

Planning Group (Development Management)
South Tyneside Council
Town Hall
Westoe Road
South Shields
NE33 2RL



By email: helen.lynch@southtyneside.gov.uk

Date: 05th June 2021
Our Ref: NEX/JRW 05/21

Dear Sir/Madam

Redevelopment of Jarrow 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

Applicant: Tyne and Wear Passenger Transport Executive trading as Nexus ("Nexus")

Please find enclosed details of 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 Jarrow, in South Tyneside.

The subject application comprises the following documents:

- Prior Approval Assessment prepared by Nexus.
- ALZ-1234-T1T-XXX-001 19.05.2021 - Existing Arrangements / Site Location Plan
- ALZ-1234-T1T-XXX-002 19.05.2021 – Proposed Arrangements
- ALZ-1234-T1T-XXX-003 19.05.2021 - Proposed arrangements Sections

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 Jarrow Metro Station, which has two separate adjacent platforms either side of the Metro Line, which are connected by a footbridge.

The Proposed Development

The subject site is located on Grant Street/Railway Street within Jarrow Town Centre. The site comprises the existing Jarrow 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.

Jarrow Metro Station consists of a dual line section of track with platforms either side and with ramps providing step-free access. The subject application proposes to lower the platforms by up to 300 mm below the present levels. The platforms currently include seating, shelters for waiting and ticket machines. The station also includes cycle parking and a small car park. All of these features would be reinstated and the access would remain as for the present arrangement.

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.

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 Lawfulness of 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 matter of the certificate 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 as the owner it 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.

Jarrow Metro Station is situated between Pelaw and Jarrow Stations and, as such, the proposed development falls within the scope of the December 2020 Certificate of Lawfulness of 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 Jarrow 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 Jarrow. 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 up to 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.

As both platforms would remain in the same location as the present structures, albeit up to 300 mm lower, there would not be any material effects on amenity as a result of noise, lighting, landscape or visual changes. 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.

Yours faithfully

Vasile Gadinceanu

Metro Flow Project Manager
(Major Projects)

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