

Jane Tucker

From: TownPlanning LNW [TownPlanningLNW@networkrail.co.uk]
Sent: 14 March 2012 14:43
To: planning
Subject: Ribble Valley ref 3-2012-0185 Victoria Street Garage Clitheroe demolition and erection of 3 storey apartment

Attachments: Victoria St NR land ownership pdf; ATT582248.txt

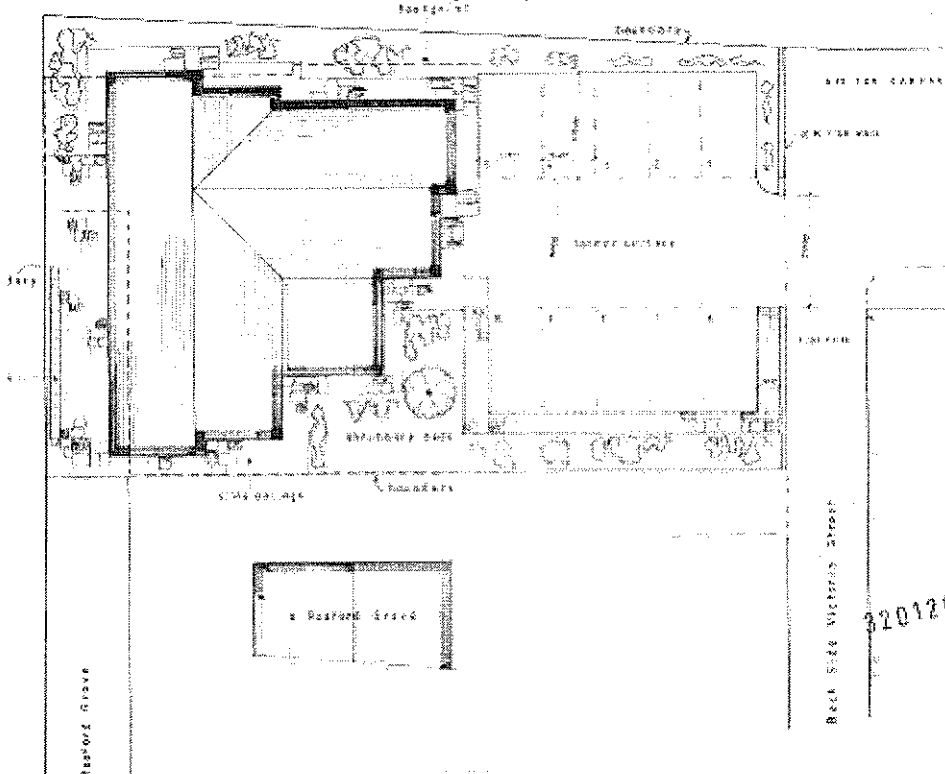
FAO Colin Sharpe
3/2012/0185

Victoria Street Garage Victoria Street Clitheroe Lancashire
Application for the renewal of planning permission 3/2008/0766P for the proposed demolition of commercial building and erection of a 3-storey building forming nine two-bedroom apartments with ancillary lift and staircase enclosure.
E 373761 / N 441162

Colin

The design and access statement from the applicant states, "The west side bounds on to Henthorn Park playground separated by British Rail Track, there is a footbridge over the rail track to the park from the end of Victoria Street. The rail track is significantly lower than the building levels of the garage, separated by self seeded small trees on the separating embankment of the rail track."

The proposal site plan is below and I have attached a plan showing Network Rail land ownership (shaded in green) next to the proposal.



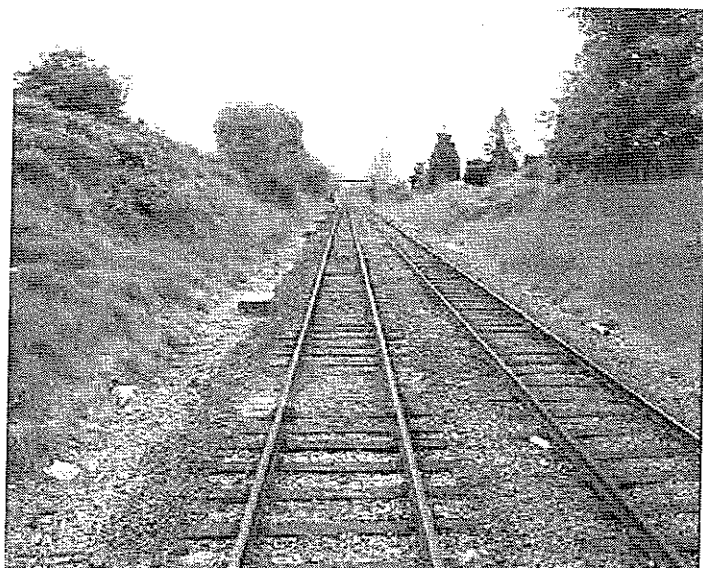
This proposal is very close to the operational railway and has the potential to impact upon the railway and Network Rail land if the relevant asset protection measures are not issued and acted upon by the applicant – therefore we would request that the following are issued as conditions to the applicant in the decision notice should permission be granted, in order to maintain the safety, operation and integrity of the railway.

