batching plant at Westbourne Park, the nominated undertaker will be required to locate the head shunt no further east than the current alignment of the Westbourne park footbridge.
574	Assurance	Westbourne Park Villas Residents Association (40)	15/05/2008	Westbourne Park footbridge	Letter from CLRL to Westbourne Park Villas Residents Association (Deaville-Bright) - Paragraph 10	The Promoter will require the nominated undertaker to work with Network Rail to develop a programme of works for the Westbourne Park footbridge in a holistic approach and to bring forward the timing of such works as far as reasonably practicable to do so in consultation with Westminster City Council.
592	Assurance	Westminster City Council (56)	01/05/2008	Congestion charging zone	Letter from CLRL to Westminster City Council (Deaville-King) - Page 5 - Paragraph 2	The Promoter is willing to continue to review and discuss the findings of the TfL study into the CCZ boundary with TfL, Westminster City Council and relevant stakeholders (including PRACT) in line with the requirements of the House of Commons Select Committee.
593	Assurance	Westminster City Council (56)	08/05/2008	Westminster planning briefs	Letter from CLRL to Westminster City Council (Deaville-King) - Page 1 - Paragraph 3	<p>The Nominated Undertaker will have regard to the provisions of the Planning Briefs, where they are relevant, when preparing technical submissions to the Council under the Bill in relation to Crossrail works (including applications and submissions under the heritage deeds and Schedule 7 to the Bill), save that –</p> <ul style="list-style-type: none"> • In relation to submissions under Schedule 7 to the Bill, this only applies so far as those provisions are relevant to the permitted grounds of refusal with respect to the matters in question.

						<ul style="list-style-type: none"> • The provisions only apply so far as, upon consulting with Cross London Rail Links Limited (or other similar or replacement body concerned with Crossrail) in connection with the briefs, the Council has properly had regard to any observations or concerns expressed to it with respect to their contents so far as relevant to Crossrail. • The provisions do not apply to applications under conditions imposed by a direction under paragraph 2 of Schedule 16 to the Crossrail Bill with respect to the replacement concrete batching plant at Paddington New Yard. <p>For the purpose of this assurance “the Planning Briefs” means the planning briefs (at present in draft) for –</p> <ol style="list-style-type: none"> a. Paddington New Yard b. Paddington Station and Environs c. Davies Street d. Hanover Square e. Dean Street f. Tottenham Court Road
597	Assurance	Westminster City Council (56)	08/05/2008	Westbourne Park concrete batching plant	Letter from CLRL to Westminster City Council (Deaville-King) - Page 3 - Paragraph 3	<ol style="list-style-type: none"> 1. The promoter undertakes that, prior to the imposition of conditions for a batching plant to be reinstated in accordance with the provisions of Schedule 16 to the Crossrail Bill, it will consult Westminster City Council on any material changes to the form of the draft conditions as enclosed with the letter from Cross London Rail Links Limited to Westminster City Council dated 10 April 2008. 2. The promoter undertakes to place on the register of undertakings and assurances the assurances given in the letters from Cross London Rail Links Limited to Westminster City Council dated 10 April 2008 and 1 May 2008: <ol style="list-style-type: none"> a) The promoter undertakes that in conditioning the temporary batching plant and the replacement batching plant the Secretary of State shall have regard to the draft conditions (enclosed with the letter from CLRL to Westminster City Council dated 10 April 2008) and to the relevant planning policies which support a viable rail-serving batching plant at Westbourne Park. b) The promoter is not aware of any material consideration which might justify the Secretary of State deciding at the relevant time not to exercise their powers so as to impose the conditions in the form (enclosed with the letter from CLRL to Westminster City Council dated 10 April 2008). c) The temporary batching plant and the permanent batching plant shall

