

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139767/NMC/2024

Date registered valid: 11 April 2024

Proposal: Non-material amendment to planning permission reference 135680/FO/2022 to allow: the northern elevation of the permitted building to be moved away from the Network Rail boundary; a reduction in size of building; and realignment of the stairwell in northwest corner of the building, and associated revised location of the external fire escape door.

Address: Land Off Ambrose Street, Manchester, M12 5DD

Ward(s):

Applicant: Mr Marc Studholme, Storage World

Agent (if any): Mr Thomas O'Kane, P4 Planning Limited

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 May 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:

Printed: 12 April 2024 Expired: 3 May 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site is currently occupied by a large double height warehouse currently subdivided into 6 units, with a hardstanding to the west of the building set behind a high brick wall with palisade fencing above fronting onto Pottery Lane. The boundary treatment to Ambrose Street comprises high palisade fencing. There is a minor change in levels between the north part and southern section of the overall site, but the change in levels beyond the site on Pottery Lane is significant as the road level drops under the Manchester to Glossop/Marple rail lines. There is also a 48-sheet size LED advertising display between the site and the rail line, which is not in the site edged red, and which is understood not to be in the applicant's control.

Planning History

135681/AO/2022 - Installation of illuminated fascia signage to all elevations of the proposed building, together with a non illuminated banner sign.

Approved subject to conditions 24.10.2023

092712/FO/2010/N2 - Change of use to the first floor from offices to storage.

Approved subject to conditions 26.05.2010

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located at the junction of Ambrose Street and Pottery Lane. The site is bounded by the Manchester to Hadfield / Glossop railway line (separated by a thin strip of landscaping) to the north with two colleges beyond the railway, warehousing and industrial uses to the south, west and east, and residential properties further to the south at the junction of Gorton Lane and Pottery Lane.

Previously approved scheme

The previously approved scheme related to the erection of five storey self-storage facility (Class B8) together with associated parking, circulation space and stores, landscaping, boundary treatment and roof mounted photovoltaic panels, following demolition of the existing buildings on the site. The site covered an area of 0.52 ha.

The proposed development involved the creation of 11,900sq.m of floorspace (Gross External Floor Area) (11,525sq.m Gross Internal Floor Area) following the demolition of the existing building (2,441 sq.m). Each proposed floor comprised 2,380 sqm (GEFA). The approved building comprised insulated grey metal cladding with a metal roofing system. External walls were to be built using a combination of composite cladding panels, 1000mm high with a micro rib finish and trapezoidal wall panels, laid horizontally and vertically. The existing vehicular access on Ambrose Street was to be retained, with the gates set 5.8m back behind the back of pavement to allow a vehicle to stand clear of the highway. 33 parking spaces were proposed – 3 no. spaces for loading, 2no. for disabled users and 28 for staff and visitors. The loading spaces proposed were to enable goods to be easily transferred to the self-storage facility. The service area also incorporated a designated loading area for larger vehicles and designed for HGV movements within the site. Loading operations into the proposed building were to be carried out through 2no level access loading doors on the western elevation. 14 cycle spaces were proposed within a cycle store located to the west of the proposed building and to the north of the proposed parking area.

3 full time and 1 part time employees were to be based at the proposed self storage facility.

The proposed operating hours were:

- 8:30 to 17:30 on Monday to Friday
- 10:00 to 16:00 on Saturday
- 10:00 to 14:00 on Sunday.

A limited area of soft landscaping was proposed to the western and southern boundaries of the site to Pottery Lane and Ambrose Street respectively, with tree planting proposed within the site on proximity to the boundary treatment to the Pottery Lane frontage. The existing western brick boundary wall was to be retained, but with the existing palisade fencing above being replaced with 2.4m RAL7005 grey paladin weldmesh fencing. The existing palisade fencing fronting onto Ambrose Street would also be replaced with 2.4m weldmesh fencing RAL7005 grey paladin weldmesh fencing. The eastern boundary also comprised paladin fencing. An application for the installation of illuminated fascia signage to all elevation of the proposed building, together with a non-illuminated signage banner ref: 135681 has been approved separately.

Description of development

The planning agent has advised that the existing planning permission cannot be implemented due to a restrictive covenant that prevents buildings within 3.05 m (10ft) of the railway retaining wall on the northern boundary of the site. The presence of the covenant was only identified relatively late in the application process and, following legal advice and discussions with Network Rail, its removal would be neither timely nor likely to be successful, and so the only practicable option to deliver the redevelopment of the site is to vary the existing planning permission ref. 135680/FO/2022 through a S96A non-material amendment.

This application therefore seeks approval to move the northern elevation of the permitted building slightly further away from the Network Rail boundary by approximately 0.7m when compared to the previously approved scheme, together with revisions to the stairwell in the northwest corner of the building, and associated revised location of the external fire escape door.

The amendment will result in a loss of floorspace of 80m² per floor or a total of 400m² total over the five floors. Due to the loss of floorspace, the stairwell at the northwest corner of the building is proposed to be realigned through 90 degrees from being accessed from the western elevation to taking access from the northern elevation.

