

Regeneration, Economic Development and
Environment Department
Brendon Walsh, Director

London Borough of Hounslow
The Civic Centre, Lampton Road
Hounslow, TW3 4DN
Your contact is: **Leisure Services**
Our ref: **Motorbike nuisance**
Email: leisure@hounslow.gov.uk
Date: **7 May 2013**

Dear Sir/Madam

Consultation on proposals to close access points on the Crane valley path to tackle motorbike nuisance.

Following complaints from local residents about illegal motorbike use, on the site of the former Marshalling Yards and surrounding open land, Hounslow Council has formulated a strategy to tackle the problem. As part of this strategy one measure is to make it more difficult for those on motorbikes to gain access to the Marshalling Yards, by either temporarily closing off or restricting access along the Crane valley path.

The map overleaf shows the Marshalling Yards and surrounding area. The proposal is to close or restrict access at the point where the Crane valley path passes under the railway and also to close or restrict access to the path which runs immediately south of the Royal Mail depot and connects with Godfrey Way. At these access points people have been observed arriving in vans and unloading motorbikes to use on the Marshalling Yards.

Closing or restricting access at these two points will not by itself be enough to solve the problem of motorbike nuisance but it will make it more difficult for anyone wishing to use a motorbike in the area. Any closure would be part of a package of measures which would include: police enforcement and improvements on DeBrome and Pevensey nature reserve such as new paths, introducing more plants and removing the palisade fence between the two areas. These improvements are designed to encourage more people to use the space, something which has been shown to displace and reduce anti-social behaviour elsewhere.

The most effective way of making it difficult for anyone to take a motorbike onto the former Marshalling Yards is to completely close off the access points. This would negatively affect anyone who uses these entrances. Instead of a full closure, gates or a stile could be installed to allow continued pedestrian access but restrict access to motorbikes. No gate or stile can completely prevent motorbike access however. We are interested in the views of local residents and people who use the nature reserve on which approach to take. The public consultation on these proposals will close on the 9 June 2013. To tell us your views please either return the slip on the reverse of this letter or use the e-mail contact at the top.

Yours faithfully,

Leisure and Cultural services
Hounslow Council

References: P/2015/4700 00553/F/PA2

Address: Feltham Re – Signalling Site Compound, Former Marshalling Yard, Harlington Road East, Feltham, TW13 5BN

Proposal: Prior approval for the construction of a temporary site compound with associated facilities for a period of 5 years

Drawing numbers: BCDGL1506/DRG/AK105 rev A01, 106, 107, 134, 144 rev A01, 115 rev A01, 142 rev A01, 141 rev A01, 131 rev A01, 132 rev A01, 145 rev A01, 116, 106 rev A01, 109 rev A01, 131 rev A01, 143 rev A01, 110, 135 rev A01, 133 rev A01, AS101 received on 21 October 2015.

Application received: 21 October 2015

It has been agreed with the applicant that the target date for the scheme may be extended until 8 January 2016.

RELEVANT FACTS - SITE AND CONTEXT



Relevant features of the application property:

The application site is known as the Feltham Marshalling Yards, an area in access of 15 hectares that is bordered by the railway line to the north of the site, the River Crane to the east, Hereford Road to its south and Harlington Road East to its west. The land forms part of the Metropolitan Green Belt, is designated as a site of Metropolitan Importance in Environmental Terms, is a Nature Conservation Area and designated as a Site of Importance for Nature Conservation and is subject to a group Tree Preservation Order (Number 245).

Relevant history

00553/F/TPOA1 - Works to trees within TPO 245 – to fell various trees.
Approved 13/08/2015

This application directly relates to the current scheme as it permitted the felling of a number of trees required to facilitate the construction of the site compound subject of this current application.

00553/F/SCREEN1 – Formal screening opinion – *Proposal deemed to be schedule 2 development (EIA required)*

00553/F/SCOPE1 - EIA Scoping for the temporary use of a site compound up to 5 years. – *Areas of EIA outlined*

The site has a long planning history previous to 2002, though none is considered to relevant to this current application.

