

STRATEGIC PLANNING COMMITTEE

Date of Meeting: **TUESDAY, 14 MARCH 2023 TIME 7.00 PM**

PLACE: **ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU/ALSO REMOTELY VIA MICROSOFT TEAMS**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Suzannah Clarke (Chair)
Peter Bernards
Will Cooper
Mark Ingleby
Louise Krupski
Jack Lavery
Aliya Sheikh
James-J Walsh**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.



Monitoring Officer, Lawrence
House, London SE6 4RU

**For further information please contact:
Committee – 1st Floor Laurence House
Catford Road SE6 4RU**

Email: committee@lewisham.gov.uk



	Order Of Business		
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Strategic Planning Committee

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 sets out the officer recommendation of approval for this planning application.

The case has been brought before members for a decision as thirteen valid objections have been received from the neighbouring properties.

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 I Screening Opinion – not EIA development

1 SUMMARY

1 This report sets out the Officer's recommendation for the above proposal. The report has been brought before members for a decision as permission is recommended for approval, and there are three or more (17 no. and two petitions) valid planning objections. This application is being brought before committee following the Council consenting to quash the previous decision granted on 22 April 2022. The grounds of the claim in summary were:

- 1) The Council should have issued a committee decision, not a delegated officer level decision;
- 2) There were errors in the delegated report regarding the height of the development;
- 3) The Council did not consider the impact of a new station access point on Fernbrook Road and its impact on neighbouring amenity;
- 4) The Council did not consider the impact of lighting on neighbouring amenity;
- 5) The Public Sector Equality Duty (PSED) was not applied in coming to decision on the application.

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- 2 The claim was consented to the single ground 5 that refers to the Public Sector Equality Duty (PSED).

2 SITE AND CONTEXT

Site description and current use

- 3 The application relates to Hither Green Station, located on Fernbrook Road. The station has six tracks passing through it: Platforms 1 to 4 on the Charing Cross to Dover lines and platforms 5 and 6 on the Hither Green to Dartford lines.

The station building and main entrance are located between platforms 4 and 5 and are accessed via a steep ramp that passes beneath the London/north end of the station via subway. There are two separate existing footbridges connecting each of the platforms. There is no step free interchange between the platforms except platforms 4 and 5.

The station and tracks are elevated above street level with vegetation surrounding the station. Fernbrook Road runs parallel to the northeast side of the station and Springbank Road runs parallel to the south west side.

- 4 The site falls within Lee Neighbourhood Forum.

Image 1: Aerial View of Hither Green Railway Station



Character of area

- 5 The surrounding area is predominantly residential in character with terraced and semi-detached dwellings. To the west of the site is Brindishe Green Primary School and to the east the Chiltonian Industrial Estate.

Heritage/archaeology

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- 6 The property is not located within a conservation area, nor is it, or close to, a listed building or non-designated heritage asset.

Surrounding area

- 7 The site is located close to Brindishe Green Primary School, Mountsfield Park Playground and Manor House Gardens.

Local environment

- 8 The site falls within a Local Open Space Deficiency Area and an Air Quality Management Area.

Transport

- 9 The site has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1-6b, 1 being lowest and 6b the highest. A number of bus stops are located on the surrounding roads serving the local area.

3 RELEVANT PLANNING HISTORY

- 10 **DC/08/070322/FT** – Formal observations to Network Rail in respect of the erection of a 15 metre mast at Hither Green Station, Staplehurst Road SE13. **Raised no objection** 21 November 2008.
- 11 **DC/10/074012/FT** – Prior Approval under Part 17 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 to increase the current length of the platforms at Hither Green Station, Staplehurst Road SE13. **Granted** 5 May 2010.
- 12 **DC/18/110297** – Notification under Part 8 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to the Hither Green Resignalling Works. **Advice Notice** Issued 10 January 2019.
- 13 **DC/22/125574** - 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. **Granted** 22 April 2022. Note: **quashed and withdrawn following pre-action correspondence and consent.**

4 CURRENT PLANNING APPLICATION

4.1 THE PROPOSALS

- 14 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.

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- 15 More specifically, the proposed development would comprise the following:
- Four new 16-person lift shafts to provide step free access to every platform. The lifts would provide access as follows:
 - Beside Springbank Road, providing access to platform 1;
 - On platform 2 and 3;
 - Between platform 4 and 5 with ramped access between the platforms at ground level;
 - On the far side of platform 6, providing access from a new entrance at Fernbrook Road.
 - New link bridges to connect the lifts and platforms
 - Ramp to connect platforms 4 and 5
- 16 A new footpath is proposed on the toe of the embankment, front side of the embankment to the Fernbrook Road side, to ensure there is no reduction in width of the existing road.
- 17 The submission advises that the primary objective of the proposal is to develop and deliver Access for All (AfA) facilities at Hither Green Station. This will be achieved by constructing an accessible route from at least one main station entrance and all drop off points associated with that entrance to each platform and between platforms served by scheduled passenger trains.
- 18 Funding to upgrade Hither Green Railway Station was secured in July 2018 as part of the Department for Transport's Access for All programme. Funding is used to create obstacle free, accessible routes from rail station entrances to the platforms. This generally includes providing lifts or ramps, as well as associated works and refurbishment along the route. Catford Station was also selected for updates as part of this package of funding.
- 19 The objective is to provide an unobstructed and obstacle free "accessible route", defined as:
- A route for a manually self-propelled wheelchair user to safely negotiate.
 - A distance, ideally not exceeding 400m, from the station entrance (or drop off point if further) to the appropriate point of entry/exit of trains at platforms.

4.2 COMPARISON WITH PREVIOUS SCHEME

- 20 The previous scheme relates to the quashed decision DC/22/125574, which was granted on 22 April 2022.
- 21 Network Rail has submitted a revised prior approval application (under Part 18 of the GPDO 2015) for the Hither Green Access for All scheme. The key changes are listed below as set out in the submitted Revised Submission Details document:
- The road crossings, accessible drop off and disabled parking bays have been removed. These were previously included as aspirations, on land not within

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Network Rail's control, subject to agreement with the local authority and do not require Part 18 prior approval.

- Entrances have slightly been altered. The original street entrance drawings were based on historic, incomplete topographical survey data. Since then, further survey work has been completed to help inform the design which has resulted in minor changes. The changes include the reduction in height of retaining walls at the top of the embankments and the staircases being set back in line with the lift shafts.
- National Rail Signage has been removed. National Rail signage will be displayed on the exterior side of the lift shafts and totem poles will be in the street approaches. Neither are illuminated.
- Temporary stair has been removed (Street Level Plans) – the construction methodology has changed meaning this temporary pedestrian access is no longer required. Passengers will continue to use the existing stepped entrance at the far end of platform 1.
- Fencing and street lighting have been removed (Street Level Plans) – Fencing will be installed to secure the railway boundary and prevent trespass and does not require Part 18 prior approval. Greater detail on the proposed lighting is now provided in the Lighting Layout drawing. It should be noted that the streetlights do not require Part 18 prior approval and are shown for information.
- Vegetated retaining wall has been removed (Platform Level Plans) – The intention is to provide planting on top of the retaining walls with trailing plants hanging over.
- Top of lifts height has been reduced from 34.5m to 33.78m – this is due to the optimization of design by reducing the bridge soffit clearance above the tracks which in turn reduces the lift shaft height as there is a set dimension from bridge level to top of lift shaft.
- Introduction of glazing on the main bridge span around the lift shaft areas. This is to improve internal natural light within the bridge span and ultimately improve passenger experience. The glazing will be stippled (obscure) to prevent any overlooking of neighbours.
- Internal reconfiguration including (Platform Level Plans):
 - Relocation of the access gate to nature reserve. The existing gate to the nature reserve is now being retained.
 - Relocation of the proposed ramped access route at platforms 4 and 5. The layout of the lift, stairs and ramped access has been altered to improve passenger experience, improve construction techniques, reduce the amount of imported fill material and also reduce the land take of the nature reserve. In summary a reduction of environmental impact and cost.
 - Internal stairs have been removed. The wraparound stairs in between platforms 4 and 5 have been replaced by a straight flight of stairs.

22

Network Rail has submitted a set of revised drawings/documents regarding the prior approval application (under Part 18 of the GPDO 2015) for the Hither Green Access for

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All scheme in January/February 2023. The key changes are listed below as set out in the submitted Schedule of Changes document:

- The structure on both Fernbrook Road and Springbank Road has been moved away from the rear of each platform by approximately 750mm to allow the safe installation of relocated high voltage cables.
- The wingwalls to both new street entrances have slightly increased in length and height to suit the increased gradients of the embankment slopes as a result of the above point.
- The perforated weathering steel enclosure alongside Springbank Road has been reduced in length.
- The gabion basket wall alongside the new path in Fernbrook Road has been removed.
- The fence line in Fernbrook Road now runs alongside the new footpath then abuts the wingwall rather than returning up the embankment slope.
- Saplings have been added to the embankment area.
- The lift shafts now show an open side at very high level with gutter.
- The angle of the outer staircase has been altered leading to a reduction in the massing of the side elevation.
- The height of the street Totem pole in Springbank Road, and location of Totem pole in Fernbrook Road has been modified to reduce its visual impact.
- The bike racks and bench seating to the street entrance have slightly altered to improve passenger flow.
- The pedestrian crossings have been removed from the CGI's.

5 ENVIRONMENTAL IMPACT ASSESSMENT

23 The current application was not accompanied by an Environmental Statement and is judged to be a materially different scheme for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Local Planning Authority has therefore undertaken a screening exercise in accordance with Regulation 8 of the 2017 Regulations.

24 The proposal is judged to be a Schedule 2 development described as an Urban Development Project pursuant to Schedule 10B to the 2017 Regulations meeting the exclusion threshold based on a site size exceeding 5 Hectares.

25 The Local Planning Authority adopts a Screening Opinion under Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) that an Environmental Statement is not required. This Screening Opinion has been placed in the planning register.

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6 CONSULTATION

6.1 PRE-APPLICATION ENGAGEMENT

26 No pre-application engagement was sought regarding this application.

6.2 APPLICATION PUBLICITY

27 There is no requirement under Part 18, class A of the GPDO to undertake consultation in respect of this application type.

28 In this instance, given the significant public interest for the application, consultation has been undertaken by the Local Planning Authority.

29 Site notices were displayed on 5 October 2022.

30 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 3 October 2022.

31 Fourteen responses received, comprising thirteen objections and one support. In addition, two petitions containing 56 signatures across 52 properties were received objecting to the proposed development.

6.2.1 Comments in objection

Comment	Para where addressed
Design	
Out of character from the local area	102 – 103
Large scale, massing and bulk, alien in its context	102 – 103
The vertical clearance over the track bed at platforms 1 – 4 and at platforms 5 – 6 does not appear to be fully reflected in a reduction in the overall height of the structure.	92 – 94
Increase in the height of the bridge deck and in the Fernbrook Road stairs under the previous scheme.	82, 92 – 94
All glazing facing residential properties on the main structures should be obscured glazed.	21, 102 – 103
Concrete walls at the top of the embankments should be green walls to soften the visual impact.	103

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<p>No information has been provided regarding the proposed colour of the bricks and the Council should ensure the brick choice would match the surrounding context.</p>	<p>102 – 103 The design quality will be secured by condition.</p>
<p>Neighbouring amenity</p> <p>Overbearing sense of enclosure</p> <p>Increment noise disturbance from additional footfall, traffic and loss of trees</p> <p>Visually intrusive as it would sit on an elevated position</p> <p>Loss of trees will result in overlooking, loss of privacy and light pollution</p> <p>The proposed entrance on Fernbrook Road could be repositioned in order to achieve the reduction in the negative impact of the local amenity</p> <p>Block of daylight/sunlight</p> <p>Security lights would cause light pollution and intrusion</p> <p>No mitigating screening has been proposed</p> <p>No information has been provided regarding the illumination of the Network Rail logo on the elevations of the lifts.</p> <p>Using the entrance on Fernbrook Road during the night could be daunting in terms of personal security especially for people with the protected characteristics under the Equality Act 2010.</p>	<p>74 – 90</p> <p>104 – 108</p> <p>74 – 90</p> <p>21, 102 – 103, 100 – 101</p> <p>82</p> <p>71 – 86</p> <p>110 – 111</p> <p>21, 102 – 103</p> <p>21</p> <p>106, 109, 124 – 127</p>
<p>Traffic, Parking and Highways</p> <p>Congested streets and pavements from large numbers of passing pedestrians</p>	<p>104 – 105</p>

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Large increase of waiting cars which would increase noise disturbance and pollution	104 – 105
Increase of parking issues due to the loss of parking spaces	21, 104 – 105
Biodiversity	
The construction of concrete walls cannot replace the loss of greenery and biodiversity	103, 112 – 114
No landscaping plan has been submitted and should be conditioned.	103, 112 – 114
Loss of trees would cause more pollution	103, 112 – 114

32

A number of other comments were also raised as follows:

Design	Para where addressed
The new entrances should be located closer to the original entrance to avoid anti-social behaviour. No engineering reasons have been provided to justify this.	67 – 72
The proposed new entrance in Fernbrook Road is far away from the existing station and underpass, which would increase the walking distance of passengers.	An unobstructed and obstacle free “accessible route is defined as “A distance, ideally not exceeding 400m, from the station entrance (or drop off point if further) to the appropriate point of entry/exit of trains at platforms”. The proposed configuration would not exceed the above requirement.
The introduction of a slope in the deck of the bridge between platforms 4/5/6 would reduce the overall height. Reference has only been made to Network Rail design guidance and not the maximum gradient that is permissible under such guidance or part M of Building Regulations.	95 – 96
The supporting letter is misleading as it shows the existing relationship between	See drawing 416-FP-ZZ-DRG-A-000015 – REV P05 in combination with the Cover Letter.

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the station and the neighbouring properties and not the proposed;	Officers note that the platform levels would remain as existing.
The Council should ask the applicant to provide comparative sections of the existing and proposed situation, showing the relative position of the houses with heights and distances	See drawing 416-FP-ZZ-DRG-A-000015 – REV P05 in combination with the Cover Letter.
The applicant has not provided a detailed design appraisal to explain whether or not the development ought to be and could reasonably be carried out elsewhere on the land.	67 – 72
What additional track possessions would be required and why the construction programme cannot be amended to fit the available possessions.	97 -98
The suggested vertical clearance has not been implemented at the same standards in other stations.	The current assessment relates to the application at Hither Green Railway Station and the design standards of other stations cannot be taken into consideration.
During the local meeting it was confirmed that the bridge height could be reduced to 3.5m and as such it could be modified, and revised plans should be submitted Could this be applied to the stair and link to the lift tower facing Fernbrook Road?	93 -95
Traffic, Parking and Highways	
Network Rail has not provided any evidence to demonstrate that there would not be any increase in passenger numbers	99
Neighbouring amenity	
No report has been provided by a suitably qualified lighting engineer detailing the level of light spillage or increase in light to	109 – 111

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the front of residential properties adjoining in accordance with the Institution of Lighting Professionals guidance levels.	
Network Rail logo illuminance levels should be precluded and there are concerns as to whether such an illuminated advertisement may benefit from deemed consent under Schedule 1, Part 3, Class 1 to the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 or some other provision.	21
Other issues	
Network Rail failed to properly engage with the local community before the submission of the previous prior approval application and there has not been any engagement since then.	35 - 42
The applicant has provided no substantive evidence in writing regarding the funding arrangements.	115
The applicant could enter into a section 106 legal agreement under the Town and Country Planning Act 1990 putting in place a binding obligation to take defined steps to mitigate harm or nuisance subject to agreed triggers	116

6.2.2 Comments in support

Comment	Para where addressed
Fully supported and long overdue to provide no step access to all platforms	The comments have been addressed throughout the report.

