



Strategic Planning Committee (Addendum)

Report title:

**HITHER GREEN RAILWAY STATION, STAPLEHURST ROAD, LONDON,
SE13 5NB**

Date: 14 March 2023

Key decision: No.

See [“Legal Requirements” in the guidance](#) for more information.

Class: Part 1

See [“Legal Requirements” in the guidance](#) for more information.

Ward(s) affected: Hither Green

Contributors: Antigoni Gkiza

Outline and recommendations

This report has been prepared as additional representations in support of the proposed development have been received since the agenda has been published (298 no.), as well as two letters of objection and one comment. Additionally, a few errors in the Officer Report have been corrected.

Application details

Application reference number(s): DC/22/128559

Application Date: 23 September 2022

Applicant: Network Rail

Proposal: Prior Approval application for the construction of a new footbridge with lifts and staircases, new entrances to Fernbrook Road And Springbank Road SE13, together with the removal of existing footbridges and canopy infill at Hither Green Station SE13, under Part 18 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Background Papers: Submission drawings
Submission technical reports
Statutory consultee responses
Screening Opinion

Designation: PTAL 3
Lee Neighbourhood Forum
Local Open Space Deficiency
Air Quality

Screening: DC/22/129508 | Screening Opinion – not EIA development

1 SUMMARY OF ADDITIONAL RESPONSES

1 The additional (2) objections received to the proposed development have been summarized as follows:

- Increase of traffic issues
- Negative impact on air quality
- Increased anti-social behaviour
- Reduction of number of existing trees and greenery
- Harmful impact on wildlife
- Loss of privacy
- There are not any technical reasons that would prevent the relocation of the proposed development
- The construction period could be amended to allow track possession
- No financial evidence has been provided to justify the proposal

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- The report dismisses the use of a s.106 agreement.
- It is questionable whether the applicant can rely on section 16 of the 1845 Act to claim permitted development rights under Part 18 Class A to the 2015 Order as the powers exercisable under section 16 of the 1845 Act only apply once agreement has been reached with third party landowners.
- The 400m figure used within the report is highly questionable as it may reflect the criteria used for Access for All funding but not the reality disabled people face, as clearly recognised by the Department for Transport and Network Rail itself.
- To ensure a clear access to comply with guidance (Department for Transport: Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (Dec 2021), modifications to the proposed footpath may also be required. Does the link between the existing entrance/bus stop etc. fully comply with Department for Transport's Design Standards for Accessible Railway Stations (DSfARS, March 2015)?
- Who will be responsible for the future maintenance of the new footpath and associated street furniture? If it is Network Rail, will this affect rights of any statutory undertakers etc. who have equipment on the verge?
- Whether or not the depth of the bridge deck and stairs could be reduced to that shown on the previous application. The Committee report fails to address this properly by simply saying that the hanging signage (which is internal) does not require prior approval and therefore further evidence is not required as part of this application.
- Paragraph 94 of the report states that the applicant has provided sections to illustrate why the increased depth of deck etc. is required but I cannot find any additional drawings dated post the Local Meeting on the planning website showing this.
- In terms of introducing a slope in the bridge deck between platforms 4/5 and 6 to reduce overall height, the report deals with this issue at paragraph 96. Whilst it is accepted that there are design requirements in terms of gradients, the report does not set out what the maximum acceptable gradient could be and what additional reduction in height would be achievable.

2 Comments in relation to transport, environmental, safety and neighbouring amenity concerns, justification of the proposed location of the development, track possessions, the possibility of a s106 agreement, the depth of the bridge deck, the introduction of a slope in the bridge and financial arrangements of the proposed development are noted and addressed in the Committee Report.

3 The additional (298) responses in support of the proposed development have been summarized as follows:

- It is unacceptable to have such an inaccessible station in 2023, especially given its size and use as an interchange station, and to fail to address this would be deeply discriminatory. The provision of step free access is an essential requirement to meet U.K. Equality Act disability requirements of accessible environments and to be in line with provide greater accessibility for those with mobility needs in line with the Disability Discrimination Act of 1995.