DETAILS OF PROPOSAL

The applicant is Network Rail who proposes to install a temporary site compound for a period of 5 years to facilitate signalling works at the site. The buildings on the site would include a principle site office, a plant building, storage facilities and parking. Access would be gained via Harlington Road East. After 5 years the facilities would be removed.

The applicant seeks prior approval for the works under part 18 of the General Permitted Development Order which states:

Permitted development

A. Development authorised by—

- (a) a local or private Act of Parliament,*
- (b) an order approved by both Houses of Parliament, or*
- (c) an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)(a),*

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

A.1 Development is not permitted by Class A if it consists of or includes—

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or*
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,*

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or

(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Consultations

173 neighbours were consulted together with a site notice erected for the application. 25 letters of objection were received together with a 20 signature petition. Concerns were raised over the following:

- Impact on the surrounding roads
- Loss of privacy
- Noise pollution
- Dust
- Traffic generation
- Ecology
- Light pollution
- Loss of trees
- Air pollution
- Absence of information
- Property values
- Access rights
- Loss of views
- Highway safety
- Nocturnal noise
- Pedestrian safety
- Waste collection/ loading area
- Access points
- Loss of open space
- The location picked
- Scale of the scheme
- The duration of works

The Environment Agency stated they did not need to be consulted on the application.

Natural England referred to their standing advice for protected species

Transport for London raised concerns over access arrangements

ASSESSMENT

Issue 1 – Does the scheme qualify as Permitted Development by virtue of Part 18 of the General Permitted Development Order

Part 18 of the General Permitted Development Order states that works authorised by an act of parliament which designates specifically the nature of the development authorised and the land upon which it may be carried out benefits from Permitted Development.

The act that National Rail point towards is The Railway Clauses Consolidation Act from 1845 which refers to a number of works that may be undertaken by the railway operator. This includes the construction of a number of structures, including warehouses, offices and other buildings they think proper.

With regards to this specific site the applicant points towards the Windsor, Staines and SWR Act 1847. The case made is that this is part of the 1845 act by extension as the 1845 act states subsequent information such as this may be incorporate into the act. The document appears to point towards Feltham Marshalling Yards as land that may be developed by the railways undertaker.

Hounslow Council's legal team have been contacted with regards to this matter and have agreed that it appears to be the case that the works proposed appear to qualify as an act of parliament within the meaning of Part 18 GPDO.

In addition to the above consultation examples may be pointed towards, including the redevelopment of Reading Station which used the same section of the GPDO and the same act from 1854.

Further to the above Development Control Practice is able to cite a number of examples of when this act has been used by Network Rail to undertake railway works.

On the basis of the above it appears to be beyond reasonable doubt that the works proposed as part of this scheme would qualify as Permitted Development.

Issue 2 – Whether the requirement of an Environmental Impact Assessment excludes the development from being Permitted Development

As clarified within a screening opinion for the site (Ref: 00553/F/SCREEN1) the proposed works would fall within the definition of Schedule 2 development under the Environmental Impact Assessment Regulations. Paragraph 10, subsection 3 (Permitted Development) of the GPDO states that schedule 2 development is not permitted by the order.

However paragraph 12 (b) of the order states paragraph 10 does not apply to development permitted by part 18 of the order.

The EIA information submitted is considered to satisfy the requirements outlined within the scoping opinion.

Issue 3 – The Prior Notification Procedure

As stated within Part 18 of the GPDO development which includes the erection of any buildings is permitted only when prior approval has been received from the Council.

As part of this prior approval submission the Council may only refuse an application when works ought to be carried out elsewhere on the land or the design of the scheme would injure the amenity of neighbours.

In terms of the location of the structure it would be positioned to the north west of the site close to the access point via Harlington Road East. The benefits of this location are as follows:

- The structures would be located away from properties to the south on Hereford Road, Gloucester Road and Norfolk Road and trees would be retained as a buffer
- The separation by virtue of the railway line would mitigate harm on properties to the north.
- The area of trees and shrubbery that would need to be removed is less established than throughout the rest of the site.
- Distances for vehicles exiting the site would be minimised

A significant number of objections have been raised by local residents, but in the context of the General Permitted Development Order which only allows the Local Planning Authority to object to location of the development on the site itself it is considered that concerns raised could not be overcome by repositioning the structures. The River Crane borders the site to the east and locating the structures further in this direction would raise greater ecology concerns, many of the same amenity concerns and raise greater issues in terms of vehicular movements throughout the site.

