

Ms Helen Lynch
Planning Group
Town Hall & Civic Offices,
Westoe Road
South Shields
Tyne & Wear
NE33 2RL

Date: 09 July 2021

Our ref: 62676/01/HE/RDi/19691937v3

Dear Helen

Redevelopment of Hebburn Metro Station (Replacement Platform) under Part 18 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, requiring the Local Planning Authority's Prior Approval

On behalf of Nexus we are pleased to enclose an application under Part 18 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the GPDO') seeking 'prior approval' for a replacement Metro station at Hebburn, in South Tyneside.

The subject application comprises the following documents:

- Site Location Plan & Platform 1 Existing Arrangement (DWG No. 10033113-ARC-00-XX-DR-CE-50001);
- Platform 1 Proposed Site Plan (DWG No. 10033113-ARC-00-XX-DR-CE-50002);
- Platform 2 Proposed Sections (DWG No. 10033113-ARC-00-XX-DR-CE-50003);
- Platform 2 Existing Arrangement (DWG No. 10033113-ARC-00-XX-DR-CE-50004);
- Platform 2 Proposed Site Plan (DWG No. 10033113-ARC-00-XX-DR-CE-50005);
- Platform 2 Proposed Sections (DWG No. 10033113-ARC-00-XX-DR-CE-50006);
- Prior Approval Assessment (including Landscape Visual Appraisal), prepared by Lichfields and Southern Green;
- Baseline Lighting Survey, prepared by NJD Environmental Associates; and
- Noise Assessment, prepared by NJD Environmental Associates.

You will be aware that two applications for prior approval in respect of a replacement Metro station at Hebburn have been submitted to South Tyneside Council. Prior approval is sought in respect of both applications which, for the reasons set out in this letter and our letter with reference [62676/01/HE/RDi/19690746v1], both satisfy the tests for prior approval under Part 18 Class A to Schedule 2 of the GPDO. Background

The proposed works form part of Nexus' Metro Flow Project, which involves the dualling of three single track sections from Pelaw to Bede. The divested Network Rail track that runs alongside the Metro line in this location will be utilised and upgraded to create the dual tracked sections, creating network capacity for trains

to run more frequently. In order to accommodate freight traffic on the Metro system, track lowers are required in overbridge locations throughout the project area. This includes Hebburn Metro Station, which has split platforms either side of Station Road bridge and, due to the proximity of the platforms, the track lowers will also result in the need to replace the present station.

The Proposed Development

The subject site is located on Station Road/Glen Street within Hebburn Town Centre. The site comprises the existing Hebburn Metro Station which provides frequent Metro services across the wider Tyne and Wear conurbation, including in an easterly direction toward South Shields and a westerly direction toward Newcastle Upon Tyne, with a separate connection to Sunderland.

Hebburn Metro Station consists of split platforms either side of Station Road (B1927) bridge, with step-free access available to both platforms. The subject application for prior approval proposes to demolish both Platform 1 and 2 at Hebburn Metro Station. The platforms currently include seating, shelters for waiting and ticket machines. The station also includes cycle parking and a car park adjacent to Platform 2.

Platform 1 is situated between the Metro line tracks themselves to the west of Station Road, with both the Eastbound and Westbound Metro lines situated to the south of the platform and the separate Network Rail freight line to the north. The platform is accessed via a covered ramp from Station Road, which is the main north to south thoroughfare through Hebburn.

Platform 2 is situated to the east of Station Road and is accessed at grade via a large surface level car park. The car park would be retained by Nexus for the use of their customers, following the demolition of Platform 2. A substation is also located immediately adjacent to Platform 2, accessed via the car park, and will be unaffected by the application proposals.

Both platforms were constructed as part of the original Metro line works in the 1980s and are efficient and functional in terms of their design. The subject application proposes to demolish both Platform 1 and 2 at Hebburn Metro Station and reinstate them, in situ, at a level 300 mm below the present platforms. Both platforms would be accessed directly from Station Road, which offers a clear and legible entrance to the station.