						not operate simultaneously. d) Current noise levels in the draft conditions shall be altered as appropriate to take into account the findings of any appropriate noise studies which shall be undertaken before the conditions are finalised.
598	Assurance	Westminster City Council (56)	10/04/2008	Westbourne Park concrete batching plant	Letter from CLRL to Westminster City Council (Deaville-King) - Page 2 - Paragraph 8	Now I would like to provide our response to your details comments on the draft conditions. Firstly you request that the definitions that were in the 2006 draft of the conditions. We agree to this change.
599	Assurance	Westminster City Council (56)	10/04/2008	Westbourne Park concrete batching plant	Letter from CLRL to Westminster City Council (Deaville-King) - Page 2 - Paragraph 9	Next you seek confirmation that both the temporary and permanent plants will be conditioned using the power that is contained in Schedule 16 to the Bill. I am able to confirm that this will be the case and that when preparing both sets of conditions the Secretary of State will have regard to the draft set of conditions.
600	Assurance	Westminster City Council (56)	10/04/2008	Westbourne Park concrete batching plant	Letter from CLRL to Westminster City Council (Deaville-King) - Page 3 - Paragraph 3	You go on to request that the words "the development shall be carried out in accordance with the approved details" be added to condition 2. This is agreed.
601	Assurance	Westminster City Council (56)	10/04/2008	Westbourne Park concrete batching plant	Letter from CLRL to Westminster City Council (Deaville-King) - Page 3 - Paragraph 6	Further, you go on to request that condition 7 be amended to begin with "All vehicular access...". This is agreed.
602	Assurance	Westminster City Council (56)	18/01/2008	Temporary sidings at Paddington New Yard	Letter from CLRL to Westminster City Council (Deaville-King) - Page 4 - Paragraph 1	The Promoter will require the nominated undertaker, subject to acquiring the necessary approvals and control of the land, to construct the temporary sidings at Paddington New Yard (Royal Oak worksite west) as promptly as reasonably practicable.
603	Assurance	Westminster City Council (56)	18/01/2008	Harrow Road and Great Western Road	Letter from CLRL to Westminster City Council (Deaville-King) - Page 6 - Paragraph 1	The Promoter will require the nominated undertaker to work with the petitioner and Transport for London to review the junction [Harrow Road and Great Western Road] layout and traffic signal timings to minimise this impact as far as reasonably practicable.
604	Assurance	Westminster City Council (56)	18/01/2008	Heritage adviser	Letter from CLRL to Westminster City Council (Deaville-King) - Page 6 - Paragraph 5	The Promoter will require the nominated undertaker to have a dedicated, suitably qualified, heritage adviser for the works in Westminster, including Paddington station.
607	Assurance	Westminster City Council (56)	18/01/2008	Spoil transport	Letter from CLRL to Westminster City Council (Deaville-King) - Annex A - Page 2 -	The Promoter will require the nominated undertaker to, after the passage of the tunnel boring machine (TBM) through the station site, maximise so far as reasonably practicable the volume of excavated material from the Eastbourne Terrace station box taken to the Royal

					Last Row	Oak worksite via the tunnels. Until the passage of the TBM through the station box, the excavated material will be transported by road.
609	Assurance	Westminster City Council (56)	18/01/2008	Alfred Road - use by HGVs	Letter from CLRL to Westminster City Council (Deaville-King) - Annex A - Page 5 - Last Row	The Promoter will require the nominated undertaker to prohibit the use of Alfred Road by Crossrail construction heavy goods vehicles, except in circumstances where it would not be practicable to use the Great Western Road access or in true emergencies. Use of Alfred Road by cars and light goods vehicles would be permitted.
610	Assurance	Westminster City Council (56)	18/01/2008	Murphy's Yard	Letter from CLRL to Westminster City Council (Deaville-King) - Annex A - Page 6 - Second Row	The Promoter will require the nominated undertaker, subject to acquiring the necessary approvals and control of the land, to clear Murphy's Yard as early as reasonably practicable in the programme once construction works have started at Paddington New Yard.
612	Assurance	Westminster City Council (56)	16/02/2007	Template for s61 applications	Letter from CLRL to Westminster City Council (Smith-King) - Page 2 – First Paragraph	I can confirm that the Promoter agrees to develop a standard template for section 61 applications and agrees that this work will be taken forward under the auspices of the Planning Forum.
675	Undertaking	Westminster City Council (56)	01/07/2008	Exceptional Costs	Undertaking signed on behalf of the Secretary of State	
676	Assurance	Great Western Studios	28/04/2008	65 Alfred Road	Letter from CLRL to Great Western Studios (Deaville-Kirkham)	I can now confirm that CLRL no longer have any intention to use the site of 65 Alfred Road for the Crossrail works