The changes will affect the plan references in condition nos. 2,8,9,10, 11,17, and 29.

Consultations & Notification Responses

Network Rail – no comments received (consultation sent 12.04.2024).

Cadent - request an informative is attached to any approval to state 'Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to'.

Issues

Policy Context

These include Core Strategy policies EC 1 (Employment and Economic Growth in Manchester); EC 2 (Existing Employment Space); Policy EC 5 (East Manchester); EN 1 (Design Principles and Strategic Character Areas); Policy EN4 (Reducing CO2 emissions by enabling low and zero carbon development); EN 8 (Adaptation to Climate Change); EN9 (Green Infrastructure); EN14 (Flood Risk); EN18 (Contaminated Land); EN19 (Waste); T1 (Sustainable Transport); T2 (Accessible areas of opportunity and needs) ; DM1 (Development Management); Saved UDP policy E3.3 (Environmental Improvement and Protection), and the guidance provided within the National Planning Policy Framework , Places for Everyone, NPPG, the Guide to Development in Manchester Supplementary Planning Document, Manchester Climate Change Framework: 2020-2025 and Manchester Zero Carbon Framework (2020), and Ardwick Local Plan 2007.

Non material change

The proposed amendments have been assessed, and it can be confirmed that the changes are considered to be of a non-material nature and are considered to be acceptable to the City Council as the Local Planning Authority. This application therefore seeks approval to move the northern elevation of the permitted building slightly further away from the Network Rail boundary by approximately 0.7m when compared to the previously approved scheme, together with revisions to the stairwell in the northwest corner of the building, and associated revised location of the external fire escape door.

The amendment will result in a loss of floorspace of 80m² per floor or a total of 400m² total over the five floors. Due to the loss of floorspace, the stairwell at the northwest corner of the building is proposed to be realigned through 90 degrees from being accessed from the western elevation to taking access from the northern elevation.

It is considered that the proposed revisions would not have a detrimental impact in terms of the visual appearance, and amenity of the proposed adjoining commercial properties.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Paragraph one

The revisions to the approved scheme relate to the siting of the northern elevation of the permitted building 0.7m further south from the Network Rail boundary than the previously approved scheme, resulting in a slightly smaller building, and associated changes to the previously approved elevations due to the smaller floorplate. The other revision proposes the realignment of the stairwell at the northwest corner of the building through 90 degrees, with an amended location of the of external fire escape door to the northern elevation of the building.

It is considered that the proposed revisions would not have a detrimental impact in terms of the visual appearance, and amenity of the proposed adjoining commercial properties, and associated wording of condition nos. nos. 2,8,9,10, 11,17, and 29 to be amended to reference the revised plans.

Paragraph two

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

Condition no.2 – Specified plans

2)The development hereby approved shall be carried out in accordance with the following drawings and documents:

Topographical Survey plan ref: 58708-TOPO;

Electrical Services External Lighting plan ref: AMST-WAT-ZZ-00-DR-E-63100 rev.P3;

Proposed Demolition plan ref: MH1314-05;

Location plan ref: MH1314-01 rev.A;

Proposed external building materials visual ref: MH 1314

Planning statement dated November 2022

Framework Travel plan doc ref: 3232-01 - FTP01 dated October 2022

Crime impact statement ref: 2022/0219/CIS/02 Version A: 10th October 2022

Extended Phase 1 habitat survey and daytime bat survey dated August 2022

Biodiversity Impact Assessment dated November 2022

Renewable and sustainability planning report dated October 2022 rev.1

Geotechnical ground investigations report ref: Site Ref: 6101/VAJ-G dated September 2022

Phase 1 desk study and preliminary contaminated land risk assessment ref: 6101/VAJ V1.00

PCLRA dated August 2022

Flood risk assessment and outline drainage strategy ref: PG/MB/11325 dated 1st November 2022

Preliminary Coal Mining Risk Assessment Report (Desk Study) Site Ref: 6101/ VAJ CMRA V1.0 dated September 2022

Air Quality Assessment ref: 5626r1 dated 21st September 2022

Received 6th December 2022.

Waste Management Strategy Proforma;

Refuse Collection Arrangements plan ref: 3232-01-ATR02;

Existing and Proposed fence elevations and details plan ref: MH1314-12;
received 23rd January 2023.

Method Statement - Demolition rev.2 dated February 2023

Received 2nd March 2023

Geotechnical Report - Concrete Floor Slab (Report Number 6101/VAJ-G)

Phase II Contaminated Land Risk Assessment Report (Report Number 6101/VAJ-CLRA)

Ground Gas Risk Assessment Report (Report Number 6101/VAJ-GRA)

Received 3rd April 2023

Content of correspondence from Planning agent dated 17th May 2023 relating to Highway Matters;

Foundation Layout ref: 11325-001 rev,T2

Cut and Fill and Earthworks Volumes plan ref: 11325 - 900 rev. T1

Transport statement doc ref: 3232-01-TS01 dated October 2022 updated by Highways

Technical Note (TN01) (includes swept path plan ref: 3232-01- ATR03)