7 RE-CONSULTATION

- 33 The applicant provided updated drawings (see para 22) and letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 8 February 2023.

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34 Sixty-seven responses received, comprising ten objections and fifty-seven letters of support.

7.1.1 Comments in objection

Comment	Para where addressed
<p>General</p> <p>Based on a report of a private consultancy for the value for money of Access for All schemes, such schemes represented good value for money. Therefore, moving the access closer to the bus stops and local centre would make the station more attractive to a wide range of potential users and help integrate bus and train travel.</p> <p>The WebTAG guidance issued by Government makes it clear that decisions shouldn't just be based on factors that can be monetised to provide a Benefit Cost Ratio (BCR)</p> <p>Little to no effort has been made to the changes raised.</p> <p>An EIA Screening Opinion would probably not be necessary, and the documents should be made public</p> <p>Network Rail should find more funding to move this entrance to the west and futureproof the development for a potential new ticket office nearer to public transport.</p> <p>It would be preferable for there to be lifts only to avoid detracting from the accessibility aims of the scheme</p>	<p>67 -72</p> <p>115</p> <p>22</p> <p>23 – 25</p> <p>115</p> <p>18</p>
<p>Design</p> <p>The Fernbrook Road access should be moved closer to the bus stops, local centre and existing station entrance. There does not appear to be any practical reason why the scheme cannot be redesigned</p>	<p>67 -72</p>

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<p>The lifts would be far away from the bus stop and people with visual impairments would struggle to use the station.</p>	<p>100 – 101</p>
<p>The proposed tower would have a detrimental impact and look out of place in relation to a narrow residential road (Fernbrook).</p>	<p>102 – 103</p>
<p>The revised drawings do not show the hanging signage and further evidence should be required in order to confirm why a 2.3m vertical clearance cannot be achieved.</p>	<p>The hanging signage does not require prior approval and therefore further evidence is not required as part of this application.</p>
<p>The automatic shutter doors are not shown on the plans</p>	<p>The automatic shutters do not require prior approval and therefore they are not required as part of this application.</p>
<p>Neighbouring amenity</p> <p>Hundreds of passengers would be milling out onto Fernbrook Rd in the evening rush hour, causing an increase in noise disturbance and incidents of anti-social behaviour from passengers coming home during the night.</p> <p>An entrance far away from the main station and the row of shops with passive surveillance would jeopardise the safety for the most vulnerable, especially in the evenings.</p> <p>Removal of some aspects of the proposal, such as the street level staircases, bike racks, and bench seating, would mitigate some of this risk in terms of safety.</p> <p>Intrusion, visual impact and block of daylight</p> <p>Significant increase in noise and footfall</p>	<p>99, 104 – 111</p> <p>109 – 111</p> <p>The street level staircases, bike racks, and bench seating do not require prior approval.</p> <p>21, 102 – 103, 100 – 101</p> <p>99, 104 – 111</p>
<p>Traffic, Parking and Highways</p> <p>Numerous passengers arriving at Hither Green station would get picked up or dropped off by cars. Fernbrook Road would have more vehicles, idling pollution and traffic jams as this is a bus route.</p>	<p>21, 104 -105</p>

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Biodiversity	
The proposal would cause environmental damage.	103, 112 – 114
Loss of trees, biodiversity and emissions absorption	103, 112 – 114
The fact that a large number of mature trees will have to be cut down to make way for this large structure, goes against the council's own air quality action plan 2022-27, and removes a 'nature wall' that currently acts as both a noise reducer from passing trains and contributes to cleaner air.	103, 112 – 114
The Council is asked to seek to maintain the 'green' nature of Hither Green and require the applicant to maintain the existing trees on the embankment and replace those that have been - or will be - lost, as well as using greenery to help any new structure to blend in.	103, 112 – 114

7.1.2 Comments in support

Comment	Para where addressed
General	The comments included in this section have been addressed throughout the report.
The lack of lifts restricts people with health issues from using the station	
The improvements at the station have been long overdue and essential for the wider local community	
The current layout of the station is not safe and secure for young children and vulnerable people, people carrying luggage and prams	
The 2010 Equalities Act requires to ensure that older people are not prevented from remaining active and engaged members,	117 – 123

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and the council has an obligation to support equal access for everyone

People carrying heavy shopping bags and luggage when travelling would benefit from the provision of lifts.

Upgraded technologies should be utilised to make the environment accessible to all and not excluding people from the benefits that train travel affords.

The current access to the station by either a steep slope or several sets of staircases is dreadful and almost impossible for wheelchair users and a major hindrance to local people.

Those with significantly reduced mobility are effectively blocked from using the station and its train services.

It is unacceptable to have such an inaccessible station in 2023, and to fail to address this would be deeply discriminatory.

The inaccessible platforms lead people to use other stations

Network Rail's justifications in their current application are being supported.

The broader benefits for the community should not be prevented by a local NIMBY minority

Stair free access is a requirement.

The waste of tax payer money should stop and the essential upgrade should be approved.

The proposal conforms to the LDF (core strategy and associated DPDs) and the London Plan. It reflects the intention in the 2006 Urban Design and Development Framework relating to strengthened and safer pedestrian links in the station area.

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<p>The benefits to the entire community completely outweigh the minor inconvenience of a very small part of the local population</p> <p>These changes to the station really will make an incredible difference to us all in Hither Green and those that need to use the station to change trains.</p> <p>Lift access is a very basic requirement for a London borough.</p> <p>Future generations of families and people should live more independent.</p>	
<p>Design</p> <p>The current layout of the station and its overall presentation is dreary and depressing</p> <p>The different staircases were built for lower passenger numbers than the station now serves</p> <p>The designs for the new additions to the station are a great improvement from the existing dereliction.</p> <p>The fantastic design will improve the sense of place and arrival, and provide a balance on both sides of the railway line, and would give Hither Green a strong identity</p> <p>The proposed design would be simple and elegant, and it would integrate nicely with the area and improve the public realm.</p> <p>High quality materials would blend into the surrounding vegetation.</p> <p>The retention of the main entrance to the station is highly supported. The new entrance on Fernbrook Road will not be that much further down from the main entrance.</p>	<p>The comments included in this section have been addressed throughout the report.</p>

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<p>The proposed scheme would facilitate a long-term modernisation and the new plans are visually attractive and in-keeping with the current station and the surrounding area</p>	
<p>Neighbouring amenity</p> <p>Concerns regarding overlooking are derisory</p> <p>The current inadequate lighting is not conducive for anyone to feel safe late at night or early in the morning</p> <p>The improvements to CCTV and lighting at the station are being supported.</p> <p>It is expected that only those with accessibility needs will use the new entrance on Fernbrook, and it should make minimal difference to the number of people using the Springbank Road entrance too, which already feels quiet even at rush hours.</p> <p>Due to the lack of bright lighting at the moment, the station feels unsafe to access as a woman or vulnerable person</p> <p>The use of opaque materials to prevent overlooking and the fact that the lifts are quieter than trains should be sufficient to make this work for everyone in the community.</p> <p>The improvement of the appearance of the station would help to create a safer space for people using public transport as there are currently several issues with unsocial and criminal behaviour surrounding the station</p> <p>The street access will lower rush hour pressure and crowding (particularly on platform 6).</p> <p>Willing to deal with any inconvenience caused by the construction works as it will</p>	<p>The comments included in this section have been addressed throughout the report.</p>

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mean the community would have a much better facility once it is complete.	
<p>Traffic, Parking and Highways</p> <p>The improvements bicycle storage at the station are being supported.</p> <p>The need for car journeys would be reduced.</p>	The comments included in this section have been addressed throughout the report.
<p>Biodiversity</p> <p>The proposal has been designed to fit in the locality, including retaining tree cover where possible, adding new planting and adding some architectural flair.</p> <p>Any opportunities to improve biodiversity and offset nature reserve loss would be welcome</p>	The comments included in this section have been addressed throughout the report.

7.2 INTERNAL CONSULTATION

35 The following internal consultees were notified on 9 November 2022.

36 Highways: raised no objections subject to conditions. See 'Assessment' section below for further details.

7.3 EXTERNAL CONSULTATION

37 The following External Consultees were notified on 11 November 2022 and on 8 February 2023.

38 Lee Neighbourhood Forum: no comments received.

39 Lewisham Cyclists: no comments received. Notified on 3 October 2022 and on 8 February 2023.

7.4 LOCAL MEETING

40 A Local Meeting was held on the 15th November 2022 as 10 or more objections had been received. The meeting was held virtually and was chaired by Councillor Eva Kestner.

41 28 people attended the local meeting.

42 The summary note of the local meeting has been attached as Appendix 1.

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8 POLICY CONTEXT

8.1 LEGISLATION

43 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

44 Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Class A states:

45 Class A – development under local or private Acts or Order

46 Permitted development

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

48 Conditions

49 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.**

50 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.

51 Interpretation of Class A

52 A.3 For the purposes of Class A, “appropriate authority” means—

- a) in Greater London or a metropolitan county, the local planning authority;

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- b) in a National Park, outside a metropolitan county, the county planning authority;
and
- c) in any other case, the district planning authority.

8.2 MATERIAL CONSIDERATIONS

- 53 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.
- 54 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.
- 55 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.
- 56 In this instance, officers are considering how the submission meets the requirements of Class A, Part 18 of the General Permitted Development Order.

9 PLANNING CONSIDERATIONS

- 57 Part 18, Class A
- 58 Development is permitted under Part 18, Class A where development is authorised by a local or private Act of Parliament, which designates specifically the nature of the development authorised and the land upon which it may be carried out.
- 59 Section 16 of the Railway Clauses Consolidation (RCC) Act 1845 contains powers of alteration, maintenance and substitution.
- 60 Section 16 of the RCC Act 1845 states, *“Subject to the provisions and restrictions in this and the special Act, 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 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”*.
- 61 Subsequently, the development is considered to fall under this part of the GPDO.
- 62 Pursuant to part A.1 of Class A, Part 18, 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,

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- b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

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

64 **Condition A2 states that prior approval cannot be refused unless the authority is satisfied that the development ought to be and could reasonably be carried out elsewhere on the land, or the design or external appearance would injure the amenity of the neighbourhood and is reasonably capable of modification so as to avoid such injury.** For clarity, the exact wording is listed below.

65 For such Prior Approval, Part 18 details that only the location and design or external appearance of a development can be considered. Development is not to be refused, nor are conditions to be imposed, unless:

- a) The development ought to be and could reasonably be carried out elsewhere on the land; or
- b) The design or external appearance of any building or bridge would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

9.1 ASSESSMENT

Discussion

Condition A.2 – Location

66 Development is not to be refused, nor are conditions to be imposed, unless:

- a) The development ought to be and could reasonably be carried out elsewhere on the land;

67 Network Rail have provided a justification as to why the proposed development should be at the proposed location and cannot reasonably be carried out elsewhere on the land. The submitted Cover Letter states that the main constraints of the site are the existing station configuration, operational and physical constraints, including the station and the elevated platforms, minimization of the impact on green infrastructure and disruption on passengers and the local community, and challenging construction access.

68 Network Rail confirms that the bridge must be constructed in the proposed location for the following reasons:

- a) The area close to the station is too narrow at the London end of the station. Therefore, construction and permanent work at this location would block the main entrance, affect signal sighting and potentially require platform widening and track slews;
- b) The existing footbridge locations cannot be replaced as these must remain in place during the construction. The existing footbridges are in poor conditions and their style and design are not suitable to accommodate the addition of lifts;

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- c) The platform area between the station building and existing footbridges is particularly narrow on platforms 4 and 5;
- d) It cannot be located at a further distance from the station as it would be significantly far from the station building and the main entrance, which would increase the length of walking routes;
- e) There is a steep, non-compliant ramp leading from the public subway up to the station building on platforms 4 and 5. This cannot be altered to achieve an acceptable inline/length.

69 The Council's Highways Officer has been consulted and confirmed that the above evidence is considered sufficient enough to cover the location analysis for the proposed development. Officers in their own assessment also consider this sufficient and reasonable reason and evidence.

70 In addition, Network Rail confirmed during the virtual local meeting on 15 November 2022 that two more different alternatives were explored regarding the potential locations of the proposed lifts. One of the options was to construct the lifts close to the existing subway but the narrow platforms and the existing signalling equipment would not allow the installation of the lifts at this location. In addition, given then current layout of the domain access, any proposed development would demand significant costs and there would be insufficient access to construct. This alternative would, also, involve the installation of an additional lift, which would get passengers from street level up to platform level. Then, the users of the station would have to walk along the platform to get another lift to get to the rest of the platforms.

71 The second option that was explored was to construct the 'Access for All' structure towards the main station building but this would cause problems to the civil engineering work and construction work. In addition, it would have an adverse impact to the station operations and the existing access arrangements to and from the station and to and from the platforms.

72 The two alternative options that Network Rail had investigated, due to engineering and construction issues, were not considered to be suitable for the proposed 'Access for All' scheme. Given the above justifications and explanation of the constraints of the above locations, Officers are satisfied that the proposed location for the construction of the proposed development would be reasonably acceptable.

Condition A.2 – Design/external appearance and its impact on neighbouring amenity

73 Development is not to be refused, nor are conditions to be imposed, unless:

- b) The design or external appearance of any building or bridge would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

74 It is noted that the previous design included the location of the proposed lifts on the Eastern side of the main bridge span. The current scheme places the lifts on the Western side of the main bridge span to reduce the impact on the nature reserve, improve constructability and reduce the volume of the imported fill materials required. These changes are welcomed and are considered to be an improvement of the scheme as they would provide a more environmentally friendly approach.