Appendix 2 - Table to show the relevant planning history for the site

SITE	DATE	DESCRIPTION OF DEVELOPMENT
Paddington New Yard	08/07/2003	Appeal dismissed for the display of an internally illuminated 96 sheet poster panel (which would be visible from A40 Westway and homes overlooking the site)
	16/06/1994	Permission (temporary for 5 years) granted for retention of bus parking area including covered bus wash and other facilities.
	27/09/1988	Permission (temporary for 4 years) granted for formation of an operating base for midibuses, including the retention of a vehicle washing facility.
	04/05/1984	Permission granted for erection of concrete batching plant together with ancillary equipment for the production of ready mixed concrete.
	04/03/1980	Permission below renewed.
	17/12/1974	Permission granted for erection of plant and ancillary equipment for the reception, storage and distribution of rail borne aggregates and the production of ready mixed concrete (including ramp access to Great Western Road).
Bus Garage, Great Western Road	08/10/2004	Application submitted for the erection of a 2 storey building on land adjacent to the existing bus station and the canal to provide replacement parking facilities for buses, screened bus wash and refuelling facilities for buses currently using the existing bus garage. (Application accompanied with an Environmental Impact Assessment)
	13/09/2004	Scoping opinion given before a planning application is submitted to identify the information to be provided in an Environmental Statement under Part IV Paragraph 10(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 in respect of proposed relocation of the bus garage parking in a new building with upper parking deck.
	09/03/2000	Permission refused for the erection of a temporary building to provide a booth for staff at the front of the building.
	04/06/1975	Approval given for construction of bus garage together with residential development of 45 units to north of garage (followed Parliamentary approval of proposal).
Great Western Studios	03/08/1995	Permission granted for change of use from warehouse to artists studio for a temporary period of 3 years.

SITE	DATE	DESCRIPTION OF DEVELOPMENT
65 Alfred Road	19/03/2009	Conditional planning permission granted for use building for studio/light industrial purposes by Great Western Studios (Class B1(b) and (c)). External alterations to the existing building with new windows and access points, new grey render finish and the erection of an additional second floor and extensions at ground and first floor levels. Pedestrian access from the canal towpath.
	08/03/1994	Permission granted for change of use from Class B6 to Class B8 (storage/warehousing).
	10/05/1983	Permission granted for use of railway land for industrial purposes including the erection of one and two storey buildings.

Appendix 4 – Letters from CLRL dated 10 April (including draft conditions) and 1 May 2008 regarding the reinstatement of temporary and permanent concrete batching plant facilities.

Direct Line: 020 3023 9237
Our Ref:
Your Ref: 10 April 2008
Date:

Cross London Rail Links Limited
Portland House, Bressenden Place
London SW1E 5BH
Tel: 020 3023 9100
Fax: 020 3023 9101
Website: www.crossrail.co.uk



Mr Graham King
Head of City Planning (Strategic Schemes)
Westminster City Council
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Dear Graham

Re: Westbourne Park – Concrete Batching Plant

Thank you for your letter dated 14th March 2008 regarding the concrete batching plant at Westbourne Park. As you know, the negotiating of the draft conditions has been a long process and we had hoped that given your positive response at the meeting on 12th February to the draft conditions the Promoter had been able to provide you with the comfort you seek while allowing an agreement with Tarmac to be finalised.