External Works plan ref: 11325-050 rev.T2 (Notwithstanding landscaping shown)

Photograph of boundary treatment to the north of the site

received 17th May 2023

Landscaping General Arrangement plan ref: UG_1754_LAN_GA_DRW rev.P04

Swept Path Analysis plan ref.3232-01-ATR03 Rev A

received 14th July 2023

Proposed Master Plan (ref. MH1314-06 Rev E)

Proposed Site Plan (ref. MH1314-07 Rev F)

Proposed Upper Floor Plans (ref. MH1314-08 Rev C)
Proposed Elevations (ref. MH1314-09 Rev D)
Proposed Roof Plan (ref. MH1314-10 Rev B)
Proposed External Works (ref. MH1314-11 Rev C)
Design and Access Statement (Rev D) ref: MH1314/E dated September 2023
received 7th September 2023

Network Rail boundary detail plan ref: MH1314- SK105 received 8th December 2023

Flood Risk Assessment and Outline Drainage Management Strategy dated 1st November 2022
Received 12th December 2023

AS AMENDED BY:

Foundation Layout ref: 11325-001 rev.P1
External Works plan ref: 11325-050 rev. P1 (Notwithstanding landscaping shown)
Cut and Fill and Earthworks Volumes plan ref: 11325 - 900 rev. P1
Electrical Services External Lighting plan ref:14558 rev.P04
Proposed Master Plan (ref. MH1314-06 Rev F)
Proposed Site Plan (ref. MH1314-07 Rev G)
Proposed Upper Floor Plans (ref. MH1314-08 Rev D)
Proposed Elevations (ref. MH1314-09 Rev E)
Proposed Roof Plan (ref. MH1314-10 Rev C)
Proposed External Works (ref. MH1314-11 Rev D)
Proposed Ground Floor MH1314-SK46

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Condition no. 8 – Car Parking

8) The car parking indicated on Proposed Site Plan ref. MH1314-07 Rev G shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being occupied. The car park shall then be available at all times whilst the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

Condition no. 9 – EVC's

9) The electric vehicle charging points on Proposed Site Plan ref. MH1314-07 Rev G shall be installed and made available for use prior to the buildings hereby approved being occupied. The electric vehicle charging points shall then be available at all times whilst the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

Condition no. 10- Cycle storage

10) The development hereby approved shall be completed in accordance with the scheme for the provision of space and facilities for bicycle parking indicated on the Proposed External Works plan ref. MH1314-11 Rev D.

The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy (2012).

Condition no. 11- Highway works

11) Prior to above ground works, finalised detailed designs (including specifications) of all off site highways works, shown on plan ref: External Work Plan 11325-050 rev.P1(including any Traffic Regulation Orders; and dropped kerbs and tactile paving across the proposed entrance; and footway resurfacing) shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, prior to the self-storage accommodation being brought into use.

Reason - In the interests of highway safety, pursuant to policy T1 of the Manchester Core Strategy (2012).

Condition no. 17 – Waste storage

17) a) The refuse storage arrangement shall be implemented in accordance with the details on the Proposed External Works plan ref. MH1314-11 Rev D, the Waste Management Strategy Proforma; and Refuse Collection Arrangements plan ref: 3232-01-ATR02, shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

b) Prior to first occupation of the self-storage building, the details of frequency of waste collection and measures to store recyclable waste materials shall be submitted to and agreed in writing by the City Council as Local Planning Authority, prior to first occupation of the building

The development shall be implemented in accordance with the approved details, whilst the proposed self-storage building is in use.

Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012).

Condition no. 29 – External Lighting

29) Notwithstanding the details on Electrical Services External Lighting plan ref: :14558 rev.P04 referenced in condition no. 2 , finalised design details of all external lighting including design specifications ,height of columns, lux levels , colouration of lighting and measures to ensure that all lighting is angled away from the adjacent operational railway, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason - To prevent the design and nature of external lighting from impacting the adjacent railway signals and operational railway, pursuant to policies T1 and DM1 of the Manchester Core Strategy (2012).

Informatives

1. MCC records highlight that the underground culvert (Clayton Brook) is located within close proximity to the site (approximately 10m to the east of the site), while records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. It is therefore requested that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

2. The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

3. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4. Whilst the buildings to be demolished have been assessed as very low risk for bats, the applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

5. After such time that the finalised detailed construction designs of the building in order to ensure the retention of a gap between the building and the Network Rail retaining wall have been approved, the applicant is required to liaise further with Network Rail in relation to the requirements specified under any subsequent BAPA .

6. Network Rail Advice

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

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. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by Network Rail prior to implementation.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint. - Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary.
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Lighting

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary. This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 – around the clock) both during construction works and as a permanent arrangement.

- The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.
- The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.

Drainage proposals and Network Rail land

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure. - Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway.
- The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway. - Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary. Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.
- NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead

to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

Excavation and Earthworks and Network Rail land: The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of their land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review. Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. It is advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The developer is also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

3m Gap

Network Rail REQUIRES that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

Paragraph two

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval

Appendix 1 – List of consultees & neighbours notified

Network Rail

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA