

COMMITTEE REPORT

Date: 22 October 2015 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 15/01307/FULM
Application at: Plot 7 Great North Way Nether Poppleton York
For: Erection of motor vehicle dealership sales and servicing buildings
with outside vehicle parking areas
By: Arnold Clark LTD
Application Type: Major Full Application (13 weeks)
Target Date: 26 October 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a 3.2 hectare plot within the York Business Park. The site is bounded to the east by the East Coast rail line, to the south by industrial units; to the north by White Rose Way and the recent office development of Tudor Court and the office/workshop units of Opus Avenue. To the west is the Great North Way, and further to the west and south is a large residential area. The site is designated as employment land in the 2005 draft York Local Plan and the emerging (publication draft) Local Plan. Planning permission (ref: 11/03253/FULM) has previously been granted for development of a retail garden centre at the site. This has not been implemented.

1.2 Planning permission is currently sought for the construction of a car dealership with associated facilities including car servicing, valeting and used car sales within a 3014 sq metre building employing 45 full time staff. The site has been notified as a SINC or Site of Interest for Nature Conservation on the basis of its calcareous vegetation and a colony of Great Crested Newts which have subsequently been trans-located. The application details have been amended subsequent to submission to amend the layout to increase the level of landscaping within the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

The national and local policy context is explained and assessed at paragraph section 4.0 below. The relevant local planning policies are listed as follows: 2005 Draft York Development Control Local Plan (4th set of changes). Relevant policies include:

- CYGP1 Amenity
- CGP15A Drainage and Flood Risk
- CYNE5A Local Nature Conservation Sites
- CYNE5B Mitigation of Harm to Nature Conservation Sites
- CYNE6 Species Protected by Law

City of York Local Plan – Publication Draft 2014 Relevant Policies include:

- EC3 Loss of Employment Land
- ENV2 Managing Environmental Quality
- G12 Biodiversity and Access to Nature

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection Unit raise no objection in principle to the proposal but express concern in respect of the potential impact of site lighting upon the amenity of nearby residential property, notably the care home directly to the west on Great North Way.

3.2 Strategic Flood Risk Management were consulted with regard to the proposal on 5th August 2015. No response has been forthcoming at the time of writing this report.

3.3 Highway Network Management raise concerns in respect of the lack of a submitted Travel Plan or Travel Statement, potential impact from parking on the adopted highway verge, lack of clarity in terms of the area of staff parking and lack of clarity in terms of access to the site for service vehicles. The applicant has undertaken to address each issue prior to the meeting.

3.4 Planning and Environmental Management raise no objection in principle to the proposal but express concern in respect of the level and variety of landscaping provided within the site and the lack of detail of mitigation for loss of the notified SINC. The applicant has undertaken to address this issue prior to the meeting.

EXTERNAL:-

3.5 Nether Poppleton Parish Council raise no objection in principle to the proposal subject to adequate parking being provided within the site, adequate mitigation being provided for loss of the SINC and on site lighting being designed so as not to harm the amenities of residents of the care home directly to the west.

3.6 The Yorkshire Wildlife Trust raises no objection in principle to the proposal but express some concern with regard to the lack of submitted detail in respect of the mitigation for the loss of the SINC.

3.7 Yorkshire Water Services raise no objection to the proposal.

3.8 The Environment Agency raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon safety and convenience of highway users;
- * Loss of habitat of Biodiversity Importance;
- * Economic Development Issues.

POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no statutory development plan in York (other than the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the Green Belt).

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

4.4 Although there is no formally adopted local plan, the City of York Draft Local Plan was approved for Development Control purposes in April 2005. Whilst it does not form part of a statutory development plan, its policies remain material considerations in respect of Development Management decisions although only where policies relevant to the application are in accordance with the National Planning Policy Framework. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.5 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. It carries very little weight in the Council's consideration of this application (in accordance with paragraph 216 of the NPPF). The most relevant of the document's policies are listed at paragraph 2.2 of this report.