However, in light of your letter in which you make substantial suggestions to alter the draft conditions and the draft assurance, we respond as follows:

Draft Assurance

In an e-mail to you on the 15th February 2008, the Promoter gave the following assurance to Westminster City Council:

'The Promoter undertakes that in conditioning the temporary batching plant and the replacement batching plant the Secretary of State shall have regard to the [appended] draft conditions and to the relevant planning policies which support a viable rail-served batching plant at Westbourne Park.'

The Promoter cannot give an absolute assurance that the draft conditions will be implemented in the current form as requested. To do so, as we have previously stated to you at the recent meeting on this subject and in previous correspondence, would be to fetter the Secretary of State's discretion as to the form of the conditions.

While the Secretary of State has entered into undertakings in relation to the power to construct or acquire land, it is clear that in exercising her discretion to impose planning conditions on the concrete batching plant, she is exercising a function which has a public aspect which goes beyond the impacts on a particular landowner. The Secretary of State is effectively exercising the function of planning authority for this purpose and as you will be aware there is a long line of case law that a planning authority cannot fetter its discretion in this way. Accordingly, the Secretary of State would need to have regard to all material considerations at the relevant time.



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Cross London Rail Links Limited. Registered in England and Wales No. 4212867



We would hope that the level of assurance which has been offered would give Westminster City Council the sufficient comfort, as it has done with other bodies to whom similar wording has been offered. In case it assists, we can offer you the following assurance which was offered in equivalent form to London Borough of Tower Hamlets¹:

The Promoter is not aware of any material consideration which might justify the Secretary of State deciding at the relevant time not to exercise their powers so as to impose the conditions [in the form appended to this letter.

We are not aware of any reason why the Secretary of State would alter their position in relation to the draft conditions and we have worked with both Westminster City Council and Tarmac to address the concerns except in giving an absolute commitment which the Secretary of State is not able to give.

The draft assurance offered to you above is as far as the Promoter is legally able to go. This is a position that the Promoter will defend should Westminster City Council feel that this issue should be taken before the Select Committee.

The same case arises with your suggestion for a clause to be included within the draft conditions that would require the final conditions (in whatever form) to be agreed by Westminster City Council. There are mechanisms in place should the local authorities disagree with the Secretary of State's decision. Therefore we do not accept that Westminster City Council should agree any variations from the draft conditions in the final conditions. The responsibility for setting the conditions rests, as set out in the Bill, with the Secretary of State to issue appropriate conditions.

The term 'Secretary of State' is a generic term used throughout the Bill and supporting documents. It does not specifically refer to one office due to the possibility of structural change within the Government. We therefore believe that it would be premature to specify a Secretary of State within the assurance offered.

The Promoter clearly contemplates a rail served batching plant at Westbourne Park and it is correct that the Secretary of State set the conditions in consideration of relevant planning policies.

You ask at what stage the conditions will be issued. I can confirm that this will be prior to the commencement of development. Indeed if you look at the draft conditions you will note that several of them are conditions precedent, requiring they are discharged before development begins.

Detailed Draft Planning Conditions

Now I would like to provide our responses to your detailed comments on the draft conditions. Firstly you request that the definitions that were in the 2006 draft of the conditions be included. We agree to this change.

Next you seek confirmation that both the temporary and permanent plants will be conditioned using the power that is contained in Schedule 16 to the Bill. I am able to

confirm that this will be the case and that when preparing both sets of conditions the Secretary of State will have regard to the draft set of conditions. As has been stated in previous meetings for any conditions issued under Schedule 16 in the City of

¹ House of Lords Select Committee, Day 7, paragraph 2016, 4th March 2008



Westminster it will be Westminster City Council as local planning authority which will enforce the conditions following the normal procedures set out in the General Development Procedure Order.