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Image 2: Indicative 3D Visual



Lift Shaft beside Springbank Road, providing access to platform 1

- 75 The lift shaft would be located beside Springbank Road and would provide access to platform 1. The top of the shaft level would be 14.38m from street level. The street level is 19.00m above sea level. The lift shaft height would be 33.38m above sea level, which would be the same at the lift shaft at Fernbrook Road. The only variable is the street level height above sea level and all dimensions are external.
- 76 Opposite the proposed location of the lift shaft there is a collection of dwellings. The face of the lift shaft would be located at a distance of 28.5m from the nearest properties and the glazed upper entrance would be located at a distance of 24m from the nearest properties, Nos. 2A Brightside Road and 38 Springbank Road. It is noted that the revised drawings indicate that the length of the perforated weathering steel enclosure alongside Springbank Road has been reduced.
- 77 Given the proposed height, the separation distance from the neighbouring properties and based on the assessment that follows below regarding the height requirements, Officers are satisfied that the proposed lift shaft beside Springbank Road would not have any adverse impact on neighbouring amenity and is not capable of modification as there is a standard height of lift shafts and the height of the structure has been determined by train clearance.
- 78 Furthermore, a new entrance is being proposed as part of the development, which would have a width of approximately 8m and a height of around 4.2m above street level, and would adjoin the wingwall. Given its separation distance from the face of the neighbouring properties and its moderate scale, Officers are satisfied that it would not have any harmful impact on neighbouring amenity.
- 79 It is noted that the revised drawings show that the wingwalls to the new street entrance have slightly increased in length and height to suit the increased gradients of the embankment slopes.

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Image 3: Indicative 3D Visual of Springbank Road



Lift shaft on platforms 2 and 3

- 80 The shaft would be located between platforms 2 and 3, and the top of the lift shaft would be in line with the rest of the proposed lift shafts. The proposed lift shaft would measure approximately 9.7m above platform level (platforms 1 – 4 level). The proposed lift shaft would be located at a significant distance from any neighbouring properties and as such, it is not considered to have any adverse impact on neighbouring amenity. In addition, Network Rail has confirmed that there is a standard height of lift shafts and the height of the structure has been determined by train clearance and as such Officers are satisfied that the proposed lift shaft is not capable of any modifications.

Lift Shaft on platforms 4 and 5 with ramped access between the platforms at ground level

- 81 The shaft would be located between platforms 4 and 5, and the top of the lift shaft would be in line with the rest of the proposed lift shafts. The proposed lift shaft would measure approximately 10.7m above platform level (platforms 5 – 6 level). The proposed lift shaft would be located at a significant distance from any neighbouring properties and as such, it is not considered to have any adverse impact on neighbouring amenity. In addition, Network Rail has confirmed that there is a standard height of lift shafts and the height of the structure has been determined by train clearance and as such Officers are satisfied that the proposed lift shaft is not capable of any modifications.

Lift shaft on the far side of platform 6, providing access from a new entrance at Fernbrook Road.

- 82 The shaft would be located on the far side of platform 6, providing access from a new entrance at Fernbrook Road. The top of the shaft level would be 18.78m from street level. The street level is 14.60m above sea level. The lift shaft height would be 33.38m above sea level, which would be the same as the lift shaft at Springbank Road. The only variable is the street level height above sea level and all dimensions are external.
- 83 Opposite the proposed location of the lift shaft there is a collection of dwellings. The face of the lift shaft would be located at a distance of 30m from the nearest properties and the

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glazed upper entrance would be located at a distance of 25.5m from the nearest properties, Nos. 36-40 Fernbrook Road.

- 84 Given the proposed height, the separation distance from the neighbouring properties and based on the assessment that follows below regarding the height requirements, Officers are satisfied that the proposed lift shaft beside Springbank Road would not have any adverse impact on neighbouring amenity and is not capable of modification as there is a standard height of lift shafts and the height of the structure has been determined by train clearance.
- 85 Furthermore, a new entrance is being proposed as part of the development, which would have a width of around 8m and a height of approximately 6.5m above street level, and would adjoin the retaining wall. Given its separation distance from the face of the neighbouring properties and its moderate scale, Officers are satisfied that it would not have any harmful impact on neighbouring amenity.
- 86 It is noted that the revised drawings show that the wingwalls to the new street entrance have slightly increased in length and height to suit the increased gradients of the embankment slopes. In addition, the fence line in Fernbrook Road now runs alongside the new footpath then abuts the wingwall rather than returning up the embankment slope.

Image 4: Indicative 3D Visual of Fernbrook Road



New link bridges to connect the lifts and platforms

- 87 The proposed straight bridge would extend from east to west, providing level access from the new lift shafts to all platforms. The existing footbridge connecting platform 5 and 6 and the existing access bridge connecting platforms 1 and 4 would be removed after the completion of the proposed works and new canopies would be installed to cover the gaps.
- 88 Given the proposed location and based on the assessment below that followed the local meeting that the Council held between Network Rail and local residents, Officers are satisfied that the proposed footbridge would not have any adverse impact on neighbouring amenity and is not capable of modification due to its long span and the potential clashing with other parts of the station.

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Ramp to connect platforms 4 and 5

- 89 The proposed ramped access route would link platforms 4 and 5 and it would not be visible from the neighbouring properties. As such it would not cause any harmful visual impact on the neighbouring dwellings.
- 90 Officers have assessed the development against any harm and have concluded that there would not be any harmful impact on amenity through the built form. Any concerns will be secured by condition.
- 91 A number of concerns has been received regarding the 'Access for All' scheme at Hither Green and its impact on the amenity of the neighbouring properties.
- 92 Network Rail states in the submitted Cover Letter that in order to minimise the visual impact on neighbouring properties, the vertical bridge circulation has been moved as close as possible to the platforms. There is a standard height of lift shafts, and the height of the structure has been determined by train clearance.
- 93 Furthermore, during the virtual Local Meeting, Network Rail confirmed that the minimum vertical clearance required is 5.2m, which has been proposed for the development at Hither Green Station. In addition, it was confirmed that the height of the bridge would be 3.5m. It is noted that Network RAILS has stated that at the time of the local meeting, the structural design was in its preliminary level and as such the final height was unknown. However, a bridge height of 3.5m was mentioned as that is the typical bridge height found on some other 'Access for All' schemes. However, Network Rail have explored this further and have concluded that it is not possible to reduce the height from 4.3m because Hither Green is a more complex station.
- 94 More specifically, sections of the bridge span are much greater than a normal two track overbridge found on previous schemes, making structural members larger, namely 450mm deep chords top and bottom with 3000mm high truss members. The applicant has provided a detailed drawing which indicates the aforementioned points. Furthermore, the internal height of the bridge needs to be compliant and make allowance for signage to be hung from the ceiling. If this was a typical footbridge serving two platforms signage would be positioned on the end walls, however at Hither Green the signage needs to be hung from the ceiling to provide clear direction to passengers. In addition, the bridge width at Hither Green is wider than previous schemes to cater for the number of passengers, and so proportionally the proposed height will provide a comfortable feel. Network Rail notes that from an engineering/structural perspective, a bridge height of 3.5m cannot be achieved and if a height of 4.3m is not acceptable then the scheme cannot progress.
- 95 Concerns were also raised regarding the height of the lift shafts and whether a slope could be introduced to reduce the total height of the structure. Network Rail confirmed that the clearance height from the running rail to the soffit of any new structure is 5.2 metres. This guideline has been implemented to platforms 1 to 4 as they sit at a similar level. Platforms 5 and 6 sit approximately 1m lower and as such it would appear as 6.2m above platform 6, which is the main reason why the proposed lift shaft at Fernbrook Road would appear higher.
- 96 Regarding the proposed footbridge, a straight bridge was considered the best solution in this location as pivoting the bridge would cause clashing with an existing staircase or the station building. Concerns were raised regarding the height of the structure and the potential introduction of slopes to mitigate its overall height. Network Rail confirmed that

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due to the long span of the bridge a continuous gradient would be dangerous, causing issues of stability for buggies and wheelchairs. In addition, the Department of Transport has specific standards for gradients. Given the length of the proposed span there could potentially be a drop of 600mm to 700mm, which would not be noticeable and would introduce a ramp, which would not be as safe as the current proposal. Therefore, the above information demonstrate that Network Rail have thoroughly considered whether the proposed development could be modified and it has been concluded that the current design is the most appropriate scheme for the provision of an 'Access for All' development.

- 97 During the local meeting, Network Rail confirmed that due to insufficient possession access this solution is considered to be the most suitable in the CP6 control period and any other alternative locations would be significantly difficult and costly to achieve. For clarity, Network Rail Control Periods are the 5-year timespans into which Network Rail, the owner and operator of most of the rail infrastructure in Great Britain, works for financial and other planning purposes. Each Control Period begins on 1 April and ends on 31 March to coincide with the financial year. Control Period 6 (CP6) covers the period from 1 April 2019 to 31 March 2024.
- 98 The possession strategy that has been adopted is considered to be the most viable solution by Network Rail given the constraints of the site and the available funding. It was confirmed that Network Rail and BAM Nuttall engineering teams have investigated thoroughly the proposed development in order to comply with the possession strategy that would be required for the specific railway lines and the available funding.
- 99 Concerns were also raised regarding the potential anticipated increase of vehicle traffic and foot flow. Network Rail confirmed during the local meeting that have undertaken an assessment and the findings showed that the proposed development would not cause a significant increase in the number of people that would use the station. The potential future increase would mainly relate to people that would need to use the lifts such as people holding a blue badge, using wheelchairs or carrying buggies. Therefore, there is no major anticipated increase in passenger flow and no traffic management would be required.
- 100 Furthermore, some objections refer to the significant distance of the proposed entrances from the closest bus stops and the problems that this could create for people with mobility issues or visual impairments. The new entrance at Fernbrook Road would be located between four bus stops. The closest bus stops (Hither Green Station (Stop Z) & (Stop U)) to the west of the proposed entrance would be located at a distance of approximately 120m – 150m and the closest bus stops (Fernbrook Crescent (Stop V) & (Stop Y)) to the east would be located at a distance of approximately 100m – 130m from the new entrance. Similarly, the new entrance at Springbank Road would be located at a distance of around 150m from the closest bus stop to the east (Springbank Road / Hither Green Station (Stop A)).
- 101 An unobstructed and obstacle free “accessible route is defined as “A distance, ideally not exceeding 400m, from the station entrance (or drop off point if further) to the appropriate point of entry/exit of trains at platforms”. Therefore, the proposed location of the new entrances would fall significantly below this requirement.

Materials

- 102 The proposed lift towers would be finished in brickwork in a mix of browns and creams and the footbridge would be made of steel frame with internal glazing and exterior

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punched/mesh effect screen in weathering steel. The introduction of glazing on the main bridge span around the lift shaft areas would improve the provision of internal natural light within the bridge span and ultimately improve passenger experience. The glazing will be stippled (obscure) to prevent any overlooking of neighbours.

- 103 The wing walls in the outer embankments behind platforms 1 and 6 would be concrete walls, comprising natural vegetation on their face. Both entrances on Springbank and Fernbrook Roads would feature concrete green roofs to allow flora and fauna to continue growing along the embankments. In addition, the staircases would be made of steel frame with tall obscure glazing, which would prevent overlooking of the neighbouring properties. Finally, the roofs would be finished in kingspan trapezoidal sheeting, the slope within the nature reserve triangle would be made of gabion baskets or sheet piling and the circulation area between platforms 4 and 5 would be paved with planters and seating. It is noted that the revised drawings show that the gabion basket wall alongside the new path in Fernbrook Road has been removed and more saplings have been added to the embankment areas.

Noise disturbance

- 104 Concerns were raised regarding the proposed noise levels that would be generated because of the new development. It is noted that the proposed lifts would be hydraulic type, which cause minimal noise. They would not feature any alarms or sirens and the voice announcements within the lift cars is unlikely to be heard from any neighbouring properties. In addition, the 'Access for All' scheme will fund the installation of a Ticket Vending Machine (TVM) and a minimum of 1 oyster reader at each entrance, subject to agreement with the Train Operating Company (TOC). The existing decibel level will not be increased and will be aligned with the environmental standard/code of practice.
- 105 Network Rail confirmed that a noise impact assessment has not been carried out for the proposed development. However, a previous exercise was used regarding the public announcement speakers and their noise levels at platform and station levels. The existing speaker and announcement system would remain unchanged and there would not be any additional speakers installed street level and on the new staircase. Furthermore, the proposed roller shutters would be soft closing automatically controlled roller shutters, which do not cause any significant noise disturbance.
- 106 The comments received during the consultation period made reference to the potential disruption that could be caused during the construction period. Network Rail confirmed during the local meeting that all construction areas would be secured with hoardings, there would be CCTV to monitor the sites in order to avoid any vandalism or theft. Designated walking and traffic routes would be introduced and traffic marshals would control the vehicle movements during the construction period. In addition, noise screening blankets would be used to mitigate any noise disruption.
- 107 Regarding the piling activities, Network Rail would use the pressing type piling which is considered to create the least noise and vibration in order to reduce the levels of disruption for the neighbouring properties and to minimise disruption to the operation of the station itself. In addition, surveys would be conducted to the structural integrity of the neighbouring properties in order to ensure that the proposed construction works would not cause any damages to the buildings. Network Rail will send notification letters to the neighbouring properties before any activities that would cause nuisance.
- 108 The Council's Highways Authority has requested that Network Rail should provide an outline construction management plan, to provide suitable mitigation methods where and

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if required for the surrounding highway network. A construction management plan would be secured by condition.

Safety/Security and Lighting

- 109 CCTV and lighting would be introduced at the new entrances to provide additional security and help prevent any antisocial behaviour. In addition, a new footpath on the toe of the embankment on Fernbrook Road side is proposed to be introduced leading to the existing station entrance. The proposed footpath would feature additional lighting and is considered to be an improvement to the current excluded and dark side of this road.
- 110 During the virtual local meeting, Network Rail confirmed that the lighting at street level would be compliant with the local authority standards to meet the minimum lux levels and to minimise the impact on neighbouring amenity. The proposed lighting would be in the form of LED fittings either on columns or attached to the structure. The proposed street lighting would be the same as the existing street lighting.
- 111 The lighting details would be secured by condition.

Ecology

- 112 It is noted that the site is currently a Borough grade Sites of Importance for Nature Conservation (SINC). The location of proposed footbridge is not included in the SINC area, only the two proposed entrances would be constructed within the SINC area.
- 113 Network rails has confirmed that a Preliminary Ecological Appraisal was carried out and did not identify any protected species within the area of the proposed development. Further results are being anticipated in terms of biodiversity count in order to keep any potential losses to absolute minimum. The existing vegetation and trees at the embankments would be removed in order to construct the proposed development. However, additional vegetation will be introduced on completion.
- 114 Due to the proximity of the proposed development to a SINC area, a soft landscaping scheme would be secured by condition.

