

COMMITTEE REPORT

Date: 19th November 2015 **Ward:** Rural West York
Team: Major and Commercial Team **Parish:** Nether Poppleton Parish 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: 30 November 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, further to the west and south is a large residential area. The site is designated as employment land in the Local Plan and the emerging (publication draft) Local Plan. Planning permission ref: - 11/03253/FULM has previously been given for development of a garden centre at the site.

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

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

2.2 Policies (2005) Draft Local Plan:

CGP15A Drainage

CYE3B Employment Sites

CYGP1Amenity

CYNE5A Local Nature Conservation Sites

CYNE5B Mitigation of Harm to Designated Nature Conservation Sites

CYNE6 Species Protected by Law

2.3 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 Environmental 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 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.

3.3 Highway Network Management initially raised 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 various highway concerns have subsequently been addressed in detail and appropriate conditions are recommended.

3.4 Design, Conservation and Sustainable Development raise no objection in principle to the proposal but expressed 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. These issues have now been satisfactorily resolved and are dealt with through recommended condition 18.

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 raise 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.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES)

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY FRAMEWORK:-

4.3 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. Policy EC3 of the (Emerging) Publication Draft Local Plan is also of particular relevance in this context indicating that planning permission will only be forthcoming in respect of sites that are not required for a deliverable employment use during the plan period.

4.4 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. Policy ENV2 of the (Emerging) Publication Draft Local Plan is also of particular relevance in this context indicating that planning permission will be forthcoming where it can be demonstrated that residential amenity will be safeguarded.

4.5 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. Policy G12 of the (Emerging) Publication Draft Local Plan is also of particular relevance in this context in that it seeks to ensure the retention and enhancement of sites of local biodiversity interest within new development proposals.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.6 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 still however remains in respect of lighting levels and 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. Discussions are on-going in respect of lighting and will be reported to the meeting. With agreement being reached then details of the lighting can be satisfactorily conditioned and the amenity of nearby residents can be satisfactorily safeguarded in accordance with the requirements of paragraph 17 of the NPPF.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS:-

4.7 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 and the plans have been amended to clearly identify the area to be used by staff. At the same time servicing has been indicated via the rear access road and a draft Travel Plan has been submitted to deal with earlier concerns. The Highway impact of the development is now felt to be acceptable and may be conditioned as part of any permission.

LOSS OF HABITAT OF BIODIVERSITY SIGNIFICANCE:-

4.8 The application site has been notified as a SINCP 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. Those were however trans-located to a site to the east of the adjacent East Coast Railway Line as part of the previous abortive 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 were previously agreed with the prospective Garden Centre developer. The current developer has now committed to keep the mitigation measures on site, in place as required by paragraph 118 of the National Planning Policy Framework. Any permission can be conditioned to require compliance with such a mitigation strategy.

ECONOMIC DEVELOPMENT ISSUES:-

4.9 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. The northern section of the Park has a concentration of car dealerships of some historical standing and the application site itself has a recently expired 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 has also been recently re-developed to provide a care home for the elderly. 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 it can clearly

be seen that its retention in a B1/B8 use would not be sustainable in view of the extant permission for retail use which constitutes a viable “fallback position” in the event of the current proposal not being implemented. 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 created 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. 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 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. It furthermore has a previously extant planning permission for extensive retail use in the form of a garden centre. Planning permission is 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. These issues have subsequently been resolved, the development is felt to be acceptable and approval is recommended.

6.0 RECOMMENDATION: 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/.D/01, LS01, 2737/20/C, 2737/25/A, 109240/1010B, 109240/1011A.

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.

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, an 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
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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 I would anticipate that details would 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 I would also expect the CEMP to 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 (LAeq), 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. In the interests of the visual amenity of the greenbelt and the rural location and to protect the character of the area.

12 Prior to first occupation, a Full Travel Plan should be submitted to and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be

occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

13 HWAY9 Vehicle areas surfaced

14 HWAY19 Car and cycle parking laid out

15 HWAY21 Internal turning areas to be provided

16 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

a) Measures to prevent the egress of mud and other detritus onto the adjacent public highway

b) A dilapidation survey jointly undertaken with the local highway authority

c) The routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.

d) Where contractors will park

e) How large vehicles will enter/exit site

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

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 No development shall take place (including any ground works and site clearance) until a method statement for the retention and creation of semi-natural habitats, as outlined on the Landscape Plan by Westwood Landscape (Drawing No. L5/01, dated 05/10/15), has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used, protection of existing habitat during construction);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance;
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details in the first planting season after the approval of the method statement and shall be retained in that manner thereafter.

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 paragraph 118 of the NPPF.

19 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

20 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soak away, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuD's.

If SuD's methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha).

Please note that the proposed surface water discharge rate quoted within the submitted details of 80 l/sec is NOT agreed.

Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

21 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

22 HWAY14 Access to be approved, details reqd

23 HWAY18 Cycle parking details to be agreed

24 HWAY37 Control of glare etc from lighting

25 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans ref:- 109240/01010B and 109240/1011B. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

26 No barrier or gate to any vehicular access shall be erected within 15 metres of the rear of the footway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

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 lineside 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 (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

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.

4. HIGHWAY WORKS:-

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416