You go on to request that a condition should be imposed on the temporary plant requiring that the restoration of the site be approved by Westminster City Council. We do not consider this to be necessary for two reasons. Firstly, once the site has ceased to be occupied by the temporary concrete plant the site will be taken into operational use by Crossrail. Furthermore, should the situation arise that part of site is not taken into permanent operational use there is already a requirement for the approval of site restoration in the Bill. Your letter suggests that the permanent plant be conditioned to the effect that it cannot commence operation until the temporary plant has ceased to be operational. It is not felt that such a condition is required but we can confirm now that the two plants will not operate simultaneously.

You go on to request that the words "*the development shall be carried out in accordance with the approved details*" be added to condition 2. This is agreed.

Your next two comments relate to the extension of routeing controls from HGVs to all vehicles, which was included in square brackets in an earlier draft of the conditions. This was discussed at a meeting between CLRL and Westminster City Council in 2006 when it was stated that CLRL did not believe that such an amendment to the condition was appropriate.

We do not see any benefit controlling the routes of vehicles other than HGVs to and from the site. Furthermore such a condition would not meet the tests of enforceability and reasonableness set out in *Circular 11/95: Use of conditions in planning permission*. I recall that one of Westminster City Council's motivations for seeking the amendment to the condition was to ensure that vehicles would not access the plant from Alfred Road. As condition 7 now requires that vehicular access is from Great Western Road and vehicles cannot access the site from Alfred Road Westminster City Council's concern has been addressed.

Further, you go on to request that condition 7 be amended to begin with "*All vehicular access...*". This is agreed.

You state that you feel it is premature to set noise levels now as the conditions in the area may change in the time leading up to the issuing of the conditions. We agree with this as these are draft conditions which cannot be fixed now and the Secretary of State will need to consider all relevant matters at the time the final conditions are imposed. We propose to leave in the current noise levels in the draft conditions but can confirm that before the conditions are issued appropriate noise studies will be undertaken to inform the noise levels in them. However we do not feel it is necessary to require a noise report be submitted to Westminster City Council prior to construction as the noise levels will already be fixed in the condition.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'S Deaville', written in a cursive style.

Stephen Deaville
Petition Negotiator

**Draft Planning Conditions for the Concrete Batching Plant At
Westbourne Park. 10.04.08 – Amended subsequent to Westminster City
Council’s letter**

In these conditions:

- a. "the development" means the provision of concrete batching facilities within the site but does not include Work Nos. 1/8A and 1/9C described in the Crossrail Act 200x nor any concrete batching facilities within a Crossrail worksite;
 - b. "the drawing" means drawing no. [xxx] annexed hereto; and
 - c. "the site" means the land edged red on the drawing.
1. The layout of the plant and machinery and associated infrastructure including access ways used in connection with the Development shall be in accordance with the general arrangements shown on the Drawing.
 2. The hoppers, silos, conveyors and concrete batcher sited within the area edged green on the drawing shall during operation be enclosed in accordance with details approved in writing by local planning authority. The development shall be carried out in accordance with the approved details.
 3. Construction of the plant forming part of the Development shall not commence until details of the siting (within the layout arrangements shown on the drawing) and external appearance of the proposed silos, hoppers, conveyers, rail off-loading shed and concrete batcher and of the landscaping of the boundary of the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 4. Construction of the plant comprised within the Development shall not commence until details of the washdown areas, spray bar and associated drainage arrangements have been approved in writing by the local planning authority; and the details so approved shall be implemented before the use of the site for the manufacture of concrete begins.
 5. Construction of the plant comprised within the Development shall not commence until details of:
 - measures to be adopted to control dust generation from the plant and all ancillary operations necessary for its operation; and
 - A scheme for the monitoring of dust generationhave been submitted in writing to and approved by the local planning authority, and the plant shall be operated in accordance with the details so approved.
 6. Other than:
 - (a) activity required for the passing of trains into and out of the site,
 - (b) the unloading of trains making deliveries to the site,

(c) the returning and washing out of concrete delivery vehicles to the site, or

(d) the maintenance of plant, vehicles and equipment not involving the movement of HGVs to and from the site

no machinery shall be operated, no process shall be carried out (including the manufacture of concrete) and no deliveries by road taken at or despatched from the site outside the hours of 0630 to 1900 on Mondays to Fridays and 0630 to 1330 on Saturdays, nor at any time on Sundays nor on Bank or Public Holidays.