Other issues

- 115 Concerns were raised for the lack of sufficient evidence form Network Rail regarding the funding arrangements, their employee salaries and whether there is opportunity to secure additional funding. Officers note that the funding arrangements for any proposed development are not a required document that has to be submitted with a Prior Approval application.
- 116 In addition, it has been suggested whether the applicant could enter into a section 106 legal agreement under the Town and Country Planning Act 1990 putting in place a binding obligation to take defined steps to mitigate harm or nuisance subject to agreed triggers. Officers note that according to the Planning Practice Guidance paragraph 009 *"By its nature permitted development should already be generally acceptable in planning terms and therefore planning obligations would ordinarily not be necessary. Any planning obligations entered into should be limited only to matters requiring prior approval and should not, for instance, seek contributions for affordable housing."* Therefore, planning obligation for prior approval are only likely to be necessary if they relate to matters requiring prior approval. As it has already been mentioned previously in the report, the matters requiring prior approval under Part 18, Class A are A.2(a) and A.2(b). Although, A.2(b) refers to the impact on neighbouring amenity, this is specifically

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concerned with the design or the external appearance of the development rather than the ongoing use of the building. It is considered that an obligation could not relate to either of those two elements requiring prior approval, given the location and design of the development are both determined prior to the beginning of the development. Therefore, a planning obligation concerning antisocial behaviour or nuisance does not relate to a matter requiring prior approval and would not meet the defined legal tests.

10 EQUALITIES CONSIDERATIONS

117 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

118 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

119 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

120 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

121 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

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122 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

123 The proposed ' Access for All' scheme would constitute an improvement to equality. Any potential impacts on equality given the facts and the planning issues set out above would be mitigated by condition. Officers have given full weight to all the representations received in reaching a decision.

11 HUMAN RIGHTS IMPLICATIONS

124 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

125 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

126 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

127 This application has the legitimate aim of upgrading an existing railway station under the Governments Access for All scheme. The rights potentially engaged by this application, including Article 8 and Protocol 1 are considered to be unlawfully interfered with by this proposal.

12 CONCLUSION

128 In light of the above, officers consider the proposals to be acceptable in regard to siting and appearance, and are satisfied it would not injure the amenity of the public realm, or neighbouring occupiers.

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- 129 The proposed works are considered to require prior approval, and prior approval should be granted by virtue of Class A, Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

13 RECOMMENDATION

- 130 That the Committee resolve to **GRANT** permission subject to the following conditions and informatives:

13.1 CONDITIONS

1) SOFT LANDSCAPING DETAILS

- 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 as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

2) EXTERNAL LIGHTING

- 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.

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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 and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

3) **CONSTRUCTION MANAGEMENT PLAN**

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.

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 and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy T7 Deliveries, servicing and construction of the London Plan (March 2021).

4) **MATERIALS/DESIGN QUALITY**

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) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

13.2 **INFORMATIVES**

1) **REASON FOR GRANTING PRIOR APPROVAL**

In reaching the decision to grant prior approval under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015 the Council has

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considered that the development could not reasonably be carried out elsewhere on the land; and that the design or external appearance would not injure the amenity of the neighbourhood.

2) **CONSTRUCTION**

You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

3) **LIGHTING CONTROL**

The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.

14 BACKGROUND PAPERS

- 131 Submission drawings
- 132 Submission technical reports and documents
- 133 Statutory consultee responses
- 134 Screening Opinion

15 GLOSSARY

Glossary

Abbreviation	Definition
Bridge deck	The road, railway or pedestrian walkway that forms the surface of a bridge
Bridge soffit	The underside of a bridge

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Embankment	Artificially raised ground, commonly made of rock or compacted soil, on which a new railway or road is constructed.
Track bed	The groundwork onto which a railway track is laid.
Lift shaft	The vertical shaft in a building which contains a lift (elevator) platform or cab, and through which it is moved from floor to floor.
Piling	Driving and embedding piles of wood, concrete or steel deep into the ground, to support buildings/structures at the foundation level.
Slewing	The horizontal re-aligning of existing track without full reconstruction.
Vertical clearance	The vertical height between the tops of the rails and the underside of the bridge
Possession	A possession is the term used by the rail industry for the action of placing special protective measures to prevent access to sections of track by unauthorised trains. This is done to enable safe asset intervention activities (maintenance, renewals, refurbishment, or enhancements) by maintenance and engineering staff.

16 REPORT AUTHOR AND CONTACT

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APPENDIX 1 – LOCAL MEETING NOTES 15/11/2022

Councillor Eva Kestner

Welcomes participants to the meeting and explains running order for the night. Introduced the panel and asked Darren Ashley (BAM Design Delivery Manager) to provide a short presentation on the scheme.

Antigoni Gkiza

Informed everyone that the meeting is being recorded in order to take notes for the minutes.

Councillor Eva Kestner

Thank you so much and I will hand it over to Darren.

Ashley Darren

It says he is sharing his screen. Is anybody seeing?

Councillor Eva Kestner

Yes.

Attendant

Councillor Kestner, I'm really sorry to interrupt you. I'm getting messages from my neighbours saying that they're trying to join the meeting and it's saying that the link is invalid.

Councillor Eva Kestner

I'm going to turn around to Antigoni. Sorry about that. No, no, it's absolutely fine.

Attendant

Is it possible to resend the link out? I've sent them the link on our WhatsApp group for our street from the one that I was emailed. I don't know. Antigoni, very kindly e-mail me the letter and I forwarded it to my neighbours.

Antigoni Gkiza

Yes, of course. I can see a lot of people have joined the meeting, so I don't think the link is invalid. OK, great, I will send it to you again now.

Attendant

Thank you so much. I'm so, so sorry again for interrupting.

Ashley Darren

Ashley Darren shares screen showing 'Hither Green Station Access for All' presentation.

We are all here tonight to discuss the Hither Green Station 'Access for All' project that BAM Nuttall will be delivering on behalf of Network Rail. And for those that haven't seen this before, a brief background to the project and what access for all means, which is basically an obstacle free, unobstructed accessible route from drop off points near the station entrance to and from each platform and in between each platforms. Currently, that there are no Network Rail managed blue badge bays nor designated drop-off points at the station. So

for the rest of this presentation, the drop off points will be considered as the street parking facilities in either Fernbrook Road to the north of the railway or Spring Bank Road to the South of the railway.

You may have heard that this scheme has been in the off in for many years now. Network Rail first had this scheme to deliver in CP5, which is our control period 5 years, of 2014 to 2019. But unfortunately no ideal solution could be found a for funding and constructability reasons. Some of those reasons being the existing footbridges. The easiest option perhaps would have been to attach lifts to the existing footbridges but the footbridges themselves are very old. They need a lot of repairs, strengthening and modifications to accept new lifts. The footbridges on platforms 5 and 6 don't even lend themselves to have lifts attached because they're hipped style.

There was talk about perhaps taking out the existing footbridges and replacing them with the new AfA structure. But again, you'd have to take out the existing footbridges first, put in a temporary scaffold passenger footbridge to get people up and over between platforms in the interim, and then install the new footbridge. But unfortunately there's insufficient funding and possession access to do that in the CP6 control period, at the moment. Opening up of the existing ramps, I think historically you could come from the subway between Maythorne Cottages and Fernbrook Road and get up to each platform. But the 'Access for All' standards say that no ramp should exceed 2 meters in total height and from street level up to the platform levels is about 4 meters. So, it's non-compliant. Plus, unfortunately, in those ramps now we've got a lot of signalling equipment and lots of other railway operational equipment, which would prevent such. So basically there's been lots of lots of ideas over many years, none of which came to fruition. All were given the task of looking at a potential solution to deliver 'Access for All'. The heads of engineering at BAM Nuttall and Network Rail came together to come up with a solution that fitted the possession strategy that you get on these railway lines, the funding that was available. The solution that we are presenting is honestly the only solution that is viable.

So jumping back to the station, currently there are two access points. You've got the subway between Maythorne cottages and Fernbrook Road. There is a steep ramp to get up to the subway from Fernbrook Road in the first instance. And once you're in the subway there's another steep ramp which gets you up to the platform, in between platforms 4 and 5. There is a second entrance which is stepped, which is at the far country, as we call it, the eastern end of platform one in Springbank Road, neither of which as say the steep ramps nor the steps um afford 'Access for All' criteria. So, in summary, the station hasn't got 'Access for All' facilities and, as I mentioned earlier on, to get from platform level to street level without going more than two metres in height means the only option out there is to install lifts and to get people from street level to platform level via lifts mean that you need new entrances, basically, and the reasoning behind that is that we did look at is there any possibility of putting lifts anywhere near the existing subway. Unfortunately, the platforms are very narrow. We have lots of signalling equipment. There's no way of widening the platforms or moving the traps across. There's just insufficient funds and possession access to do that sort of thing. Plus with the existing domain access coming through the subway, anything in this red area is basically too difficult, too costly and insufficient access to construct.

Another option we did look at was to put the 'Access for All' structure in this sort of this orange band, which is replacing existing footbridges, which were discussed earlier, which is impractical. This triangle is the station building. So, any kind of civil engineering work and construction work in that area would just be too problematic, too much of an interface with the station operations and existing access arrangements to and from the station and to and

from each platform. So, the only alternative that we could think of was to put a new access rule structure in this sort of this area bounded by green. Now obviously, as I said before, you've got to get from the street to the platforms and being in this green area, there's no option apart from putting a new access point somewhere along sort of this green belt here and green belt there. Brightside Road offers a sort of a blank face as such. So, it's the start or the entrance of the new structure and its positioning is offset Brightside Road and the flank walls of a few houses. The structure it's a continuous straight bridge across all platforms offering access to and from each platform to the street. Unfortunately, we haven't got like a side road on Fernbrook Road we can offer.

So, the solution is a straight bridge. Going across all platforms and access to and from each platform and access down to the street. And the scheme will maintain the existing access points, so the existing subway will be used by those approaching from the West or the North and able to get up the ramp. The staircase will still be in place for those, again, that are able to come from the east and can use the staircase. But those that cannot use the stairs or steep ramp have got the new step free access points, which is the new street entrances with lifts at these two points here. So we've gone from having just two station entrances to four and you can see, by the introduction of yellow arrows, it just gives some more widespread flow of passengers to and from, in and out of the station.

Here is a visual of what's the new structure will look like and say this is the Springbank Road and Brightside Road entrance now. So, we presented this all many months ago. Thought all of the feedback as best as we could. We tried pivoting this point, which is somewhat fixed because we're trying to be offset Brightside Road. There's the existing footbridge, is not shown here, but there's an existing footbridge that we need to keep open and operational. So, we left the smallest gap possible for passengers to safely navigate around the platforms and a bit of construction space. So, the bottom of that staircase is somewhat fixed. So when you draw a straight line through, that's where we ended up. Now, we tried, we looked at pivoting as much as we could but if we start pivoting from this point then we start clashing with the existing staircase over here. We start clashing with the station building over here. So we've tried our best to pivot and move the Fernbrook entrance as close as we can to the subway but unfortunately we are where we are. If we moved Brightside Road's entrance further up here then the structure will be like a 'banana' shape or it would pivot and actually make the Fernbrook Road entrance up here if we were to stick with the straight bridge concept. We hope that a straight bridge gives a much better passenger experience, better and clearer sort of way-finding through the station.

Some more visuals of what it looked like from Fernbrook Road side. That's the Springbank Road side offset Brightside Road.

I think one of one of the questions that we had from the previous presentation was '*Had any pedestrian flow analysis being carried out to determine sort of like the anticipated or possible increase in passenger numbers to and from Fernbrook and Springbank Road?*' So, Network Rail undertook an analysis, findings don't read any increase just because we put some entrances to the station. There is no reasoning why there would be an increase in passenger flow. The only increase in passenger flow that we foresee would be those that need the step free or those that are in wheelchairs or perhaps buggies or luggage etc. Yes, there may be an increase but we're talking minimal and those, as I say, with perhaps blue badges or those being dropped off with heavy luggage or buggy. So not a not a huge amount. People, as I say, that they're used to their normal commute to and from work. We don't envisage too many people changing their routes. People will still get off trains at the same position if they're able to. They're carrying walking down the subway and out as they normally go. So

currently we're not predicting much of an increase to passenger flow using the new entrances.

I think there was discussion previously about the sort of the materials and the colour of the scheme. Network Rail spent a lot of time, I think it was a six month period, and a lot of money talking to the Design Advisory Panel, which consists of local architects and I think it says Lewisham planning representatives that may be Lewisham design representatives, and they were asking for this structure. Yes it's on the Greenbelt, so we try to make this structure as green or as living as possible so whether they're talking about browns and creamy colours and greens. So we've taken on board exactly what they were sort of hinting at and suggesting so the colour schemes are as discussed with the local architects. There's use of perforated weathering steel for the brown colouring and the fact that it's perforated and folded is to stop the overlooking of the neighbouring properties. Any glass on the exterior faces of the structure will all be obscure so there's no threat of overlooking. The central spans will be clear glass to enable the overlooking of the, I think it's known as the nature reserve or the Hither Green Reservation Area, in the centre. But the potential for overlooking on the extremities will be removed by having the obscure glass and this perforated weather in still.

There were discussions about antisocial behaviour, security, etc. Roller shutter doors, remote control that is by the station staff, quiet closing will be introduced at the entrances to close the station off when it's not in use. There will be, obviously, adequate and soft lighting, so we're not illuminating people's bedrooms or front rooms. It would purely be aimed at illuminating the access to and from a station. There'll be discreet CCTV looking after the station and not overlooking people's private properties. I think we even talked about noise last time. It's soft closing, very quiet. There were no PA speakers down at street level. The lifts are hydraulic types that are very quiet, very discrete and there's no fire alarm system. So there should not be any loud noises at all. If there's a problem with the lift, it's a call button that goes through to the Control Centre. So, that is our presentation of the scheme. We believe we've taken on as many comments as we could from the previous presentation and developed this slightly amended proposal. So, back to you Eva.

Councillor Eva Kestner

Thank you very much. So I will ask you to stop sharing your screen and I'll just quickly highlight the main areas of the key themes for tonight's evening. So, the first one is around design, so the scale; the height; whether it's out of character; overbearing. So, it covers all of those issues. And the second one is ecological, greenery removal; basic loss of biodiversity and the nature reserve, and some of these things have been touched on in the presentation. Transport and highways. So vehicle and pedestrian traffic; impact on the neighbourhood and amenities. So things like sunlight; overlooking; noise disturbance; the increase in traffic, parking issues; disruption from the construction and anti-social behaviour. And then lastly, community consultation. So, engagement with the local community. As I said at the beginning of the meeting, we have been given quite a lot of written submissions, as has been asked for. So we'll kind of go through those.

I will ask a question and I will ask the panel to respond. So, we'll go straight into it. The first question is 'Could Network Rail state categorically whether it would be impossible to engineer a design solution whereby the new bridge and entrance on Fernbrook Road was located closer to the existing entrance - say in the location of the existing bridge between platforms 5 and 6? If it is not impossible, could then Network Rail set out why it thinks it would not be reasonable to adopt such a design solution, given the only practical

impediment would appear to be it would require the erection of a temporary footbridge to allow the prior removal of the existing?’

Ashley Darren

Yes, it is possible to put the entrance or new lift structure closer to Fernbrook subway. We did look at that. Unfortunately, I think I've mentioned earlier on, there is insufficient funding and possession access to do such work. And it would involve an additional lift to get from street level up to platform level and then people would have to walk along the platform to then get another lift further along the platform to get up and across to all the other ones. So it would actually introduce an additional lift, which is obviously more money and the scale of the work we're doing on the embankment, we'd still have to do all the sheet piling and cut into the embankment to get the lift shaft further down the platform, would have to do it twice, tell the truth, one at Fernbrook ends and one at the other end. So everything is possible if you've got the access and the funding. But this scheme is all about 'Access for All'. So we've taken that on board and we've engineered the best solution. The Heads of Engineering and Heads of Design have worked on this. It's not just been put on a piece of paper and said 'right that's what you're getting'. We've had a lot of time and money spent. The panel, they were taken to site and walked around and I think most agreed that this is, for what we've got moneywise and access wise, the best solution.

Councillor Eva Kestner

Thank you. And then the next question 'Would the existing entrances on the south side of the station (the tunnel at Nightingale Cottages and the stairs opposite the shops on Springbank Road) be retained as permanent entrances even after any new access point were to be opened for use?'

Ashley Darren

Yes, there are two existing access points. They stay in place throughout construction and they stay in place after construction. So we go from two to four.

Councillor Eva Kestner

Thanks. And then going kind of looking what the proposed vertical clearance and the depth of the bridge deck is. So question three was 'What is the maximum slope that could be introduced here under Building Regulations and/or Network Rail guidance to reduce the height of the structure of Fernbrook Road and therefore its impact? Could this be achieved and if not, why not?'

Ashley Darren

The clearance height from the running rail to the soffit of any new structure is 5.2 metres. It's obviously the safe structure gauge as we call it kinematic envelope. And plus it also allows for future proofing, should the railway ever decide and get funding to bring in overhead line electrification. So, 5.2m is the guideline which is what we set above platform 1, because platforms 1 to 4 are similar levels, give or take up sort of 100 millimetres. Platform 5 and 6 are about a metre lower. So when we set the bridge soffit at 5.2m above platform 1, it becomes 6.2 above platform 6, which is this issue about 'can we lower platform 6'? Yes, you can introduce sort of slopes and gradients on those structures, but obviously, this is quite a long bridge span between the central span of platform 4-5 going over to 6. It's a long span. Continuous gradient would be a danger to sort of roll away buggies and wheelchairs. That is one thing.

There are regulations about gradients. There are standards in the Department of Transport, standards like the maximum going is 10 meters with a maximum gradient of 1 in 20, say 500 millimetres. So with the length of that span, you could potentially drop the bridge 600 to 700 millimetres on Fernbrook Road side, but you're introducing a ramp, which is what we're trying to get away from. We're trying to give people a level playing field. It's safer by not having a ramp and on the grand scheme of things, 600 to 700 millimetres, which is just over 2 foot, I don't know if you could notice it over such a wide span anyway. If it was a 2 metre drop or 1.5 metre, I'd say that you would definitely notice it, but you can't have that sort of gradient over that span that we've got. Hopefully, that makes sense.

Councillor Eva Kestner

The fourth question is 'Could the depth of the bridge deck be reduced to that shown on the previous application (3.4m) and if not, why not?'

Ashley Darren

The original concept drawings, because we knew we had to put out for planning, we don't spend months in full design submit only for perhaps the application to get retracted or withdrawn or rejected. So it was concept drawings only. Most bridges that we design, because we have to collect the rainwater, normally there's a pitched roof. You have a peak in the centre and it flows out to the side. The architects looking at it said that there would have been a huge peak in the centre, so they were looking at perhaps an integral valley gutter, and not knowing how deep that was going to be, they did show a deep roof section to make sure we had the depth for falling towards the central gutter. The latest drawings that I do have now, which have just come in from the architect, shows that the height of the bridge is about 3.5 meters. So it isn't a 4.4 meters, it will be around a 3.5 metres as per the original. They've been planning about how the guttering will work on the bridge, so we can confirm it won't be 4.4 meters, it'll be around 3.5 meters.

Councillor Eva Kestner

And then the last question around the vertical clearance and the depth of the bridge deck is 'What is the minimum vertical clearance required at these points (platforms 1 and 2; 3 and 4; 5 and 6) and is this being achieved? If not, why not?'

Ashley Darren

Yes, the 5.2 meters is the minimum, which is what we've gone for. We've gone for the absolute minimum and then we've carried that bridge, the level across in a straight line, as I mentioned earlier, to prevent putting gradients on the bridge.

Councillor Eva Kestner

And then the last question in this section is around 'How have Network Rail and its agents considered the characteristics of Hither Green (a very predominantly Victorian and Edwardian area in terms of architecture) in the design scheme?'

Ashley Darren

The very first options we came out with were very chunky and clunky, typical railway structures. The Network Rail architect said 'all that's that doesn't look very pretty. We need to sort of consult the local authority.' So we took it to DAP the design advisory panel and it was from that that we came with this idea of the brownie creamy brick structure, the green roofs to continue the fauna and flora across the embankment, living walls. So we're adding in vegetation over the concrete facing to try and make it blend in a bit more with the local

structure. Appreciate that we've got yellow bricks and red bricks and all types of different things. We've got render. There's so many different features in the area, it would be impossible to match. So we went with what the design advisory panel suggested, which is the browns and greens to tie in with nature, which is what I hope comes across in the CGIs.

Councillor Eva Kestner

I'm just going to take a moment for a little bit of housekeeping. As I said at the beginning of the meeting we've got quite a lot of questions to get through that have been pre submitted. So I'm not going to be taking anything from the floor until to see if we've got time at the end. Just to make sure that everyone who did take the time to submit questions, get them answered. So I'm not ignoring the handout but again if you wanted to put that question in the chat that would also be fine and I can pick it up from there.

Moving on to the next point, which is around the ecology and the biodiversity. So the first question around this is 'What ecological surveys have taken place and when?'

Ashley Darren

We've carried out some preliminary ecological surveys, I think that was in June this year. And so we've had the experts out there looking for all the different types of fauna and flora. There's been a PEA which is a Preliminary Ecological Appraisal carried out and it hasn't identified any protected species of any kind. That's on the embankments ending the triangle in the centre and biodiversity count has been carried out and calculations have been done in the background and the report that will come back to us soon would tell us what we need to put back in to make sure that any losses kept on absolute minimum. We do need to cut down vegetation and trees on the embankments. We can't plant trees on completion because those said trees, their roots will damage and undermine the new street entrances we're putting in. So it will be green, it will be vegetated, but it won't be trees on the embankment.

Councillor Eva Kestner

Anuk, did you want to add anything to that?

Anuk Perera

Not really. I think Darren has covered it alright.

Councillor Eva Kestner

Excellent. Thanks. So, the next questions is 'Why has Network Rail already begun to cut down trees further along Springbank Road?'

Ashley Darren

Obviously, this scheme entails quite a lot of work. Construction-wise, there's lots of surveys that need to be carried out. There are high voltage electrical cables, the cables that actually supply the electricity for the trains to run. They actually sit on the embankments on both sides of the railway which we were unaware of to tell the truth until we started doing our survey work. Further investigation has led to find out that there's a leak, believe it or not. The oil feeder somewhere on that Springbank Road side. So some trees and vegetation have been cleared all the way along at the sort of the middle of the bank and the top of the bank to try and expose that HP route and let the survey and any potential repairs to be carried out.

Councillor Eva Kestner

Those were the two questions in that category. And then moving on to around 'Transport and Highways'. So looking at 'vehicle and pedestrian traffic' 'Have Network Rail carried out or commissioned any impact studies in respect of vehicle traffic and foot flow on the basis of the new development proposals? If so, when, and what were the findings?'

I know you covered that a little bit in the presentation.

Ashley Darren

Pedestrian flow and foot flow that Network Rail team has carried out and there were findings showing that there won't be much of an increase. Yes people will use that. Those able bodied that want to go East will use that new staircase. But the numbers are minimal, according to that report. The increase will be those that need the lift, i.e. those holding blue badges or in buggies. So we don't expect a massive influx of those that are in wheelchairs to come to the station. So we're not talking thousands, we're talking sort of a minimal number that perhaps live in the area, go to a different station and they will now come to the Hither Green Station.

There is no blue badge parking so they will, at the moment and unless things change with local authority and parking bays, just turn up and park in Springbank Road or Fernbrook Road in the street parking and then make their way to the lifts on either side.

Councillor Eva Kestner

And the next question 'How would vehicle traffic and foot flow be managed along Springbank Road? For example, would there be conditions imposed on any permission to Network Rail which require traffic control measures to be put in place (such as pavement widening, pedestrian crossing points, traffic islands, speed bumps, and speed limit enforcement including cameras)?'

Ashley Darren

We're not anticipating more people turning up at the station apart from those that need the lifts. There's no reason why there should be more people turning up at this station than what they're currently is, unless you need to use lift. Those numbers expected to be minimal. How you currently get to the station? Yes, there's two new entrances. Will it change their behaviour of where they cross the road and how they cross the road? It shouldn't do. There's no designated parking, so it's still the same parking to the station. You park in Springbank Road and walk either to subway or the steps. Now you're parking at Springbank Road and you might use that central access point. We would say that on Fernbrook Road there is a new footpath going in that runs along. At the moment, the cars park up against the railway fence, so if you're parking there you actually get out into the road and so you have to cross the road to get to somewhere safe. With our proposal, there's actually going to be a footpath running alongside there. So if you park, you can now get out more safely onto a footpath and head off towards either the subway or into the station entrance.

I think our original application had separate crossings and some blue badge parking bays, but that was indicative because that hadn't been agreed with local authority. That's perhaps something that will be discussed at a later date and if it is agreed then all the better. But at the moment, we do not envisage the need for any sort of traffic calming or traffic management because as I say there's no increase in or major increase in passenger flow and how they use that station.

Councillor Eva Kestner

And the next question is 'Would station users who make their incoming and/or onward journey by motor vehicle be prevented or discouraged from using nearby quiet residential roads (such as Brightside Road) for station access (including rat running, idling and parking), and, if so, how?'

Ashley Darren

Just because we've increased the number of entrances, I don't see why that's going to increase the number of people that use the station apart from those that need the lift. So there might be a dozen, might be two dozen extra people a day in wheelchairs or buggies that use it. There's typically ample parking in the streets, Fernbrook and Springbank Road, so do not envisage any increase in running on the side streets other than what you've currently got.

Councillor Eva Kestner

Just before we move on, is there anyone else from the panel that wants to add anything around that issue? No?

The next topic we'll be looking at is the impact on neighbouring amenities. So the questions that we've got here are around kind of noise disturbance and usage levels. So, 'Have Network Rail carried out or commissioned any noise impact studies? Have Network Rail and/or its agents considered: the effects of proposed station speaker locations; noise from equipment such as security shutters; and, noise from station users late at night etc? How would noise impact of the proposed scheme be mitigated?'

Ashley Darren

Sorry, I cut out there. I was talking about other schemes. Did anybody hear that or did I've lost connection?

Councillor Eva Kestner

Yes, we lost you there.

Ashley Darren

Sorry. It was the previous response to sort of the traffic etc. So BAM and us we've delivered about 12 'Access for All' schemes now in Kent and Sussex over the last few years. Some never seen an issue, I mean a lot of these are at stations with 3 or 4 Blue Badge parking bays in the car park. The level of passengers and the number of parking bays, all that, all that sort of stuff, haven't seen any increase whatsoever in any of those situations by introducing lifts. I say typically you go there and there's one car in the four blue badge bays, now you might see two, as an example.

Then I cut out, so I don't know where we're up to now.

Councillor Eva Kestner

Don't worry, that's fine. I will get us back to go but you finished on the last question around that? There's nothing more that you want to say?

Ashley Darren

Okay, thank you.

Councillor Eva Kestner

So we're moving on to the impact on neighbouring amenities and looking at noise, disturbance and usage levels. And we have three questions on this. So, the first one 'Have Network Rail carried out or commissioned any noise impact studies? Have Network Rail and/or its agents considered: the effects of proposed station speaker locations; noise from equipment such as security shutters; and, noise from station users late at night etc? How would noise impact of the proposed scheme be mitigated?'

Ashley Darren

For this scheme at present we haven't carried out such formal exercise. Previously there was an exercise. The public announcement speakers on the platforms and up in the station, they're on two different zones, day and night because of the problems with noise affecting. So that study was used and with this new scheme with a new bridge, there are no speakers down at street level, there are no speakers on the new staircase going up. So the existing speaker and the announcement system is unchanged. That's all the noise. The lifts are hydraulic type which are very, very quiet. I think I mentioned previously there's no alarm system. If it breaks down, then you press the help button within the lift itself. The roller shutters, they will be the soft closing type, not a heavy corrugated metal thing that just slams down and makes the earth shake. It will be the soft closing automatically controlled roller shutters. We have CCTV, there is lighting near the entrance to help with security and try to prevent any antisocial behaviour as best as we possibly can. I'd say that especially on the Fernbrook Road side, the introduction of the footpath on that far side with obviously lighting, we feel it improves the sort of the ambience or security of the area because at the moment it's pretty sort of excluded and dark down that side of the of the road. By putting in a footpath with lighting we believe that's an improvement.

Councillor Eva Kestner

And the next question is 'Could Network Rail provide information on the likely levels of usage of the Fernbrook Road entrance during different times of the day, the levels of nuisance/disturbance that might occur; and, if this is exceeded, what binding mechanisms they will put in place to reduced such nuisance?'

Ashley Darren

I've already covered about the usage like the pedestrian flow analysis that was carried out. Levels of nuisance and disturbance. If the entrance is shut and it's secured and you have lighting and CCTV, who knows, is all I can say. I mean that it could change on a daily, nightly basis. You don't know who, who lives there, who moves in, who moves out, who travels through at the moment. At the moment we don't anticipate anything because there's nothing there. It's just a wall, it's an entrance which is closed off. So whatever you can do there, you could do elsewhere in the street or at the far end where all the shops are and there's more to do for those that wish to be a bit of a nuisance of a night time.

Councillor Eva Kestner

And then the next question around the impact of neighbouring amenities and is around the disruption from the construction. So 'How would the safety and security of local residents and station users be ensured during any construction phase? How would Network Rail ensure that that there is no adverse impact upon the structural integrity of nearby buildings during the construction phase?'

Ashley Darren

Let's say, it's construction work. We do this on a day in, day out basis. Working all around the world everywhere in a safe controlled manner. So all working areas will be secured with hoarding. There might be security and CCTV actually monitoring our sites to make sure that or try to reduce any vandalism and theft. Entering and exiting out works area, there will be marshals that traffic marshals, there'd be designated walking routes and traffic routes. There will be noise screening blankets. We're limiting the work to daytime wherever we can. Obviously, there will be some disruptive, what we call possessions, which are the night time or weekends where we have to work to do the lifting in of structures and like over the track.

Probably the main course of concern for the residents would be the piling activities. We've got to basically cut into the railway embankment an 8 metre depth. So we've got some big sheet piling to install. We've already chosen what we consider to be the least noise and least vibration, which is that sort of pre-ordered geek and type which is the pressing type piling. I wouldn't say most complex, it is definitely the most expensive type of piling but we've taken on board that it's better to try to appease the neighbours and keep the noise and vibration down. So we've gone with the prerogative geek and type piling pushing, type piling. Yes there will be some noise, it's a construction site but we will do everything within our means. Obviously, carry out work to acceptable levels agreed with the appropriate authorities. We're a considerate contractor. We will do whatever we can to minimise noise and disruption, thus suppression. The best part and equipment, everything we possibly can.

There will be sort of monitoring going on. We'll have tabs, we would like to do condition surveys of people's houses and properties because what we wouldn't want is a year down the line being accused of causing cracks in the ceiling or perhaps already there. Not saying that that will happen, but we just want to cover everybody and our client and ourselves that we are and have done the best we possibly can during this work.

Anuk Perera

Just to add that if there are any activities that will be a nuisance, we'll carry out a letter drop prior to the event so that anyone who's affected will be notified in advance before we do anything.

Councillor Eva Kestner

And we've got to the last section which is about community consultation. So it runs quite nicely on the back of that question, which is 'Could Network Rail explain why it has failed to follow its own stated principles of good design and properly engage with the local community and Lewisham Council (we are told there was no pre-application process followed) in bringing forward these proposals?'

I'm just going to add to that question as Jeremy Taylor put into the comment chat that they don't feel that Network Rail has engaged properly with the Community and also there was another comment saying that they live near the station but they haven't actually received any correspondence about this meeting. So I think that's one for Network Rail and one for the Council officers. Can I ask Network Rail to go first, please?

Ashley Darren

That's for Andrew or Hodan or somebody.

Hodan Hassan

Of course we were always planning to hold an engagement with the local community. Of course, the first engagement was back in April this year. Of course, we've submitted the

planning application. Of course the application was quashed back in July of this year. So during that time, we've been amending the design and adding more details including the surveys and the reports we've been carrying out, following the feedback we've received from the community and from the engagement we've carried out in April but yeah, so until we were really called for this meeting, our plan was always to hold a follow up meeting with the local community and engage and do briefing sessions just like this and for this month and in December. So, yeah, the Council beat us to it.

Councillor Eva Kestner

And then can I ask for a response from the Council as well?

Antigoni Gkiza

Regarding today's Local Meeting, those who have made representations regarding the application have been invited with an e-mail address/postal address. So we have sent the invitations for this meeting to everyone that has submitted representations for this application. It's in line with the Council process regarding local meetings.

Councillor Eva Kestner

Thank you very much for that clarification. We've got a couple of minutes, I'm going to try and wrap up any questions. I know that 'Attendant' and 'Attendant' have been waiting very patiently to ask a couple questions. So if I can ask you, very short questions because you've only got 5 minutes. But 'Attendant', if you could quickly ask question now and then I'll ask 'Attendant'.

Attendant

Hi, Eva. Please let 'Attendant' go first. It's absolutely fine. 'Attendant' should be priority.

Councillor Eva Kestner

'Attendant', if you could ask your question that would be great.

Attendant

Just to follow it really quickly, I gave my e-mail at the last meeting. I haven't received any correspondence at all. So just to kind of make that clear and I think that I'm not alone in that because the last meeting was packed and this hasn't been. I didn't know this meeting was happening apart from the fact that 'Attendant' let me know. So just to kind of flag that. So, I think that something has gone wrong in terms of how it comes along the way and consulting local residents. I think it's evident in the fact that we only have, you know, a few people here. I came in late, so apologies for that. So these questions may have been asked, so do you let me know if they have been.

My biggest concern is lighting. I think we have spoken about it, but the current lighting opposite Alamo is kind of stadium. So it's like stadium level kind of light at night time. You walk past there, if you're kind of the flats opposite, it's just kind of beaming out. So just to clarify that the lighting for this will be different to the lighting currently used because I would find that really difficult to live opposite.

Ashley Darren

I can tell you that the lighting down at street level is to local authority standards. I think it is 15 lux at level. So it'll be the same as the existing street lighting. It will not be flood lighting

because we've taken on board the comments about not illuminating your properties by this new structure.

Attendant

So just to clarify, it won't be as bright as the existing lighting opposite Alamo?

Ashley Darren

Sorry, where is that lighting? Is it railway lighting?

Attendant

Yes, it's railway lighting and currently at the entrance on Springbank Road.

Ashley Darren

Right, by the stairs?

Attendant

That's it.

Ashley Darren

That's a different scheme. I don't know who did that. They would have done that to Network Rail standards which obviously the lighting requirements for step to access for railway passengers is a lot different to local authority general users. So 15 Lux is minimal. It's exactly the same as what you've got up typically out on the streets.

Attendant

Great. And then super quickly I know in the last meeting we talked about there was a request to have a green wall rather than that kind of expansive brown? Has been any change in that design at all?

Ashley Darren

Not at the moment because it's weathering still the green wall or the living wall as we call it. I say you are talking about natural plants on the embankments growing over the concrete. Not an issue. Putting the living plants on a functioning roof and traipsing down, the structure itself becomes a maintenance. You don't have to maintain the concrete, but you do have to maintain the steel works. At the moment there's no plans to trap vegetation over the upper structural bridge.

Attendant

Apologies, I probably used the wrong terminology. I meant green colouring of that wall rather than that expansive brown. I think many of the residents felt that it would blend better into the trees if it were green rather than brown. So not a green living wall but a just a green colour.

Ashley Darren

At the moment we're proposing weathering still because there's no maintenance to it. Once it weathers down, it gets that lovely brown colour. If you start looking at 'greens' then we get on to sort of painted or powder coated type structures, which means a maintenance issue, a bit more of a problem for Network Rail, but that's something that can be considered. The colour palette and materials somewhat will be led by the local authority.

Attendant

OK. And will we be further consulted about that?

Ashley Darren

Over to my Network Rail colleagues and the Local Authority.

Hodan Hassan

'Attendant', just to clarify of course we held that meeting back in April and I did share my e-mail address in the chat. I was hoping you would contact me on my cell phone and have been trying to find your e-mail to contact you directly. I know you raised some questions but all the questions that have been raised by all the residents, we have responded to them via Network Rail's community relation e-mail. Just to clarify another aspect, this meeting was called by the Council. Network Rail were invited, so we didn't know obviously until about two days ago but of course we will be holding further meetings to just go through the construction methodology and discuss the other works in detail.

Attendant

OK. I've just replied to the e-mail that I sent you back in April, on the 20th. Just to be clear, it maybe sounds as if some resident's emails have gone away. I think 'Attendant', who's also on the chat now, said that she didn't hear about this meeting either. I want to kind of pass everyone to you, 'Attendant'. I don't want her to miss out on her questions. So thank you.

Councillor Eva Kestner

We've got a couple of minutes, so if you can be really quick.

Attendant

I'll go super quickly. It's a bit of a composite question, leading on from the fact that after the meeting in April, a request was made at that meeting for an in person, face to face, event for the residents on the south side of the proposed scheme. And Network Rail at the time seemed really positive about it and I followed up in writing afterwards. Very sadly we didn't get a substantive response to that and there's been a really quite significant passage of time since April and we could have had a face to face meeting and I think what Network Rail might not appreciate is that, actually, the local residents have quite a lot of important things that they can share with Network Rail about the proposed scheme, which will actually assist Network Rail, and that by missing out on face to face community engagement, they're missing out on that wealth of information and a case in point.

One example. Network Rail don't think that there will be an increase in traffic flow and foot flow. On the local Facebook groups, I've noticed a couple of comments which have said along the lines of it 'oh, the station entrance will be within my parking zone, so I can drive up to the station and leave my car and the surrounding residential roads and use the new access point.' To my mind, that is going to increase usage of the new station entrance. It's things like that that I think Network Rail and the local authority need to take account of and give more opportunity for local consultation with neighbouring residents, please. This is a plea from lots of people in the local area and hopefully Councillor Kestner in particular, and Antogni, you'll take this on board because I know you've been very much involved in this scheme and we're not trying to be obstructive, we're trying to help, but ultimately we love Hither Green, we love living here and we want what's best for the local area and for our neighbours. So please, please, please don't ignore us. We'll be really helpful and friendly if

you help us to get involved in a positive and proactive way but we don't feel we're being listened to and I hope that you understand why we say that. Thank you everyone so much.

Councillor Eva Kestner

Thank you so much 'Attendant'. As I said, I feel there wasn't an exact question there. It was more of a point but um I'm sure both Network Rail and the Council officers will follow up and I just wanted to check that any email addresses that would be needed have been shared as well.

Just from the panel, from Network Rail's point of view, you said that the best way for people to contact you and I'm assuming that's OK to be shared.

Hodan Hassan

Yes, we will share that.

Councillor Eva Kestner

Perfect. Excellent. Well, as I said, thank you so much for everyone to attend as we'd say, we kind of went through the main points of the meeting that we really kind of looking at the design issues and we went in quite a lot of detail around that and the presentation. Looking at the biodiversity and we had a kind of discussion around kind of footfall and the impact on the local area and both in terms of what happens after the construction, but also during the construction process. And I think at the end we very much brought up the points around kind of local engagement and the importance of that both from Network Rail and from the Council side. And now I'm going to pass over to Antigoni to summarize and to tell you what's going to happen in the next steps. Thank you so much.

Antigoni Gkiza

Thank you, councillor Kestner. So, I will provide the minutes from this meeting and they will also be included as an appendix with the committee report. Thank you everyone for joining the meeting. I think it's been very helpful for everyone.

Michael Forrester

And just one further point from the Council. The application is only sort of one step but we will speak with Network Rail about sort of the continual engagement building on the promise that they've made. And so people who are attending this meeting will receive an invite to the planning Committee when that has a date. So we should have everyone's emails from here. If you haven't corresponded with the Council previously, please email planning@lewisham.gov.uk so we have your e-mail address so we can invite you to the planning committee as well when that's got a date.

Councillor Eva Kestner

Thank you, Michael. Unless there's anything else from the Council side. Is that the housekeeping? Excellent. Well, I just want to say thank you everyone for taking the time this evening and I hope that it was really informative and as everyone said please do make sure that you follow up with your e-mail addresses so that you can make sure that you can get invited to the next steps and keep a breadth of the process as it goes forward. Thank you so much and I will close the meeting now.

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APPENDIX 2 – SCREENING OPINION-NOT EIA

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

EIA Screening Opinion for DC/22/128559 received 23 September 2022, for:

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.

Screening Opinion

1. The Planning Practice Guidance (PPG) states at Paragraph 27 (Reference ID: 4-027-20170728) when a Local Planning Authority (LPA) receives an application which appears to be an application for Schedule 2 development, and the application has not been the subject of a Screening Opinion (SO) and there is no accompanying Environmental Statement (ES), the LPA must provide a SO on the need for EIA as if the applicant had requested such an SO. To ensure compliance with relevant regulations, an SO is provided below.
2. The site is currently a Borough grade SINC and an ecology survey was recently commissioned by the Council to establish if it could be designated as Metropolitan SINC. The Grove Park corridor is proposed for MSINC status which includes Hither Green Station SINC and would be updated in the emerging Local Plan.

Regulatory Framework

3. Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and Section 16 of the Railway Clauses Consolidation (RCC) Act 1845 will be material to the determination of the planning application but are not directly relevant to the decision on whether EIA is required to accompany the application.
4. The relevant regulations are the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) (the 2017 Regulations). Guidance on procedures under the 2017 Regulations is published in PPG. The 2017 Regulations identify two types of development projects: Schedule 1 developments, for which an EIA is mandatory, and Schedule 2 developments, for which EIA may be required.
5. The proposed development is not classified as Schedule 1 development.
6. The PPG sets out a flow chart for screening Schedule 2 projects to establish whether a development is required to be accompanied by an EIA. After establishing whether the development is described in Column 1 of Schedule 2 of the 2017 Regulations (Officers consider it is described in Column 1, as set out below). When screening Schedule 2 projects, the LPA must take account of the selection criteria in Schedule 3 of the 2017 Regulations.

Urban Development Project

7. Section 10B of the 2017 Regulations defines Urban Development Projects as:

(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.

The applicable thresholds and criteria for Section 10B are:

- i. The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
 - ii. the development includes more than 150 dwellings; or
 - iii. the overall area of the development exceeds 5 hectares.
8. Officers do not consider the current application constitutes an Urban Development Project. The application does not propose a shopping centre or car park, sports stadium, leisure centre or multiplex cinemas or any urban development of this intensive nature. The proposal includes the construction of a new footbridge with lifts and staircases, new entrances to Fernbrook Road and Springbank Road and the removal of existing footbridges and canopy infill. The development is unlikely to have an urbanising effect given the scale of the works, and existing developed urban character of the site with a pre-existing railway station.

9. In addition, it is not considered to be:

10. Section 10D of the 2017 Regulations includes:

(d) Construction of railways (unless included in Schedule 1).

The applicable thresholds and criteria for Section 10D are:

- i. The area of the works exceeds 1 hectare.
11. Officers do not consider the current application constitutes a construction of railway as Hither Green Railway Station is an established station, and no new railway tracks are proposed. In addition, the proposed improvement works fall below the applicable threshold as the proposed works would not exceed 1 hectare.

12. Furthermore, Section 13 Changes and Extensions includes:

- a) Any change to or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 24 of that Schedule) where that development is already authorised, executed or in the process of being executed.
- b) Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.

- c) Development of a description mentioned in Schedule 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.

13. As mentioned earlier in this report, the proposed development is not classified as Schedule 1 development and does not fall within any of the paragraphs 1 to 12 of Schedule 2 developments.

Sensitive Area

14. The site is currently a Borough grade Sites of Importance for Nature Conservation (SINC). It is not a sensitive area as defined below.

15. It is noted that the location of proposed footbridge is not included in the SINC area, only the two proposed entrances would be constructed within the SINC area.

16. The application is located in a locally sensitive location, but is not wholly or partly located in a Sensitive Area, as defined by the Regulation 2(1) to the 2017 Regulations. A Sensitive Area is defined as:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.

17. The PPG states that in certain cases, local designations which are not included in the definition of Sensitive Areas, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an EIA assessment is required. Given the conclusion around the nature of the location for Hither Green Railway Station, the site is not considered to be located in a Sensitive Area as defined by the 2017 Regulations.

Column 2 - Schedule 2 Thresholds

18. It is acknowledged that the site size does not exceed 5 Hectares. While the proposal is not considered to be described in Schedule 2 and is not an Urban Development Project, for completeness, an indicative Schedule 3 assessment is provided below which considers if the proposal, if it were a scheme pursuant Section 10B would be unlikely to have significant effects on the environment.