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- Those with significantly reduced mobility, heavy luggage, wheelchairs, and pushchairs are effectively blocked from using the station and its train services. The present arrangements make certain journeys impractical, as access to some platforms is only possible using a series of often crowded stairways. It is also dangerous for the elderly, the visually impaired, and those with other disabilities.
- The wider strategic benefits to the local community, of making the station more inclusive for a wide range of people and modernising to become a fit-for-purpose transport node, can be weighed against the objections of a small but vocal minority, focused on a slightly flawed and highly individualistic viewpoint. There is no objection that will override the fact that this is a necessity.
- The applicant has shown concern for the residents' thoughts and made sure the construction materials would be opaque. There will not be any marked changes to the aesthetics of the area (other than an improvement) and footfall is not expected to increase because of the changes.
- The accessibility upgrades will potentially bring more visitors and business to the area, which will benefit the whole community as it will boost the economy and make it an even more vibrant environment.
- Quality rail infrastructure is crucial to getting more low carbon travel.
- In favour of the design and the more welcoming feel, compared to the existing uninspiring and intimidating feel to the station entrance. It doesn't feel particularly safe for women to be leaving via a crowded tunnel, whereas the new entrance would enable to leave in a well-lit, uncrowded area, with a shorter walk home.
- The current state of the station with leaks on the elevated walkways, uneven surfaces and rust will also be greatly improved by the new designs for the new station which look fantastic. The new designs are sympathetically modern with the use of greenery, with care also having been taken to ensure there is no overlooking.
- Following recent spate of crime around the station the proposals and smartened up building will dissuade crime. The new station design improves lighting all round. Regarding safety and security Network Rail have ensured CCTV will be used to monitor the new entrances. The new entrances appear to be brighter, appear more open than the tunnel entrance, and be better positioned in terms of use at night.
- It would reflect really poorly on Lewisham council if the plan to make Hither Green station step free was stopped from going ahead. The proposal reflects what local residents have been campaigning for years.
- People in need are fully reliant on strangers offering to help.
- The walkways across platforms are not safe with small children as they can literally fit through the open spaces on the bridge.
- The design is really smart and sleek, it is both sympathetic and practical. It looks modern, with a good use of different materials that blend well with the environment. It has been thoughtfully developed with consideration for how it must sit within its immediate area, and this includes how it impacts on nearby

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residences. New access points to both stations are very well thought out and provide great entrances and exists for local residents. The use of a light-coloured stone also mitigates the scale of the structure.

- The elevation and scale of the lift shafts is also a point that has garnered concerns. However, it is no more an imposition than surrounding residential developments (The Biscuit Factory) on Fernbrook Road, or the flats built along the Springbank Road side over the last five years.
- It is evident that the banks surrounding the development are to be planted with trees, or that existing trees are to be retained as much as possible, so one would presume that existing trees, or new trees once established, would offer some acoustic dampening and reduce the perceived bearing of the lift shafts.
- Access is limited from the street to platform level and also from platform to platform. The existing ramps to the station are also extremely treacherous in the cold weather, as they are often not gritted to prevent ice.
- Wheelchair users can only access 2 platforms and even then, the steep hill is absolutely exhausting to go up and terrifying to come down. Wheelchair users have been stranded in central London several times because the trains available were not going to the platforms they were originally assigned; or have been stranded on a train at Hither Green unable to get off because the train has come into an inaccessible platform without warning. Wheelchair user has crashed the chair into the wall of the hill because it is so steep and busy, and another wheelchair user has fallen from the stairs.
- Families with disabled children are not able to use the station and depend highly on car use. With an electric wheelchair, the steep slope makes access impossible.
- As new housing developments continue in the Hither Green and Lewisham area, it is urgent that infrastructure to be developed too. Hither Green is an area with so many young families because of its proximity to 6 great primary schools and so many good nurseries. More and more families are moving in.
- The noise from the trains and announcements already exists, anybody who walks down Fernbrook Road can hear this at all times of day and often overnight too. There will be no added noise from lifts which will make a tiny fraction of the noise that currently exists.

- 4 The additional comments in support are noted and addressed in the Committee Report.
- 5 Officers note that a letter of support has been received from Southeastern who are the Station Facility Operator at Hither Green station and operate all passenger services which serve the station.
- 6 More specifically, Southeastern states that Hither Green is an exceptionally busy commuter station in urgent need of increased pedestrian flow capacity at peak times. National Rail in Southeast London has a poor record on accessibility in part explained by historic inflexible infrastructure and decades of fragmented policy and underinvestment. Therefore, the provision of step-free access at Hither Green is an essential step in addressing the current deficit of accessible National Rail stations in Southeast London

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helping to facilitate independent and sustainable mobility to passengers with disabilities, mobility issues or other accessibility requirements.

7 In addition, Southeastern works closely in partnership with Network Rail to deliver 'Access for All' schemes to as many of our stations as possible within the available funding. People in the communities who have mobility issues really value a lift service, as do customers travelling with young children or heavy luggage. Schemes like the one proposed for Hither Green really do make a huge difference. We would like all of our old Victorian stations to be step-free, but costs are high, and funds are limited. Hither Green station was short-listed, and this current proposal taken forward, following an extensive consultation we ran in 2018. We asked Southeastern customers and key stakeholders such as MPs, local authorities, and disability organisations to tell us which station they wanted to put forward for consideration. We received over 8000 responses and a fifth of those nominated Hither Green. We also received a supportive letter from the MP for Lewisham East, Janet Daby.