7. The use of the plant comprised within the Development for the manufacture of concrete shall not begin until the routing of HGVs within the control of the operator of the concrete batching facilities within the site accessing the site have been submitted to and approved in writing by the local planning authority. HGVs within the control of the operator of the concrete batching facilities within the site shall operate in accordance with the approved route. All vehicular access to and from the Development shall only be from Great Western Road.

8. The level of noise emitted from the operation of the development (including the maintenance of plant vehicles and equipment) shall not exceed 51 dB LAeq 5min at any time between 2300 and 0700 and 62 dB LAeq 1 hour at any other time, as measured 1m outside the façade of any residential building at Westbourne Park Villas or the Brunel Estate; but for this purpose, noise generated by the operation of trains and locomotives shall not be taken into account.

9. Whilst the replacement batching plant is supplied with aggregates by road prior to the rail off-load facility being brought into operations the maximum daily number of one-way movements of Heavy Goods Vehicles to or from the development and the public highway shall not exceed:-

260 per day Monday to Friday

70 per day Saturday

and the Development shall be operated so that the average daily number of one-way Heavy Goods Vehicle movements to or from the development and the public highway shall not exceed: 195 measured over any consecutive 26 week period of Mondays to Fridays.

When the rail off-load facility is brought into operation the maximum daily number of one-way movements of Heavy Goods Vehicles to or from the development and the public highway shall not exceed:-

190 per day Monday to Friday

70 per day Saturday

and the Development shall be operated so that the average daily number of one-way Heavy Goods Vehicle movements to or from the development and the public highway shall not exceed: 150 measured over any consecutive 26 week period of Mondays to Fridays.

10. The operator of the development shall keep records showing the daily numbers of Heavy Goods Vehicle movements to and from the development and shall produce such records to the Local Planning Authority on request.

Direct Line: 020 3023 9237

Our Ref:

Your Ref:

Date: 1 May 2008

Cross London Rail Links Limited
Portland House, Bressenden Place
London SW1E 5BH
Tel: 020 3023 9100
Fax: 020 3023 9101
Website: www.crossrail.co.uk



Graham King
Head of City Planning Group
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Dear Graham,

Replacement Concrete Batching Plant

Thank you for your letter of 25 April about the concrete batching plant at Westbourne Park. We have carefully considered the points you made in the letter and have responded to each in the enclosed table. We trust that the responses set out in the table fully address the City Council's concerns.

I look forward to meeting with you tomorrow when we can discuss these issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read "S Deaville".

Stephen Deaville
Petition Negotiator

Enc.