Transport for London have objected to the scheme due to vehicles accessing Harlington Road East. It is though considered that this issue is unlikely to be addressed through relocation of the compound as vehicles would still need to use this access point.

On the basis of the above the location of the structures within the site is considered to be suitable and therefore the developer should not be required to repossess the structures.

In design terms a case could be made that an industrial style building such as the warehouse proposed would cause harm to the character of the area, which is currently open space covered by trees. However the GPDO only

allows objection where the buildings are reasonably capable of modification of avoiding such injury. On the basis that the buildings, though large, are not overly tall and screening would be retained it is considered that the scheme has sufficient design merits within the context of the GPDO and reasonable modification would not overcome design issues in terms of the impact on the open land.

As such it is recommended that Prior Approval is required but should be granted, subject to details of materials, boundary treatment, trees to be planted and trees to be retained being provided by condition. Such conditions are considered to be reasonable in the context of the GPDO to ensure a satisfactory design is secured.

RECOMMENDATION:

Prior Approval is required and approved subject to the following conditions:

- 1 Time period/ restoration of land:

Within 5 years of the date of this decision all development hereby approved shall be removed from the site and the land restored and trees replanted in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason. In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policy CC1, CC2 (New Development) of the adopted Local Plan.

- 2 Decision Drawings
- 3 Material samples to be provided
- 4 Boundary Treatment
- 5 Hard and Soft Landscaping

Informative:

1. The Council cannot confirm that this development is lawful until it has been built and until you have complied with the conditions of this decision. Once you have done so, if you would like such proof, you will need to submit an application for a certificate of lawfulness of existing development and show that you have met the conditions.
2. Network Rail's attention is drawn to the objections raised by both local residents and Transport for London and encouraged to engage with the objectors with a view to overcoming concerns raised.

CONSULTATIONS CHECKED		<input checked="" type="checkbox"/>	
CIL LIABLE	YES	<input type="checkbox"/>	NO <input checked="" type="checkbox"/>
DRAFT LIABILITY NOTICE		<input type="checkbox"/>	LIABILITY NOTICE <input type="checkbox"/>
ADVISE ENFORCEMENT OF DECISION	YES	<input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PENDING LIST – WEEK NUMBER	N/A		
LANDFILL	YES	<input type="checkbox"/>	NO <input checked="" type="checkbox"/>
AUTHORITY TO ISSUE (Initials)			

Confidential
Feltham NR Sites Planning Issues
04/15/16

Present:

██████████ – Manager OAPFs
██████████ – Area Manager NW

Discussion points:

- Ed Lister visited Feltham c 1 year ago and looked at the site (NB: no access onto site)
- If the site were to be developed, it would be important to maintain the openness on the eastern side. Any development should be focused on the western wedge and should not extend beyond the reaches of residential development to the north and south of the site. Remainder should be left open as part of the larger area of GB land. If NRs existing proposals for an engineering complex were to be combined with residential uses, the engineering complex could provide a buffer between the residential use and green belt land with the car park used to maintain the openness of the site. Development in the Green Belt is subject to the test of 'very special circumstances'. Green Belt release is subject to the test of 'exceptional circumstances'. Both tests are very rigorous.
- The two leading Mayoral candidates have promised not to develop in the Green belt. Due to the political sensitivity, it would be risky to bring forward a planning application early in the new mayoralty.
- The best approach is likely to be a borough wide GB Review as part of the evidence base for the WOBP review. The review should consider the contribution of each site to GB purposes set against housing need and the availability of brownfield sites in the Borough. Hounslow's trajectory indicates there is sufficient capacity to meet revised LP targets but there is a significant shortfall against assessed local housing need. This should be set against potential sources of oversupply in other Boroughs. Subject to case, sites (or parts of sites) could be identified for release. The areas of GB for release should be kept to the minimum necessary and sites should be prioritised for release based on robust criteria. Public ownership should not be a driver for release.
- SINC citation is dated 2007. Site has more recently been colonised by birch forest. Habitats, species and level of sensitivity may have changed. If there are any protected species on the site, the level of sensitivity will be considerable. Surveys will be required and may be subject to seasonal considerations.
- LP includes policies for SINC and tests to be satisfied prior to release/development.
- WOBP must be in general conformity with the LP and GLA will require evidence of robust GB Review and SINC assessment to justify any change to the GB boundary
- There are specific criteria for identification of previously developed land in the GB. If there is no evidence of the previous use then the site will not meet the criteria. If rail tracks are still present on site this might support a case for the site being designated as 'previously developed'
- The history of ASB on the site does not provide a suitable justification for alternative use. This could be resolved by improving security or providing full public access
- LBH bid submission (December 2015) notes that NR has submitted a Prior Approval notification for the development of an engineering compound to be completed in 2020/21 to facilitate decant of maintenance yard (Network House). JC to check Hounslow's understanding of the correct planning process for the site. PD is restricted in sensitive areas including areas requiring EIA. The site has SINC status and therefore requires EIA. **Action: ████████ to check is LBH satisfied that NR has PD rights for this**

