

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0769/21/PALPAO
Proposal: Application for Prior Approval under Part 18, Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the redevelopment of Hebburn Metro Station (replacement platform).
Location: Hebburn Metro Station
Station Road
Hebburn

Site Visit Made: 18/08/2021

Description of the site and of the proposals

This is an application for prior approval for works to Hebburn Metro Station. The application site is located on Station Road / Glen Street within Hebburn Town Centre. Hebburn Metro Station has two separate platforms which are split either side of Station Road (B1927) bridge with step free access available on both platforms.

Platform 1 is situated between the metro 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. Platform 2 is situated to the east of Station Road and is accessed at ground level from the adjacent car park. The car park would be retained as existing, with no alterations to its layout or means of access to the station. There is also a substation located adjacent to Platform 2.

In order to accommodate track lowering through the station, (required in connection with the wider Metro Flow Project, detailed below) alterations are needed to the existing platforms edges and levels. Platforms 1 and 2 would be demolished and reinstated in situ at a level 300mm below the present platforms. No changes to the layout or structure of the Metro Station is proposed and additionally the seating, shelters for waiting and ticket machines on the platforms would be reinstated.

Nexus' Metro Flow Project, involves the dualling of three single track sections from Pelaw to Bede Metro Stations. The proposal to dual track the metro railway between Pelaw (located within the boundary of Gateshead Metropolitan Borough Council) and Jarrow Stations will be achieved through combining the Metro and Network Rails Infrastructure with works to the existing track infrastructure. The proposed works would include the removal of some sections of existing track (e.g. where there are currently three adjacent tracks sections) and the laying of new track and the stripped (divested) Network Rail track that runs alongside the metro line will be utilised and upgraded to create dual tracked sections. In order to avoid largescale bridge reconstructions there are four proposed track lowers of varying lengths and depths and the works at Hebburn Metro Station is one of these sections.

The platforms at Hebburn Metro Station need to be lowered so they are compliant with platform train interface requirements of the Rail Vehicles Accessibility Requirements (RVAR) legislation of a 65mm gap and a 50mm step. In order to accommodate the track lower through the station, minor alterations are needed to the existing platform edge and level. Due to platform construction the final appearance will be very similar to the existing platforms.

The wider context of the Metro Flow project was detailed in a separate application (ref: ST/0476/20/CLP) - a certificate of lawful proposed use or development. The application concluded that the evidence supplied in support of the application (with supporting legal argument) confirmed the proposed development within the application would be lawful, falling within Part 18 Class A of Schedule 2 of the

Town and Country Planning (General Permitted Development) (GPDO) (England) Order 2015 (as amended). The legal argument accompanying the application set out relevant local and private Acts of Parliament; Part 18 Class A permits the carrying out of development 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.”

Part 18 Class A has two conditions. The first condition states:-

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 alterations 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.

The certificate of lawful development concluded that the works proposed to both Hebburn Metro Station (the subject of the current prior approval application) and further works to Jarrow Station (the subject of a further separate application) fell within the scope of this condition. A building for the purpose of the GPDO includes ‘any structure or erection and...includes any part of a building...and...does not include plant or machinery and...does not include any gate, fence, wall or other means of enclosure (article 2.1). Consequently, the current prior approval application (and another in respect of works at Jarrow Station) have been submitted to the local planning authority (LPA).

Application context:

This is not an application for planning permission; this is an application for prior approval and the assessment criteria does not have the wide scope of consideration that would usually be afforded. The application is made under Part 18 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).

Part 18, Class A of the GPDO permits development on the condition that prior approval of the detailed plans and specifications of any building is first obtained from the Local Planning Authority. In its evaluation the LPA can only consider:

- a) Location and
- b) Design and external appearance of a development.

The GPDO states that ‘*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.*’

It follows that unless the LPA considers that the location of the development ought and could be reasonably carried out elsewhere OR the design or appearance adversely affects (injures) the amenity of the neighbourhood and is not reasonably capable of modification, Prior Approval must be granted.