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	Comment		Response
1	<p>Whilst I accept that the Secretary of State is unable to fetter their discretion I remain concerned that the City Council has no control over the final wording of the draft conditions for both the temporary concrete batching plant and the permanent concrete batching plant. On this basis, and as stated in my earlier letter, the assurance as drafted offers me little comfort. The additional assurance offered in your letter goes somewhat to addressing this however, it is still not considered sufficient.</p> <p>Your letter states that the Secretary of State will effectively exercise the function of planning authority for this purpose and that regard will need to be given to all material considerations at the relevant time. I am therefore still not clear as to why the City Council cannot retain in this instance its status as the relevant planning authority and impose conditions at the relevant time taking all material considerations in to account.</p>		<p>As stated in CLR's letter of 10 April the City Council will not be the relevant planning authority setting the conditions on the batching plant as it is, for reasons that have been set out previously, being authorized and conditioned using powers contained in the Crossrail Bill. The Council is asking to be able to impose conditions on a development for which it will not be the authority granting the planning permission. The Bill powers place the responsibility for imposing conditions with the Secretary of State, not the local planning authority on the basis that the Bill will be the mechanism by which planning permission for the plants are deemed to be granted.</p> <p>What the Council is proposing would require a significant change to the planning regime established by the Bill and involve amendments providing for significant changes, which amendments are likely to be highly contentious and will affect third party interests. The Promoter does not therefore think it would be appropriate to include such changes at this stage in the Bill process.</p>
2	<p>I understand that in the case of the Channel Tunnel Rail Link the responsibility for granting planning permission for the permanent concrete batching plant facility fall to the Local Authority and as you will be aware I have already forwarded to you a copy of the relevant Decision Notice for your consideration.</p>		<p>The situation with the plant at Westbourne Park is different from that at King's Cross in two crucial ways. Firstly part of the plant was outside CTRL Act Limits and therefore a planning application was required for the part outside limits. That is not the case at Westbourne Park.</p> <p>Secondly the powers in the CTRL Act did not allow for the imposition of operational conditions on the plant. This is not the case with the Crossrail Bill.</p>
3	<p>If the Secretary of State requires some form of undertaking on our</p>		<p>As the replacement facilities will be authorized and conditioned</p>

	<p>approach to this matter I would be grateful if you would forward a draft for consideration.</p> <p>I must stress that we are fully aware of the planning status and history of the use and our position on this is set out in the draft brief, which when revised will not seek to change those facts.</p>
<p>4</p>	<p>You state in your letter that there are mechanisms in place should the local authorities disagree with the Secretary of State's decision. I would ask you to explain what these mechanisms are.</p> <p>The Secretary of State has said that subject to not fettering her discretion she will impose the conditions circulated to the City Council and Tarmac. If she were to depart from these to a significant extent in the absence of a suitable reason she would need to explain why to the interested parties. It would be open for the Council to judicially review the decision of the Secretary of State to impose significantly different conditions on the plants if sufficient grounds could be established thereby ensuring effective compliance with the undertaking.</p> <p>If a change in circumstances occurs prior to issuing the conditions that require the conditions vary significantly from those that have been circulated then the Secretary of State will consult the City Council and Tarmac.</p>
<p>5</p>	<p>You state in your letter that the Secretary of State sets the conditions in consideration of relevant planning policies. However, you have not amended the assurance to refer to the 'relevant development plan or plans'. I accept that the Promoter clearly contemplates a rail served batching plant at Westbourne Park however, as currently worded the assurance still reads as though the only policies to take in to consideration are those that support a viable rail-served batching plant at Westbourne Park. Relevant policies go beyond this and include issues of amenity. Given your comments on the need to take account of all material considerations and not fetter discretion it appears to me that you are already fettering discretion by referring to only one policy. By referring to the relevant development plan or plans this will ensure</p> <p>The undertaking specifically refers to planning policies 'relevant planning policies which support a viable rail served batching plant' as it is appropriate to identify policies particularly germane to the proposed development. However, this does not exclude other relevant policies. It should be borne in mind that when acting as the planning authority, as the Secretary of State will be in this instance, she is obliged to have regard to all relevant policies.</p>

