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Our Ref: TP/LNE/2023-034

*Sent by e-mail*

Dear Sir/ Madam

**Subject: Application for Prior Approval under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for refurbishment works to Leeke Street Railway Bridge, Kings Cross, WC1X 9JF.**

Please find enclosed details of proposed refurbishment works to Leeke Street railway bridge. Prior approval is sought under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Background**

Leeke Street Bridge is located approximately 200m south-east of King's Cross Station within Camden Conservation Area. The structure crosses over the Midland City Line, the disused King's Cross Thameslink platforms and London Underground Limited infrastructure.

At road level the deck supports a single carriageway and pedestrian footways to both sides. Notwithstanding this the structure has been closed to vehicular traffic since 2016 following a partial inspection of the bridge that identified severe corrosion to the main structural

members. Subsequent inspections have identified further deterioration of the deck, which is currently in poor condition and is the reason for the scheme now proposed.

Various options to replace the bridge deck were explored but the preferred option taken forward is the modification/ re-use of the existing structure to support pedestrian loading only. The images below show the current bridge arrangements.



## Proposal

In summary, the proposal would see the partial demolition of the existing deck but retention of the original metalwork girders. The girders will then be used to support a new concrete deck and surfacing. The structure will also be changed from a road bridge to a pedestrian only bridge, comprising a segregated footway and 2no. of one-way cycle lanes that tie into the existing carriageway levels. The cycleway forms part of a wider cycle scheme being developed in the area and the project team have been in dialogue with Camden Council throughout the development phase of the design.

The internal deck width between the parapets will be reduced from 6.8m to 5.6m, as the proposed parapets are to be fixed to the new concrete deck rather than the top of existing steelwork.

### *External materials & finishes*

The 1.85m high parapets will consist of galvanised steel frame faced with GRP cladding which has a brickwork appearance to mimic the existing parapets (an image of the GRP cladding is shown below- to be supplied by Building Products Ltd). The parapet coping stone will be replaced with GRP steeple coping. All four corners of the bridge will tie back into the existing brickwork wall and the adjacent buildings.



The following table provides information on proposed materials and colour finishes of each component:

Element	Colour	Finish
Structural and exposed steelwork	Silver Grey (RAL 7001)	Matt (Painted)
Cycleway surfacing (asphalt)	Classic Red	Matt (Coloured asphalt)
Footway Surfacing (concrete slabs)	Grey	Matt (Natural)
Kerbs (concrete)	Grey	Matt (Natural)
Tactile Blister Paving (at crossing locations only)	Buff	Matt (Coloured stone)
GRP Parapet – Brick finish	Multi	Matt (Painted)
GRP Parapet – Mortar finish	Neutral Beige	Matt (Painted)
GRP Parapet – Steeple Coping	Grey	Matt (Painted)
Lighting column	Black	Matt (Painted)
Bollards	Grey Anthracite	Matt (Painted)

### *Authorising Act*

Planning permission for the structure has already been given by virtue of Part 18 to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended), subject to certain conditions.

I would draw your attention to the provisions of Part 18 class A which states that permitted development applies when it is “*authorised by (a) a local or private Act of Parliament (i.e. the original Act of Parliament that allowed the construction of the railway) .....which designates specifically the nature of the development and the land upon which it may be carried out.*” Development is not permitted (for specific items identified, such as buildings or bridges) ...” *unless the Prior Approval of the appropriate authority to the detailed plans and specifications is first obtained*”. However the Prior Approval is...” *not to be refused...nor are conditions to be imposed unless they are reasonably satisfied that - (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....bridge or building....would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.*”

The original Act specifying this stretch of railway states that the railway undertaker can, from time to time, alter, repair, or discontinue the before mentioned works or any of them

and substitute others in their stead, and do all other acts necessary for making, maintaining, altering, repairing or using the railway. The “general power” is provided for in Section 16 of the 1845 Railway Clauses Consolidation Act, and it is this Act which is incorporated in all railway Acts since 1845.

For the purposes of Part 18a the enabling Act in this instance is the **The Metropolitan Railway Act 1854** incorporating the Railway Clauses Consolidation Act 1845.

The decision of the Court of Appeal in *Emsley v North Eastern Railway Company* (1896) confirmed that these powers are not restricted to the period of construction but can be invoked from “time to time”. The use of the original Act of Parliament as a means of using permitted development rights has also been upheld in a 2000 English Ministerial appeal decision, the reference number being APP/X/98/X5210/003059.

As set out in Part 18 of the GPDO the two tests to be applied to this prior approval application are the siting of the works and their impact on the amenity of the area.

#### *Siting*

In this case the siting and location of the proposed works are fixed as the scheme relates to the upgrade of an existing structure.

#### *Design*

Throughout the structure’s lifetime, various repairs have been completed which have impacted the original appearance of the bridge. These works include repairs to the main edge girders, cross girders and deck. The most recent repairs to the structure include the addition of web stiffeners to the external face of the main edge girders. At road level, the recent additions of the palisade fencing and resurfacing works have also detracted from the original appearance of the structure which prior, was generally in keeping with the surrounding street scene.

The proposed works aim to improve the current aesthetics and maintain a connection with the surrounding buildings and railway corridor. This includes retention of the existing steelwork structure, reinstatement of the parapets and removal of the palisade fencing.

It is acknowledged that GRP is not a traditional material in historic bridge construction however its use will significantly reduce the weight of the bridge (limiting loading issues) and improving the speed of construction, causing less disruption to users of the walking route. The proposed GRP cladding will be fully removable and enable quicker future inspection and maintenance again minimising disruption.

The refurbished structure will benefit the wider community by providing improved access for both pedestrians and cyclists travelling to/from King’s Cross Road. The works will above

all improve the appearance of the street scene with removal of the palisade fencing making the area feel safer and less intrusive.

On balance it is considered that the scheme would cause less than substantial harm to the designated heritage asset and would improve the historic character and appearance of the Conservation Area in this instance. For the reasons set out above it is considered that the proposed scheme has demonstrable public benefits which would outweigh the limited harm in this case, in line with paragraph 202 of the NPPF.

We therefore kindly request the formal prior approval of the plans and specifications enclosed for the refurbishment works be issued in accordance with the provisions of Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

**Please note no fee is prescribed in cases of Prior Approval under Part 18 of the Order.**

Please let me know if you require any further information and I look forward to hearing from you soon.

Yours sincerely

**Emma Foster MRTPI  
Town Planner (Eastern Region)**