Permitted Development and the Requirement for ‘Prior Approval’

This application for prior approval has been prepared in the context of the requirements of Part 18 Class A of Schedule 2 of the GPDO. In this regard, South Tyneside Council issued a Certificate of Lawful Proposed Use or Development in December 2020 (ref. ST/0476/20/CLP) in respect of the Metro railway between Pelaw and Jarrow. This application was described as follows:

“Application for a Lawful Development Certificate for proposed use or development in relation to the dual tracking of the metro railway (development to pre-existing light and heavy rail network) between Pelaw and Jarrow Stations (the Metro Flow Project, as detailed within the submitted Supporting Technical Note) and all associated development.”

The certificate confirms the use of Part 18 Class A of the GPDO is appropriate for the subject development based upon the provisions of the Tyneside Metropolitan Railway Act 1973, The Railways Clauses Consolidation Act 1845, and the North-Eastern Railway Companies (Pelaw and Other Branches) Act 1865. In terms of the requirements of Part 18 Class A, these Acts collectively confirm that the branch line is an existing railway, owned by Nexus and that the owner has all necessary powers to construct a railway (including stations) between Pelaw and Jarrow.

The information submitted by Nexus also confirmed that the subject development would not amount to Environmental Impact Assessment development.

Hebburn Station is situated between Pelaw and Jarrow Stations and, as such, the proposed development falls within the scope of the December 2020 Certificate of Lawful Proposed Use or Development. The subject application for prior approval therefore responds to the requirements of the GPDO, which confirms at Part 18 Class A that permitted development comprises:

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)(1),

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

Such development is, however, subject to the following conditions:

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

(a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or

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

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

It is considered that the works proposed to Hebburn Metro Station relate to ‘a building’. The prior approval of South Tyneside Council is therefore required for the works comprising the development of a new Metro station at Hebburn. The GPDO goes on to explain that:

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.

The only considerations for the Council in determining this application for prior approval are therefore those set out at condition A2, namely whether *this development* could reasonably be carried out elsewhere on the land, or the design or external appearance of the building would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Assessment of the Proposed Development

The accompanying Prior Approval Assessment addresses the requirements of the GPDO in detail. In summary, being situated in exactly the same location (albeit at a level 300 mm below the present platforms) as the present platforms, within the confines of the train line itself, the proposed development across both platforms would minimise any detrimental impact upon surrounding receptors and maintain the same functional and operational characteristics of the current facilities. On this basis, it is not considered that the

proposed development (i.e. the redevelopment of both platforms in situ) ought to be and could reasonably be carried out elsewhere on the land.

A detailed Landscape and Visual Appraisal undertaken by Southern Green confirms that the proposals do not introduce features uncharacteristic of the existing urban environment and immediate surroundings of Hebburn Metro Station, and concludes that there would be no effects on landscape or visual receptors.

Further, as both platforms would remain in the same location as the present structures, there will be no material difference to the amenity of nearby residential properties as a result of noise or lighting. This is confirmed by the Noise Assessment and the Lighting Survey prepared by NJD Environmental Associates.

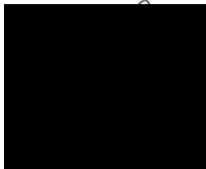
On this basis, it is not considered that the design and appearance of the proposed development would injure the amenity of the neighbourhood.

Summary

In conclusion, the subject proposal for the redevelopment of both platforms in situ cannot reasonably be accommodated in any alternative location, and it is not considered that the design and appearance of the proposed development would injure the amenity of the neighbourhood. In accordance with the provisions and conditions of Part 18 Class A of Schedule 2 of the GPDO, prior approval should therefore be issued by the local planning authority for the proposed development without the imposition of conditions.

We look forward to receiving written confirmation from South Tyneside Council that prior approval has been granted. Should you have any queries regarding this application, or wish to discuss any of the matters described above, please do not hesitate to contact me or my colleague Robert Dibden.

Yours faithfully



Harvey Emms
Senior Director

Copy

Michael Purcell

Nexus