	<p>that the most up to date planning policies are taken in to consideration at the appropriate time in accordance with relevant planning legislation.</p>
<p>6</p> <p>I welcome the introduction of definitions as requested in my letter of the 24th March however, as set out in my letter a second set of definitions with a second set of conditions is required to differentiate between the temporary and permanent facilities. As currently drafted the definition of development does not deal with the temporary facility.</p>	<p>A second set of draft conditions is not required. The conditions as currently drafted can be used as the basis for the conditions for both the temporary and permanent plants as the differences between the two sets of conditions will not be great..</p> <p>There will of course be some variation between the two sets of conditions. You will note that condition 9 is drafted to include the lorry numbers for both the temporary and permanent plants; the first half of the condition addressing the period when the plant is road served and the second the period when it is rail served.</p> <p>Also as the temporary plant will not be rail served there elements of the conditions applying to rail off-load facilities and operation will not apply. Other than these variations the two sets of conditions are anticipated to be largely the same, hence there is no need for two sets of draft conditions.</p>
<p>7</p> <p>You have failed to address the point in my letter which states that the draft assurance should refer to the 'permanent batching plant' as opposed to the 'replacement batching plant'.</p>	<p>CLRL's letter of 10 April stated "<i>Next you seek confirmation that both the temporary and permanent plants will be conditioned using the power that is contained in Schedule 16 to the Bill. I am able to confirm that this is the case...</i>"</p> <p>Therefore the crucial issue, i.e. that both plants will be conditioned has been addressed. Whether the term 'permanent' or 'replacement' is not a material issue. The undertaking will apply to any batching plant that will replace the existing Tarmac facility. You will also note our response above regarding necessary adjustments to the respective sets of conditions.</p>
<p>8</p> <p>Whilst your letter states that the two plants will not operate</p>	<p>The assurance given in the letter of 10 April 2008 means the plants</p>

	simultaneously I do not consider this to be a strong enough assurance and request that this matter is dealt with through the draft conditions as set out in my letter of the 24 th March.	cannot operate simultaneously. Therefore no condition is required as WCC's concern has been addressed.
9	In respect of Condition 7 I accept your comments in respect of controlling the route of vehicles other than HGV's. However, my comments in respect of all HGV movements remain valid and the operator should use reasonable endeavours to ensure that all HGV's using the facility use agreed routes and not just those within the operators control.	As has been stated previously it is felt that a planning condition requiring the operator of the plant to control the routes of lorries not in its control would not meet the tests of reasonableness or enforceability set out in <i>Circular 11/95: Use of conditions in planning permission</i> . Adding the words 'reasonable endeavours' is not felt to address this problem. Also, 'reasonable endeavours' would fail to meet the test of precision in the circular.
10	I do not understand the logic of stipulating noise levels within the draft set of conditions which you have agreed are already out of date and have advised that appropriate noise studies will be undertaken to inform the noise levels in the final set of conditions. Surely the levels should be left blank with an informative stating what relevant studies will be taken at the appropriate time and that these will influence the drafting of the final conditions. I also do not understand the reluctance to allow the City Council to consider the findings of a noise report when drafting appropriate conditions. I consider this to be unreasonable on the part of the promoter.	The dB levels have been left in to demonstrate that appropriate conditions can be set for an operational batching plant. An assurance has already been given that a further noise study will be undertaken before the conditions are issued. If at that point the dB levels need to be adjusted they will be. Leaving the dB levels in the draft condition does not prejudice the outcome of the future noise study. As set out in the Bill it is the role of the Secretary of State to set the conditions. Therefore it will be for the Secretary of State to consider the noise report, not the City Council.
11	You have failed to respond to my comments in regard to relevant noise sensitive properties. I remain concerned that condition 8 fails to deal with all of the appropriate noise sensitive properties in the area. In the absence of detailed plans I am unable to confirm which the relevant properties are and as such request that this matter is referred to the local authority when there are firm proposals and the final conditions are drafted.	The sensitive receptors currently identified in the draft condition are those closest to the noise source. This is normal when setting such conditions. We therefore feel that the condition does deal with all sensitive noise receptors. However it must be remembered that it is a draft condition and if the noise study undertaken prior to issuing the conditions identifies other sensitive receptors pertinent to the condition the Secretary of State can consider the issue prior to finalizing the conditions.
12	I acknowledge that many of the conditions are required to be	CLRL's letter of 10 April stated that the conditions will be issued

<p>discharged before the development begins. My question in respect of what stage will the conditions be issued was in respect of the final list rather than individual conditions. Obviously there are draft conditions which as currently drafted are not required to be discharged by the local authority albeit we have concerns over the draft wording. I would therefore be grateful if you could provide clarity on this matter.</p>	<p>prior to the commencement of development. When precisely this is dependent on the construction programme for Crossrail.</p>
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