The prior approval application is subject to a limited time period within which the Council must make its decision, unless a longer period has been agreed by the applicant and the Council in writing. In this case the time period is 56 days and the applicant has agreed to an extension of time to 24/09/2021.

Publicity / Consultations (Expiry date; Notification letters: 17/8/21 and Site notices: 26/08/21)

1) Neighbour responses

None

2) Other Consultee responses

External:

Network Rail

No comments received.

County Archaeologist

The proposals involve demolishing both platform 1 and 2 at Hebburn Metro Station and reinstating them at a level 300mm below the present platforms to accommodate freight traffic on the Metro system and track lowers. The stations include waiting shelters, seating and ticket machines. There is cycle parking and car parking located adjacent to Platform 2.

I have checked the proposed development area against the Historic Environment Record and historic maps. The southern platform of Hebburn Metro Station is located on the site of an earlier railway station (HER 2515). The original station was constructed on the route of the North Eastern Railway, Newcastle and South Shields Branch (HER 2509) after 1855. The extant platform stations were constructed in the 1980s as part of the original Metro line works. Consider that no archaeological work is required if the application is approved.

Northumbria Police – Designing Out Crime Officer

Northumbria Police work closely with the Metro operators on the SBD Safer Tramstops Scheme. This accreditation scheme is the light rail equivalent of the safer Stations scheme that exists for mainline stations. On consideration of the application, we believe any crime and disorder issues can be discharged via the accreditation scheme and therefore we have no objections to the proposal.

Northern Gas Networks

No objections. There may be apparatus in the area that may be at risk during construction works and should the application be approved, then they require the promotor of these works to contact Northern gas directly to discuss requirements in detail. Any diversionary works would be fully chargeable.

Internal:

Traffic and Road Safety

The application will require construction traffic to commence and undertake these works successfully. A construction management plan will be required to ensure that these works are regulated effectively and done with consideration to local residents.

Countryside Officer

Given the specific parameters on the issues the LPA can engage with (the LPA can only consider the location and design and external appearance of the development), no comments to make.

Environmental Protection – contaminated land

The end use of the proposal is same in nature to the current development and in terms of human health/land contamination is not of sensitive end use.

The nature of the land use as a railway does have the potential to introduce contamination to the ground therefore there is a risk to site workers during construction of the replacement platform. This risk however can be mitigated by correct PPE and awareness from site workers to ensure any risk is minimised.

Environmental Health – Noise

No comments received

Community Safety

No comments from a community safety or CCTV perspective.

Assessment

In accordance with Part 18 of the GPDO, the following matters are materials to this assessment:

- 1) Location
- 2) Design and external appearance.

Location

The existing platforms at Hebburn Metro Station need to be lowered so they are compliant with platform train interface requirements of the Rail Vehicles Accessibility Requirements (RVAR) legislation of a 65mm gap and a 50mm step. In order to accommodate the track lower through the station, alterations are needed to the existing platforms. The works are to existing Nexus infrastructure, retaining the existing location and located trackside, and as such there are constraints in respect of the flexibility of siting.

Nexus, within the supporting statement accompanying the application, have detailed their consideration of alternatives. Based on the site context and constraints there are no realistic alternatives to the prior approval proposals which will facilitate the redevelopment of both platforms in their current locations.

Taking the constraints and the supporting statement into account, the selected location is logical from an operational perspective and there is no evidence to identify that the works ought to be or could reasonably be carried out elsewhere on the land.

Design and External appearance

In accordance with Condition A.2(b) of Part 18 Class A of the GPDO, consideration of the design and appearance of the proposal and the amenity of the neighbourhood needs to be had.

The submitted Landscape and Visual Appraisal concluded that views into the site are limited, however there are a small number of residential receptors within the immediate local area.

The works, as set out above are considered to be the only suitable option and location. The existing platforms would be re-constructed and would appear lower in height than the existing. The materials to be used would be consistent with those used elsewhere along the network and as such would not appear out of character. The works would take place within the existing Metro Station, which is itself located within a built up area. It is considered that due to the nature and scale of the works, with the existing platforms being lowered by 300mm, it is not considered that there would be a noticeable or perceptible change to neighbours or users of the adjacent highways and footways (including the bridge).