8 A number of other comments (1) were also raised as follows:

- A moving pathway as in airports would be preferable
- Absence in passive provision for ticket barriers.
- Encourage the use of bricks for the facade of any retaining walls or other walls, similar to the brick walls used at the existing station entrance at Staplehurst Road.
- The council should consider asking the developer for CIL contribution to improve the road layout on Springbank road including traffic calming measures and wider pavements to encourage walking and slow traffic
- Dedicated spaces for dockless cycle hire as well as a full secure cycle hub, like that seen at numerous other stations, and in line with London Plan guidance.

9 Officers note that comments in relation to CIL contributions and details of the proposed materials are noted and addressed in the Committee Report. Comments in relation to cycle storage/hire provision, tickets barriers and a potential moving pathway are not considered to be part of this Prior Approval application Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2 CONSIDERATIONS

2.1 AMENDMENTS TO ORIGINAL REPORT

10 Paragraph 1 - The number of valid objections should read as 13 (not 17).

11 Officers proposed to amend the reasons given for imposing conditions, so that those reasons are clear and explicit in their reference to application Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It is noted that the content of each condition remains unchanged.

12 Section 13.1, Condition 1 'SOFT LANDSCAPING DETAILS' should read as:

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- a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied that the design and external appearance of the development will not injure the amenity of the neighbourhood, in accordance with paragraph A.2(b) of Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

13 Section 13.1, Condition 2 'EXTERNAL LIGHTING' should read as:

- a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties so as to prevent injury to the amenity of the neighbourhood, in accordance with paragraph A.2(b) of Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

14 Section 13.1, Condition 3 'CONSTRUCTION MANAGEMENT PLAN' should read as:

No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:

- a) Rationalise travel and traffic routes to and from the site.
- b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- c) Measures to deal with safe pedestrian movement.

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The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason: In order to ensure satisfactory vehicle management during construction works in order to minimise harm to amenity in accordance with paragraph A.2(b) of Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

15 Section 13.1, Condition 3 'MATERIALS/DESIGN QUALITY' should read as:

No development above ground shall commence on site until a detailed schedule and specification/samples of all external materials and finishes to be used on the structure(s) 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.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) so as to prevent any injury to the amenity of the neighbourhood, in accordance with paragraph A.2(b) of Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2.2 ADDITIONAL PUBLIC REPRESENTATIONS

Section 16 of the 1845 Act and permitted development rights under Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

16 The Authorising Act for the railway at Hither Green is the South Eastern Railway (Tunbridge and Dartford Lines) Act 1862 - Section 3 of the 1862 Act authorises the Company to make "and maintain" the railway line in question, providing as follows:

"3. It shall be lawful for the Company to make and maintain the Railways herein-after mentioned, with all proper Works and Conveniences connected therewith; (that is to say,)

Railway No. 1., commencing by a Junction with the North Kent Railway at or near the Point where that Railway diverges from the London and Greenwich Railway in the Parish of Saint Paul Deptford in the County of Kent, and terminating by a Junction with the Main Line of the South-eastern Railway in the Parish of Tunbridge in the same County :

Railway No. 2., diverging from the Line of Railway No. 1., in the Parish of Lewisham in the County of Kent, and terminating by a Junction with the North Kent Railway in the Parish of Dartford in the same County."

17 Section 2 of the 1862 Act incorporates the clauses and provisions of the Railway Clauses Consolidation Act 1845. This includes section 16, which the applicant relies upon in connection with this application and which provides as follows:

"16. Works to be executed.

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Subject to the provisions and restrictions in this and the special Act¹, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works; (that is to say,)

They may make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences, as they think proper;

They may alter the course of any rivers not navigable, brooks, streams, or watercourses, and of any branches of navigable rivers, such branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper;

They may make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

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

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

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

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction, in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.” (emphasis added)

18 Officers have reviewed the objection in relation to whether the applicant can rely on section 16 of the 1845 Act to claim permitted development rights under Part 18 Class A to the 2015 Order. The objection argues that the powers exercisable under section 16 of the 1845 Act only apply once agreement has been reached with third party landowners, as a result of the limitations set out in section 6 of the 1845 Act.

19 The concerns relate to section 6 of the 1845 Act. Section 6 of the 1845 Act reads as follows:

“6. The construction of the railway to be subject to the provisions of this Act and the Lands Clauses Consolidation Act.