Characteristics of Development

19. As set out in Schedule 3 of the Regulations, the characteristics of development must be considered having regard, in particular, to –

- a) the size and design of the whole development;
- b) cumulation with other existing development and/or approved development;
- c) the use of natural resources, in particular land, soil, water and biodiversity;
- d) the production of waste;

- e) pollution and nuisances;
- f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- g) the risks to human health (for example, due to water contamination or air pollution).

Size and design

20. The development will take place at the existing railway station. The proposed development is not considered to be of a scale or nature, which would cause unusual impacts as a result of its characteristics. The planning assessment indicates the upgrade works are appropriate within the context of an established railway station. Whilst the development will cause physical changes to the site, the development is modest in scale, particularly when seen in the context of an existing railway station. The only change from the existing situation would be the introduction of a footbridge with lifts and staircases, new entrances to Fernbrook Road and Springbank Road, together with the removal of existing footbridges and canopy infill. Based on the information provided, the physical scale and design of the development, location of the site, and nature of such, the proposal is not deemed to raise significant environmental effects to warrant an EIA.

Cumulative Developments

15. It is not considered that there are any other significant developments within close proximity of the site that would differ the outcome of this screening request.

Use of Resources

21. Cumulative impacts occur when the effects of the proposed development combine over the same period of time with other effects in a locality. Given the nature of the established use of part of the site as a railway station and the comparative low intensity of the upgrade works (i.e. not re-build of the station), it is not considered that the proposal would have any significant demand in respect of use of resources. However, taking into account that the proposed works will be the main focus of development activity, it is considered that any cumulative impacts are likely to be locally based and unlikely to be significant such as to warrant EIA on these grounds.

The production of waste

22. The proposed development will generate waste during the construction phases but it is not considered that this consideration will be significant such as to warrant EIA on these grounds.

Pollution and Nuisances

23. Given the established use of the site for railway operation would not change, it is not expected the proposed development will give rise to pollution and nuisances the nature of which would warrant an Environmental Impact Assessment to be undertaken. In addition, there would be no car parking provision as part of the development which would not pose any adverse effects on local amenity.

Risk of Major Accidents

24. Nationally the number of major accidents or disasters affecting railways is very low. The proposed development does not include an increase in the number of trains or platforms. In terms of the EIA regulations the potential risk of accidents which could impact upon the environment is considered to be extremely low.

Risk to Human Health

25. Construction works would need to comply with health and safety legislation. Officers note that any risks to health as a result of construction works are to be addressed by condition. The Council's Highways Officer has requested the addition of a condition for the submission of a Construction Management Plan.
26. Given the established nature of the proposed development, it is not expected to give rise to risks to human health which would warrant an Environmental Impact Assessment to be undertaken.

Location of Development

27. As set out in Schedule 3 of the Regulations, the environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard, to –
- a) the existing and approved land use;
 - b) the relative abundance, availability, quality and regenerative capacity of natural resources including soil, land, water and biodiversity) in the area and its underground;
 - c) the absorption capacity of the natural environment

Existing and Approved Land Use

28. The proposed development would not change the existing land uses. There are no changes to the land use, as the station is an existing establishment, only the introduction of new entrances and reconfiguration of the internal layout to accommodate the new lifts, the footbridge and the ramps.

Resources

29. It is important to note the development may give rise to local impacts which would be assessed as part of the planning process, but are not considered likely to give rise to significant environmental impacts in the context of the EIA Regulations. It is noted that a Preliminary Ecological Report has been submitted to the Council's Ecological Regeneration Team and is being under assessment.

The absorption capacity of the natural environment

30. Whilst part of the proposed development (entrances) is within a protected area for nature conservation, the works comprise the upgrade of the accessibility levels of the existing station within the existing rail corridor and they are not likely to have an impact on the adjacent designated sites provided that appropriate working methods are utilised.

Types and Characteristics of the Potential Impact

1. As set out in Schedule 3 of the Regulations, the LPA must consider likely significant effects of the development on the environment must be considered in relation to criteria set out in the Characteristics of Development and Location of Development as outlined above, taking into account –
 - a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
 - b) the nature of the impact;
 - c) the transboundary nature of the impact;
 - d) the intensity and complexity of the impact;
 - e) the probability of the impact;
 - f) the expected onset, duration, frequency and reversibility of the impact;
 - g) the cumulation of the impact with the impact of other existing and/or approved development;
 - h) the possibility of effectively reducing the impact
31. The extent of any potential impacts will be highly localised and the scheme comprises the insertion of a new footbridge with lifts and staircases, new entrances, together with the removal of existing footbridges and canopy infill.
32. It is considered that the upgrade of the site for a more accessible railway station is compatible with the general character of the area and will be generally consistent with the surrounding context and adjoining land uses. The proposal would not give rise to any particularly complex or greater than local impacts.
33. In respect of the characteristics of its potential impacts, the proposed development in this area may give rise to local impacts which would need to be assessed as part of the planning process, but are not considered likely to give rise to significant environmental impacts in the context of the EIA Regulations.

Conclusion

34. On the basis of the indicative Schedule 3 assessments above, taking account of relevant Government advice and the application submission, it is not considered that the nature, scale and location of the development would, either in isolation or cumulatively with other developments, give rise to significant environmental effects in the context of the EIA Regulations.

Recommendation

35. The proposal is not Schedule 2 development as it cannot be described as an Urban Development Project pursuant to Schedule 10B, 10D or 13 to the 2017 Regulations. Notwithstanding this conclusion, an indicative Schedule 3 assessment indicates that even if the proposal were to be defined as an Urban Development Project (meeting the 'exclusion thresholds' based on site size exceeding 5 Hectares) the proposal is unlikely to have a significant effects on the environment.
36. Given the characteristics and location of the development, an EIA is unlikely to be required. This view considers that the site is a locally sensitive location, but does not fall within a Sensitive Area as defined by the 2017 Regulations.

37. Therefore, the Local Planning Authority adopts a Screening Opinion under Regulation 8 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations) and Environmental Statement is not required.

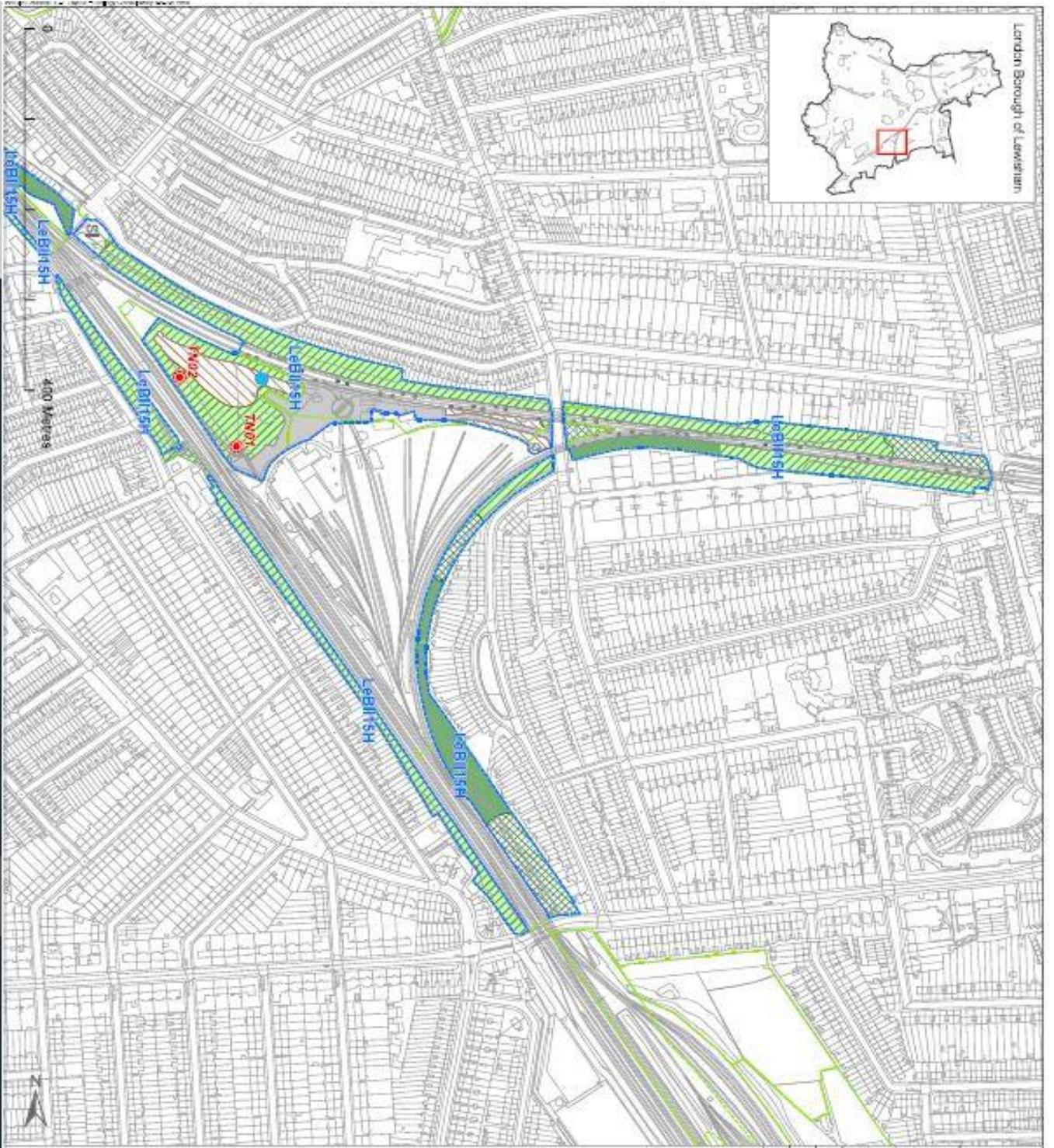
Case Officer – Antigoni Gkiza 30/11/2022

Signed by –

A handwritten signature in black ink that reads "M. Forrester". The signature is written in a cursive style with a large initial 'M'.

Michael Forrester
Head of Development Management

30/11/2022



Ecology Consultancy

Job title: Review of SINC: Leaburnish - Heron Green station
TEC Job no. 141558

Client: London Borough of Lewisham

Drawing title: HABITAT SURVEY MAP

Page: 37 of 64 Scale: 1:4,000

Date of survey: 07/07/2015 Surveyor: RW

Drawn/Checked: JG/SJN Date: 21/11/2016

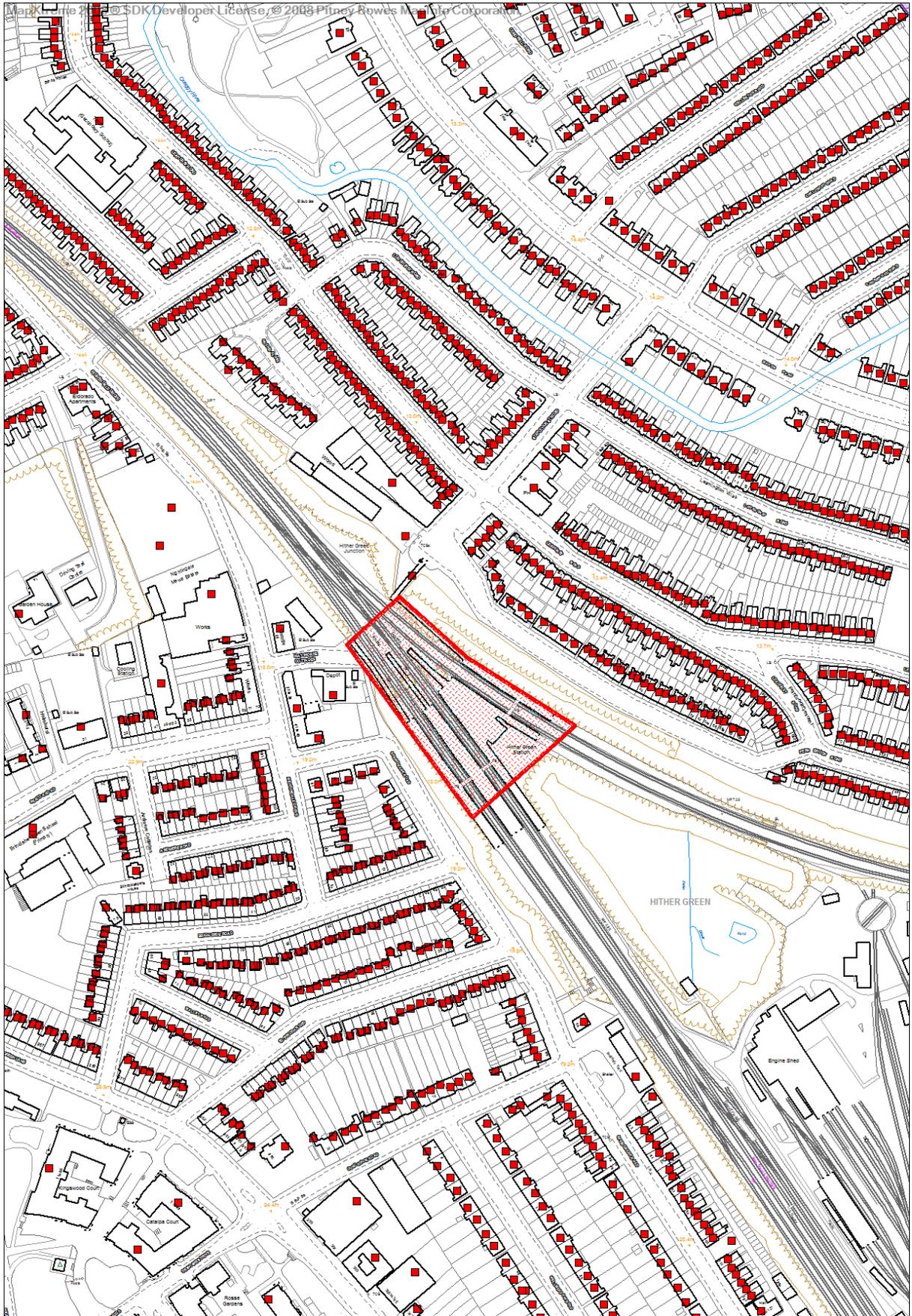
Approved:

KEY

SINC boundary	Other Open Space
London Borough of Lewisham	Tree
Vegetated wall/terrace	Non-native hedge
Native hedge	Scattered trees
Orchard	Native woodland
Non-native woodland	Flower shrubbery
Scrub	A. Acutely grassland
Roughland	Adornments (leaves)
Bare grassland	Semi-improved meadow grassland
Acid grassland	Improved grassland
Tall herbs	Power/Stream
Perpet lawn	Bare artificial turf
Spontaneous herbaceous sward	Flood storage
Paved & asphalt	Ticks sward
Paved & asphalt	Tree car
Paved & asphalt	Tree car