4.6 EMPLOYMENT LAND:-Central Government Planning Policy as outlined in paragraphs 21 and 22 of the National Planning Policy Framework are of particular importance in consideration of the proposal. Paragraph 21 indicates that Local Planning Authorities should give particular weight to the support of existing business sectors taking account of whether they are expanding or contracting. Paragraph 22 indicates that where there is no reasonable prospect of a site being used for an allocated employment use then each application should be treated on its merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 AMENITY:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework" Core Planning Principles" indicates that Local Planning Authorities should give particular weight to securing a good standard of amenity for all new and existing occupants of land and buildings.

4.8 BIODIVERSITY:- Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to safeguard local biodiversity by ensuring that where significant harm arising from a development can not be avoided that it is adequately mitigated and that if that is not possible that planning permission should be refused.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.9 The application site comprises a large previously undeveloped site previously placed within a large area of employment land which has been in the process of development since the late 1990s. The majority of surrounding uses are also employment related with a predominance of B1 activity with a long standing concentration of car dealerships around the entrance to the York Business Park. Such activities would not generally be harmed in amenity terms from the activities of the proposal. However, directly to the west lies a substantial three storey elderly

care home recently opened to full capacity. A further residential development dating from the 1990s lies a further 30 metres to the rear at a slightly raised level. The application details have been amended since submission to enhance the level of on-site landscaping to improve the amenity of local residents. Concern has previously been expressed in respect of lighting levels in proximity to the care home and also the issue of deliveries of vehicles to the site. Subject to delivery times being strictly conditioned as part of any permission then that issue can be satisfactorily resolved. Details of the proposed site lighting have now been found to be satisfactory and have been agreed.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.10 The application site is centrally located within a substantial area of employment land in the process of development adjacent to the principal access route between its northern and southern sections. Whilst the surrounding road network does not operate at capacity there are significant problems of on-street parking arising from the activities of nearby predominantly office developments. The submitted application details do indicate a significant degree of on-site parking but it is unclear as to the proportion that would be allocated to staff. At the same time it is unclear as to how the site would be serviced. The site includes a significant degree of open road frontage with good visibility that would allow for servicing by large commercial vehicles. How servicing could be achieved has not however been clearly demonstrated. Negotiation with the applicant in respect of these matters is on-going and will be reported to Members at the meeting. The provision of appropriate on-site parking for staff together with a sustainable Travel Plan could be conditioned as part of any overall planning permission.

LOSS OF HABITAT OF BIODIVERSITY SIGNIFICANCE

4.11 The application site has been notified as a SINC on the basis of being a particularly good example of a calcareous grassland habitat. It has previously supported a medium scale population of Great Crested Newts. They were however trans-located to a site to the east of the adjacent East Coast Railway Line as part of the previous and now abandoned proposal to construct a garden centre on the site. A mitigation strategy to compensate for the loss of the calcareous grassland habitat together with measures within the site to prevent re-colonisation of the site by Great Crested Newts was previously agreed with the prospective Garden Centre developer. The current developer has not however committed to keep the mitigation measures in place as required by paragraph 118 of the National Planning Policy Framework. Negotiations are on-going with the developer and will be reported to Members at the meeting. Any permission can be conditioned to require compliance with such a mitigation strategy.

ECONOMIC DEVELOPMENT ISSUES:-

4.12 The application site forms a large undeveloped section of the York Business Park which was given planning permission in the late 1990s for a mix of B1 (business) and B8 (storage and distribution) uses. The proposed dealership whilst including elements of employment use including servicing and repair of cars and commercial vehicles and storage of vehicles for sale and awaiting repair would represent a change of use outside these use classes to a sui generis use and a loss of land for employment development. However, Officers consider that there are material considerations which justify the proposed dealership.

4.13 The northern section of the Park has a concentration of car dealerships of some historical standing and the application site itself has an extant planning permission for a large scale partially open air retail use with general functional similarities to what is proposed. The site directly to the west on Great North Way, which was also allocated as employment use, has been recently re-developed to provide a care home for the elderly.