In exercising the power given to the company by the special Act to construct the railway, and to take lands for that purpose, the company shall be subject to the

1.1 ¹ The “Special Act” refers in this context to the 1862 Act: see section 2 of the 1845 Act.

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provisions and restrictions contained in this Act and in the said Lands Clauses Consolidation Act; and the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damages sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined by the Upper Tribunal”

- 20 The objector has stated that some of the proposed works connected with the present application lie beyond the boundary of the applicant’s ownership. In particular, the objector points to a strip of highway verge in Fernbrook Road, which the applicant intends to use to create a footpath between the existing and new entrances and therefore surmises that the applicant’s power to carry out works under section 16 of the 1845 Act may only be carried out once agreement has been reached with third party landowners under section 6 whose land will be taken, or who will sustain damages as a result of the works under s.16.
- 21 Network Rail has confirmed that all the works connected with this application for prior approval will be on land which lies within Network Rail’s land ownership. The current boundary fence will be pushed back away from Fernbrook Road to create the new footpath. The proposed footpath is solely on Network Rail’s land. No land will therefore be taken in connection with the proposed works.
- 22 In terms of damages or other injury sustained in connection with the works, that is a matter that will be addressed by the applicant at the appropriate stage. Nothing in either section 6 or 16 of the 1845 Act prevents the grant of prior approval or the carrying out of any works until damages are paid to interested parties, or until after agreement is reached on the amount of those damages. The provisions simply make clear that compensation must be provided for any damages that are in fact sustained as a result of the works.
- 23 Therefore, Officers do not consider that section 6 prevents the grant of prior approval. Network Rail may need to compensate any interested parties who sustain damage by reason of the proposed works, but that is something that will be done after construction of the works and does not prevent Network Rail from relying on Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 24 Officers are therefore satisfied that network Rail can rely on Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 25 Network Rail has obtained prior approval under Part 18 Class A of the GPDO 2015 for many ‘Access for All’ bridges and footbridges to replace level crossings across England. Network Rail has confirmed that in doing so it has relied upon land within the Limits of Deviation set out in the relevant authorising Acts to approve works on third party land. This is subject to entering any appropriate licences and/or agreements with landowners. Where third party land is proposed to be used, Network Rail has confirmed that will engage with the landowners at a very early stage in the project.

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An unobstructed and obstacle free “accessible route” defined as a distance ideally not exceeding 400m

- 26 Officers have reviewed the objection in relation to the “accessible route” concerns and note that the 400m distance referred to is guidance and set out in the *Route Requirements Document - South East Stations - Access for All* prepared by Network Rail. It is in accordance with the DfT's Design Standard for Accessibility. Network Rail has confirmed that the *Route Requirements Document* cannot be shared as it contains commercially sensitive information. What can be achieved will vary, with each station having differing layouts and constraints. The comments do not take into account travel to the station using other means or from the Southern side, and do not reflect the existing accessibility issues and benefits to the community as a whole. Network Rail have previously explained in detail why the new bridge and entrances must be in the proposed location. Officers are satisfied that the layout is acceptable and represents a significant improvement over the existing station.

Proposed footpath at Fernbrook Road side

Officers have reviewed the objection received in relation to the proposed footpath and the requirement of modification to make it compliant with Department for Transport: Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (Dec 2021) and the Department for Transport's Design Standards for Accessible Railway Stations (DSfARS, March 2015) as it would be impeded presumably from street furniture and street lights, according to the objector. In addition, Network Rail's own Guidance for Inclusive Design (Design Manual NR/GN/CIV/300/04) states that the travel distance between seats/resting points should not be more than 50m on accessible routes.

- 27 Officers note that the proposed footpath does not require prior approval. Network Rail confirmed that they will seek to remove potential obstructions as far as possible and could provide a rest point, if required.
- 28 Furthermore, it is noted that the future maintenance of the new footpath and associated street furniture is not part of this prior approval application.

Section drawings of the increased depth of deck

- 29 Officers have reviewed the objection in relation to the lack of additional drawings that indicate the justification of the increased depth of the proposed deck. It is noted that in this case the concerns incorrectly refer to the depth, as it is the height of the bridge that has been a matter of discourse. The applicant has provided a 'Typical Cross Section' drawing as part of the 'Schedule of Changes' document (submitted on the 31st of January 2023).

3 CONCLUSION

- 30 The additional representations that have been reviewed are not considered to change the assessment undertaken or the conclusion and recommendation of the officer report to committee.

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4 REPORT AUTHOR AND CONTACT

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