site and whether they are intending to consult with the Mayor as the application is potentially not in accordance with the London Plan.

- If NR intends to press ahead with an application they should demonstrate that this is the only suitable relocation site for the maintenance operation. NR plans indicate a large building with extensive car parking. Extent of development and level of car parking to be provided requires further justification (e.g. rationalising use from several sites?). Opportunities for SUDs to reduce run off should be considered.
- DR offered to meet LBH for an informal discussion to assess development potential and agree a robust process to move the site forward, if applicable. It was noted there are already regular meetings with Hounslow re: Golden Mile.

Paul Robinson

From: [REDACTED]@hounslow.gov.uk>
Sent: 14 August 2017 14:08
To: [REDACTED]
Cc: [REDACTED] (GVA)
Subject: FW: Feltham Network Rail Meeting - Bullet Points
Importance: High

[REDACTED]

As requested please find bullet point notes from our meeting with Network Rail last week.

We will continue to regularly meet with Network Rail to keep updated regarding their changing priorities.

Regards

[REDACTED]

[REDACTED] | Housing Zones Delivery Manager

Regeneration, Spatial Planning, Economic Development and Environmental Strategy
RED^e

[REDACTED]



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From: [REDACTED] (GVA) [mailto:[REDACTED]@gva.co.uk]
Sent: 13 August 2017 10:07
To: [REDACTED]@hounslow.gov.uk>
Subject: Feltham Network Rail Meeting - Bullet Points

Hi [REDACTED]

Please see my bullet points below from the Network Rail meeting [Redacted content not relevant to request]

[REDACTED]

Network Rail have a number of requirements looking for additional space in the area, including, Maintenance Compound, Heathrow Rail Link, Rail Stabling Yard for the new TOC. They would also like to see some housing to fund some of the works but operations must come first.

Network Rail to provide an update at next meeting.



[REDACTED]

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Paul Robinson

From: [REDACTED]
Sent: 17 May 2016 14:35
To: [REDACTED]
Subject: RE: Feltham Marshalling Yard

Hi [REDACTED]
Thanks for letting me know, clarifies the future of the site for the next 5 years. At a meeting with NR and TfL last week I was reassured that NR fully understood the sensitivity of the site and the time it will take to go through the planning process.

[REDACTED]

From: [REDACTED]
Sent: 17 May 2016 14:30
To: [REDACTED]
Subject: Feltham Marshalling Yard

Hi [REDACTED]
Contrary to what we were previously advised, it would appear that LBH granted prior approval in January for a temporary site compound for a period of 5 years

NR pointed to The Railway Clauses Consolidation Act and the Windsor, Staines and SWR Act which appeared to indicate that the Marshalling Yard may be developed by the Railways undertaker. Hounslow's legal team agreed that the proposed works appeared to qualify as works authorised under an act of parliament for the purposes of part 18 of GPDO. Hounslow considered whether the requirement for EIA excludes the development from being PD but concluded that para 12(b) of GPDO states para 10 does not apply to development permitted under part 18

The proposal is confined to the western wedge and includes extensive hard standing areas for storage (some permeable)

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- ▲ Home
- ▲ Environment and planning
- ▶ Planning