GLA Other features

Shrubbery green roof	Sealed grassland
Shrubbery green roof	Target Note (Area of Interest)
Shrubbery green roof	Target Note
Shrubbery green roof	



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HITHER GREEN RAILWAY STATION

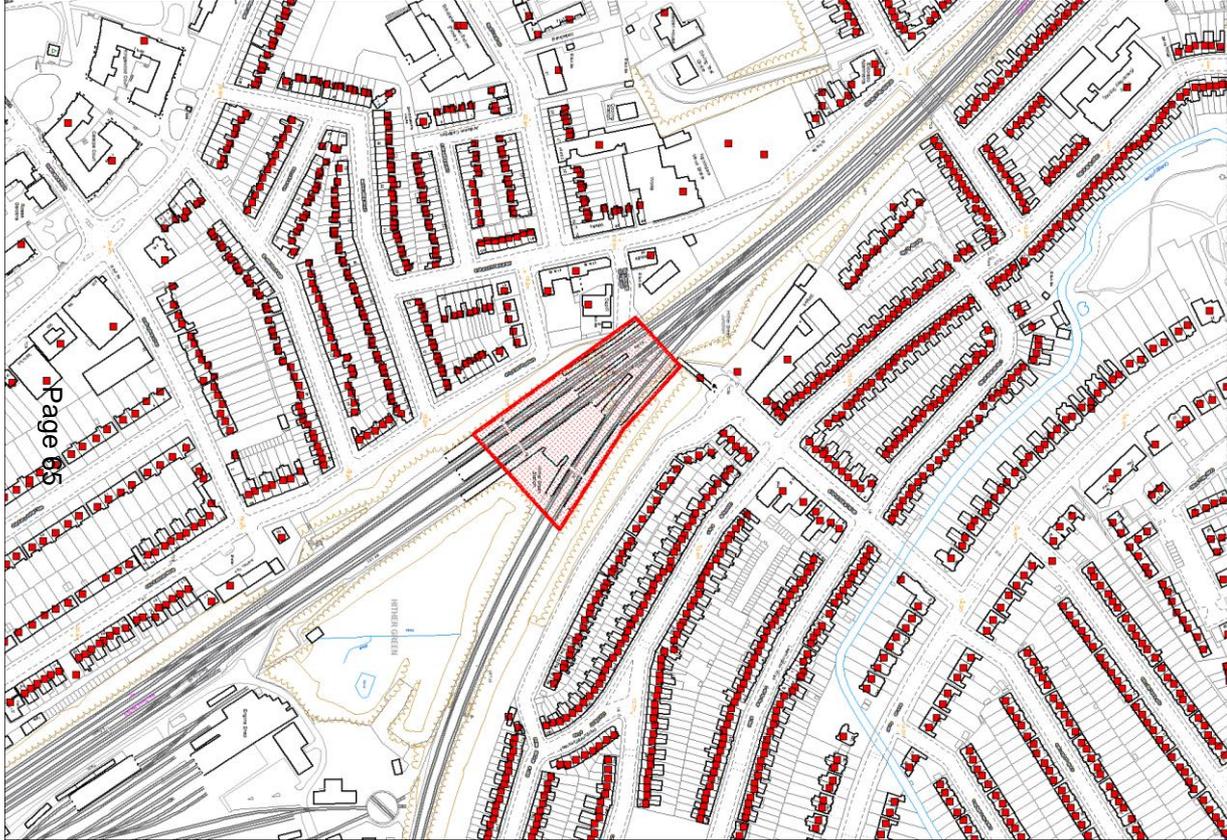
**STAPLEHURST ROAD
LONDON**

SE13 5NB

Application No. DC/22/128559

This presentation forms no part of a planning application
and is for information only.

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.



Site Location Plan



Lewisham



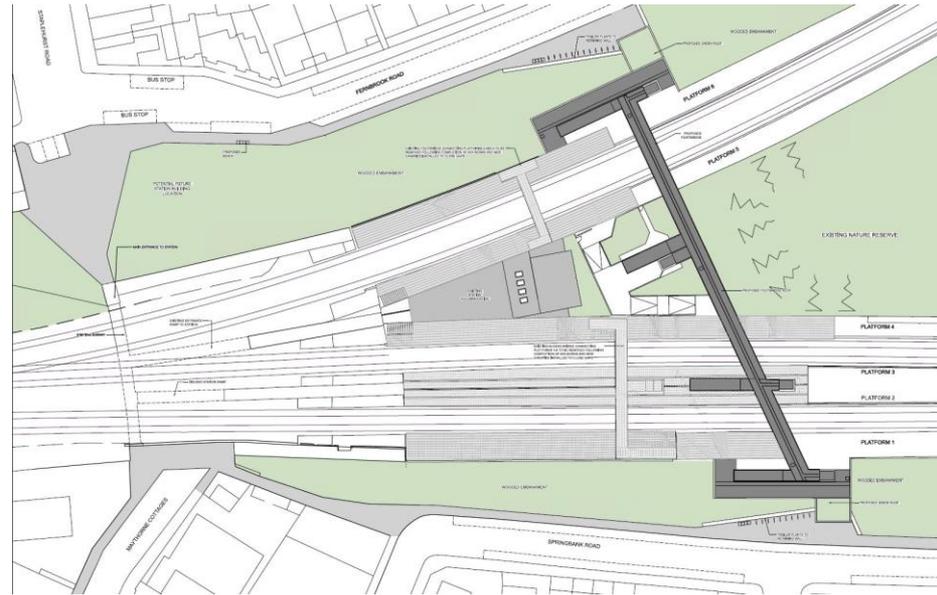
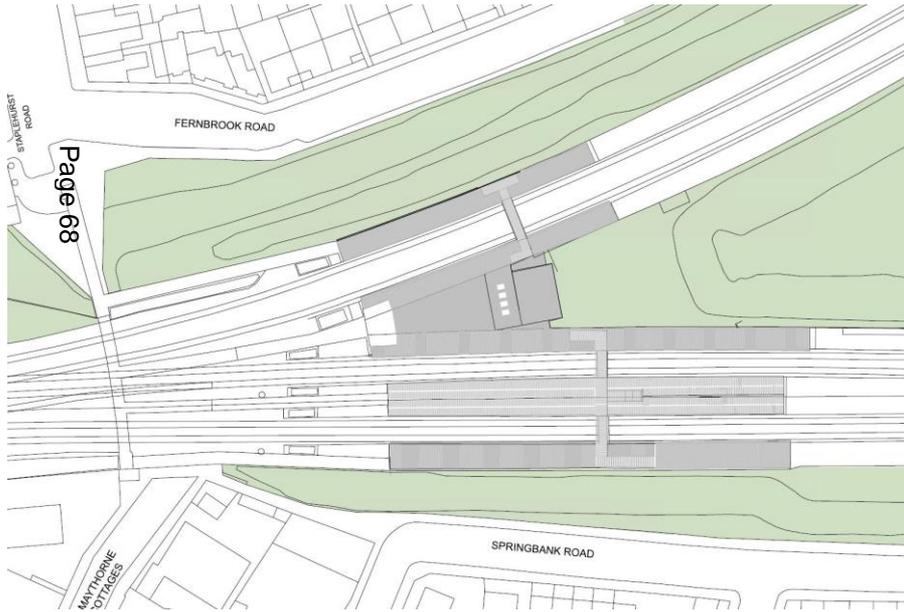
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Aerial View

Existing & Proposed Plans

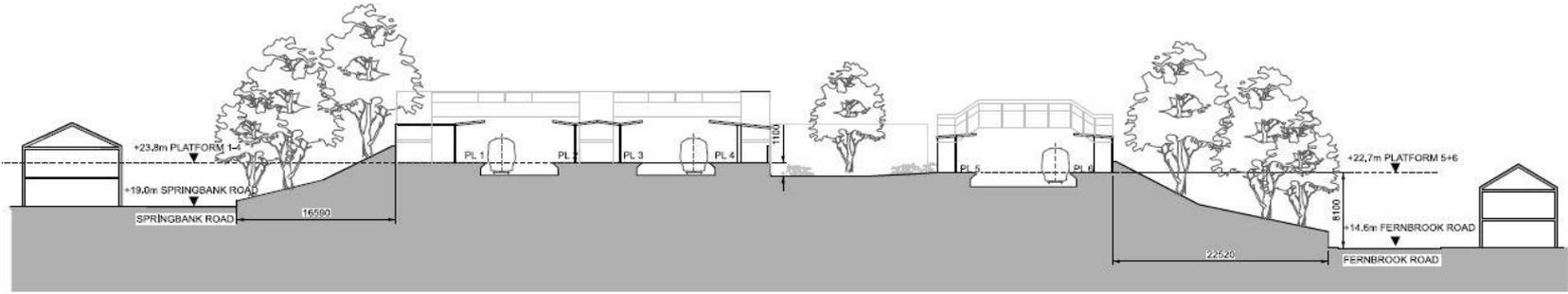


Existing & Proposed Plans



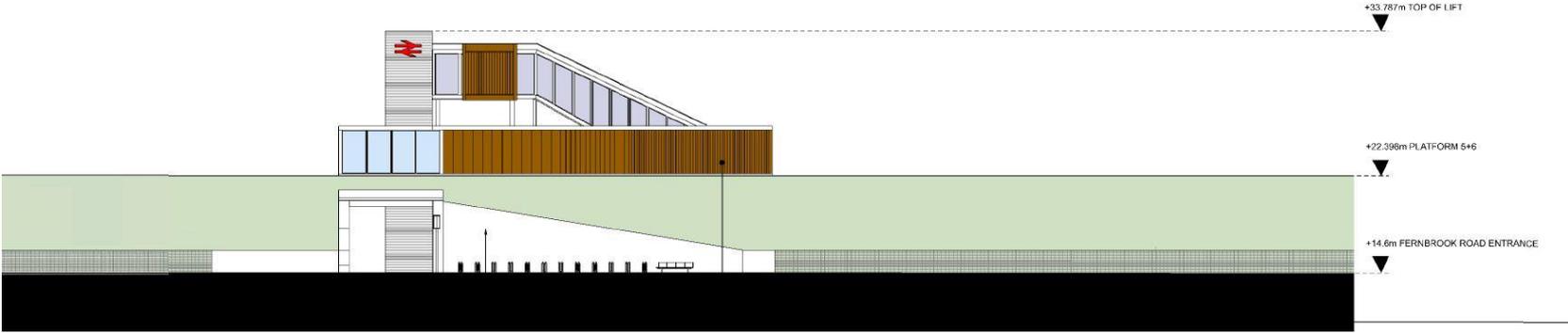
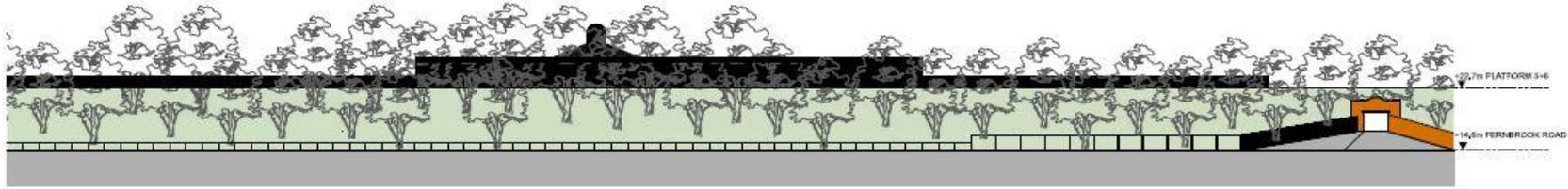
Existing & Proposed Sections A-A through platforms looking North

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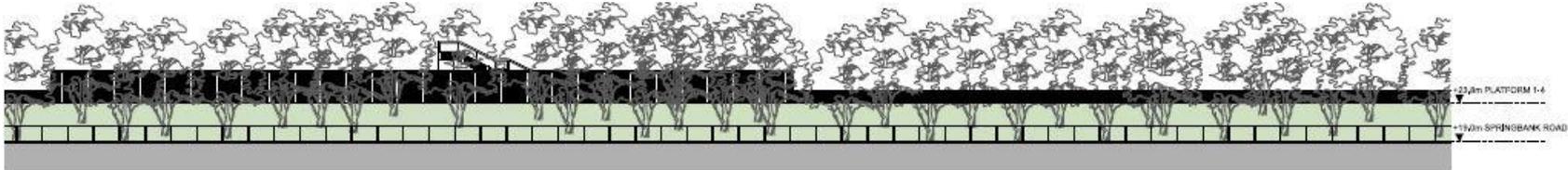


Existing & Proposed Elevations - Fernbrook Road

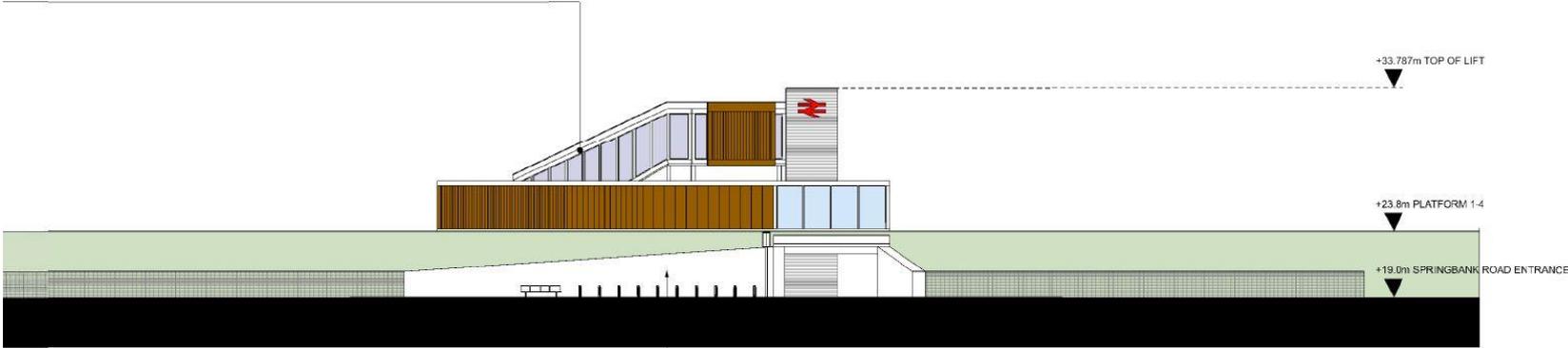
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Existing & Proposed Elevations - Springbank Road



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Indicative Visualization — Aerial View



Indicative Visualizations — Fernbrook (bottom) and Springbank Road (top) entrances



Key Considerations

Part 18 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 details that only **the location** and **design or external appearance** of a development can be considered. Development is not to be refused, nor are conditions to be imposed, unless:

- a) The development ought to be and could reasonably be carried out elsewhere on the land; or
- b) The design or external appearance of any building or bridge would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.



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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