Details in respect of noise and lighting have been provided through the submission of a noise assessment and a lighting survey. In terms of the lighting this will replicate the existing lighting, albeit lower in height (by 300mm). The lighting survey has concluded that on this basis there would be no increase in light spill as a result of the proposals and as such the amenity of nearby residents and the neighbourhood would be unaffected.

The noise survey has concluded the platforms, in terms of location and the rail movements will replicate that of the current conditions. As such there should be no increase in noise as a result of the proposals and the amenity of nearby residents and the neighbourhood would be unaffected. Post development (when construction activity would generate noise) it is not considered that there would be any significant change to the existing position, with tannoy systems, ticket machines, shelters, and lighting remaining as

per the current arrangements. As such there should be no material change to existing. It is noted that the wider Metro Flow project seeks to increase capacity on the network, however this prior approval application does not extend to the consideration of the wider project.

Reference is made above to the construction phase and the impact to surrounding residents and commercial operators. Nexus have advised that they operate a Responsible Contractor Policy and as such the construction phase would be managed in a manner that seeks to be considerate to surrounding properties and to minimise unnecessary impacts wherever possible.

It is considered that the proposed works would not result in any injury to the amenity of the neighbourhood and does not warrant amendment to its design or appearance.

Other matters

As set out above, the Council's Traffic and Road Safety Team have advised that a construction management plan be provided to ensure that the works are regulated effectively and done with consideration to local residents.

As set out above, conditions should only be applied to the development where the development ought to be and could be reasonably carried out elsewhere on the land, or the design and external appearance of any building would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury. As such, and based on the above, no construction management condition is attached. Nexus have been advised of the comments and recommendations provided by the Council's Traffic and Road Safety and an informative is therefore recommended.

The Council's Environmental Protection Officer has advised that in terms of human health the end use is not defined as 'sensitive' and is the same use as existing. In respect of site workers during construction, the nature of the land use as a railway does have the potential to introduce contamination to the ground and therefore there is a risk to site workers during construction of the replacement platform. This risk however can be mitigated by correct PPE and awareness from site workers to ensure any risk is minimised. An informative to the applicant is therefore recommended in this regard.

Conclusions

As set out above, Part 18, Class A, Schedule 2 of the GDPO states that '*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.*

It is considered that the development cannot reasonably be carried out elsewhere on the land and so condition A.2 a) of Part 18 of Class A of the GDPO is satisfied.

In respect of condition A.2 b) the design and external appearance of the proposed works is not considered to result in injury to the amenity of the neighbourhood and does not warrant amendment to its design or appearance.

There is no reason to refuse prior approval, or to impose conditions in respect of the proposed development. Prior approval is therefore recommended.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Prior Approval Required & Given PALPAO

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 NOTE TO APPLICANT

The Highway Authority have requested the submission of a Construction Management Plan to ensure that the works are regulated effectively and done with consideration to local residents.
- 3 NOTE TO APPLICANT

Any potential risk to site workers during construction of the replacement platform can be mitigated and minimised by correct PPE and awareness from site workers.

List of approved plans for standard note

Plan Reference

Drg No 10033113-ARC-00-XX-DR-CE-50001 Rev A01 received 14/07/21

Drg No 10033113-ARC-00-XX-DR-CE-50002 Rev A01 received 14/07/21

Drg No 10033113-ARC-00-XX-DR-CE-50003 Rev P02 received 14/07/21

Drg No 10033113-ARC-00-XX-DR-CE-50004 Rev A01 received 14/07/21

Drg No 10033113-ARC-00-XX-DR-CE-50005 Rev P02 received 14/07/21

Drg No 10033113-ARC-00-XX-DR-CE-50006 Rev P02 received 14/07/21

Case officer: Helen Lynch

Signed:

Date: 23/09/2021

Authorised Signatory:

Date:

«END»