4.14 Notwithstanding the policy presumption within the 2005 draft York Local Plan (which is being carried forward to the emerging Local Plan) against loss of such a large employment site, there has been no interest in the site for employment use since its allocation in the 1990s, and given the lack of prospect of 'traditional' employment use, permission has already been granted previously for a retail garden centre.

4.15 It has furthermore been confirmed by the applicant that the proposal would create a significant quantity of new employment with 45 new full time jobs proposed with support for others supplying the dealership in the wider vicinity. The full time job creation figure would be greater than or at least comparable with what could be achieved with the site through a conventional B1/B8 use as previously approved. A proportion of the jobs would be for the service and repair of vehicles (which on its own would be a B2 employment use). It would also be significantly in excess of that previously the proposed garden centre use. It is therefore considered that the proposed development would be justified by significant benefits related to employment and economic development.

5.0 CONCLUSION

5.1 The application site consists of a long term large vacant plot within the York Business Park with a recently developed care home to the west, the East Coast Main Line to the east and a concentration of car dealerships to the north. Planning permission has previously been granted for extensive retail use in the form of a garden centre. Planning permission is now sought for erection of a two storey car dealership with associated facilities including car valeting, servicing and used car sales. Concern has been expressed in terms of the impact of site lighting on the

amenity of residents of the adjacent care home; the level of staff parking and servicing arrangements within the site and the mitigation for the loss of the notified SINC. Negotiations with the applicant in respect of these issues are on-going and subject to a satisfactory resolution (Members will be updated in respect of these matters at Committee) the development is felt to be acceptable and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Subject to satisfactory resolution of:-
i) Site Lighting
iii) Staff parking and service arrangements
ii) SINC loss mitigation

Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs: - 2737/20/B; 2737/21/; 2737/22/; 2737/23/; 2737/24/; 2737/25/.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences above foundation level and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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5 No development shall take place above foundation level until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. 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 a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

6 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

7 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that

excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: To protect the amenity of local residents

8 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at

background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Reason: To protect the amenity of local residents

9 LC4 Land contamination - unexpected contam

10 The hours of operation of this approved use shall be confined to:

Mondays to Fridays 08.00 hours to 20.00 hours

Saturdays 09.00 hours to 18.00 hours

Sundays and Bank Holidays 10.00 hours to 18.00 hours

Reason: To safeguard the amenities of occupants of the nearby dwellings and buildings.

11 Notwithstanding the submitted plans and prior to the commencement of the development above foundation level full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination.

12 Within six months of occupation of the site, a Green Travel Plan will be submitted and approved in writing by the Local Planning Authority. The Green Travel Plan for employees and guests will set out measures to promote sustainable travel and reduce dependency on private car journeys, in accordance with current advice issued by the Department of Transport.

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies and comply with Policy T13a of the City of York Council Development Control Local Plan.

13 HWAY9 Vehicle areas surfaced

14 HWAY19 Car and cycle parking laid out

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15 HWAY21 Internal turning areas to be provided

16 HWAY40 Dilapidation survey

17 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the CYC Interim Planning Statement 'Sustainable Design and Construction'.

18 Prior to the commencement of development a detailed mitigation plan, including method statements and details of the timing of works shall be submitted to and approved in writing by the Local Planning Authority. All works should be carried out in accordance with the approved details.

Reason: To ensure the appropriate compensatory measures for the loss of the SINC site are created and to comply with Policy NE5b. To ensure there is no harm to a species protected by law and to comply with Policy NE6 and the NPPF.

19 Prior to the commencement of the development hereby authorised above foundation level full details of the proposed surface water drainage system to serve the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of the outfall and shall provide for surface water discharges to be attenuated to 70% of the existing rate of run off. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To ensure that the site is safely and efficiently drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Details of proposed site lighting
- ii) Details of staff parking and servicing arrangements
- iii) Details of Mitigation for the Loss of a SINC.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. NETWORK RAIL INFORMATIVE

By virtue of the proximity of the site to the railway line Network Rail have the following requirements:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soak aways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the line side fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the

approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebra"

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local

Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416