Planning Summary

List of application based on the fol

On Post Code area: TW13 5BN

Of type: PRIOR APPROVAL ALL (

Number of cases: 2 (note query w

Please click on relevant application

[Click here to go back to previous p](#)

FELTHAM RE-SIGNALING SITE COMPLETION
HARLINGTON ROAD EAST FELTHAM L
[map](#)

Application	Date Recd
PA/2015/4700 00553/F/PA2 PRIOR APPROVAL ALL OTHERS	21-Oct-2015

Prior approval for the construction of a te
for a period of 5 years

FORMER MARSHALLING YARD HARLI
5BN [Click here for a location map](#)

Application	Date Recd
PA/2015/4256 00553/F/PA1 PRIOR APPROVAL ALL OTHERS	25-Sep-2015

Prior approval for the construction of a te
for a period of 5 years

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Council seek to meet the highest standard of qual
up to date and accurate information. However, the
misinterpretation of any information and offers no
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[Redacted content not relevant to request]

Room 6.0w, City Hall SE1 2AA

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[REDACTED]	Property (Town Planning), NR	[REDACTED]@networkrail.co.uk
[REDACTED]	Property, NR	[REDACTED]@networkrail.co.uk

[illegible]

	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <ul style="list-style-type: none"> ■ [REDACTED] [REDACTED] [REDACTED] ■ [REDACTED] [REDACTED] ■ [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] <p>[REDACTED]</p>	<p>[REDACTED]</p>
4.	<p>Marshalling Yard</p> <ul style="list-style-type: none"> ■ Closed 1969. ■ [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] ■ [REDACTED] [REDACTED] ■ [REDACTED] [REDACTED] ■ Central area (c6Ha) has potential for residential use but there are significant planning constraints including ecology value of site. Full assessment required to identify opportunities for conservation/enhancement. ■ [REDACTED] ■ [REDACTED] ■ NR and [REDACTED] both have easement/access via adjacent De Brome site (leased to West Thames College by LBH and operating as a vocational training centre for 14-19 year olds). There may be opportunities for land swap. Proposal to relocate Cranford Community College to De Brome site noted. ■ Growth in the Housing Zone is expected to result in the need for a new or expanded secondary or through school by 2021. Suitability of Marshalling yard to accommodate new school requires further consideration. ■ Site is currently designated MGB and SINC. West of Borough Plan Review to consider site allocation. Timescale to adopt is 2018. Site must be de-risked before initiating discussions with prospective development partners. ■ In view of current planning status it is considered premature to prepare a formal planning brief for the site. But preparatory work should be undertaken to explore current/future constraints and opportunities and establish site capacity subject to green belt de-designation. All parties should be engaged to ensure there is an agreed approach to moving the site forward. The 150 units included by LBH in the Housing Zone bid are purely indicative. Savills were commissioned by LLC to look at site capacity. Based on London Plan density matrix they suggested capacity for 150 units across the entire site. 	

	<p>But, there may be scope to increase this by improving PTALs.</p> <ul style="list-style-type: none"> ■ A critical path should be produced including key dependencies and timeline/ programme to unlock the site. <p>Action: ■ to arrange workshop to identify workstreams and agree critical path.</p> <p>Action: LBH urban designers to provide indicative layout(s) and capacity</p> <p>Action: ■ to confirm on site constraints e.g. extent of Thames Water easement</p>	<p>■</p> <p>LBH</p> <p>■</p>
5.	<p>Next Steps</p> <ul style="list-style-type: none"> ■ Agree critical path ■ Identify and progress key workstreams (title investigation, planning, urban design etc) ■ Site visits (■ to arrange) 	<p>All</p> <p>All</p> <p>■</p>
6.	<p>■</p> <p>■ [REDACTED]</p> <p>[REDACTED]</p> <p>Action: ■ to respond.</p> <ul style="list-style-type: none"> ■ NR set out changes to their property strategy. Housing outputs are now a key driver alongside income generation. A new team has been appointed to work alongside the property team to focus on housing delivery. 	<p>■</p>
8.	<p>Date of next meeting</p> <p>■ to arrange site visits to dovetail with next meeting.</p>	<p>■</p>