- (1) The design and access state mentions British Rail Track land, the operational railway land is in the ownership of Network Rail, Railtrack has not existed since 2002.
- (2) The proposal calls for the demolition of the existing building and perimeter walls. The applicant has not stated if the demolition of the perimeter walls also includes walls along the boundary with Network Rail. The demolition works must not endanger the safe operation of the railway, or the stability of the

14/03/2012

adjoining Network Rail structures. The demolition of the existing building and walls near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before the development can commence. Email: AssetProtectionLNWNorth@networkrail.co.uk

- (3) The applicant has proposed a 2.0m high hit and miss timber panel fence. Any fencing erected must not impact upon any existing Network Rail fencing or walls. Any Network Rail existing fencing or walls must not be damaged, removed or altered in any way (this includes any foundations), and the applicant's fencing must not prevent Network Rail from maintaining or renewing our boundary treatment. Ideally we would request that the applicant installs (at their own expense) a 1.8m high trespass proof steel palisade fence as any residential proposal imports a risk of trespass to the operational railway and as the applicant has chosen to develop the site, the applicant should mitigate any imported risks. We would remind the council that trespass is a criminal offence (s55 British Transport Commission Act 1949).
- (4) Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. 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 property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Full details of the drainage are to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.
- (5) Where vibro-compaction machinery / piling machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
- (6) Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary.
- (7) Fully detailed plans of any excavation works within 10 metres of Network Rail's boundary, including cross-sections where alterations to the existing ground levels are proposed, should be submitted to the Network Rail Asset Protection Engineer before development commences for approval, in order to ensure that Network Rail's adjacent property and works will not be adversely affected during and after the carrying out of the development. There must be no general lowering of present ground levels near Network Rail's boundary as the railway is on an embankment. Further, there must be no excavation into, nor deep continuous excavations near, the toe of embankments or retaining walls or bridge support slopes. Image of railway as below.



Omnicon Engineering Ltd
292 Tadcaster Road
York
YO24 1ET

This image is protected by an electronic
watermark. Unauthorized use prohibited.

ELR: DJH Easting: 373728.441
TRID: 1100 Northing: 441154.806
Camera: Front Long: -2.4009810
Date: 12/5/2004 Lat: 53.8659480

Miles: 020+1280 (021-0471)

- (8) The developer/applicant must ensure that their proposal both during construction and after completion of works on site does not encroach onto Network Rail land, it must not affect the safety, operation or integrity of the railway and its infrastructure or undermine or damage or adversely affect any railway land and structures, nor over-sail or encroach upon the air-space of any Network Rail land or cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future to be undertaken on Network Rail land and infrastructure. Any future maintenance must be conducted solely on the applicant's land.
- (9) The applicant must ensure that the construction and subsequent maintenance can be carried out to the proposed building(s) or structure(s) without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building(s) should be situated at least **2 metres** from Network Rail's boundary. The reason for the 2m stand off requirement is to allow for construction and future maintenance of the building(s) to be undertaken without requirement for access to the operational railway environment (either land or air-space) which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant (this would include for example, provision and costs of railway look-out, any asset protection presence, possession costs). The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. Additionally please note that Network Rail does not offer or give warranty to a right of support. No structure(s) or building(s) should be built hard-against Network Rail's boundary. Any less than 2m from the Network Rail boundary and there is a real possibility of encroachment onto Network Rail land taking place to facilitate construction works or future maintenance.
- (10) The potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway must be assessed in the context of PPG24 and the local planning authority should use conditions as necessary. The current level of usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. Network Rail also often carry out works at night when normal rail traffic is suspended and often these works can be noisy.
- (11) 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 as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. 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.

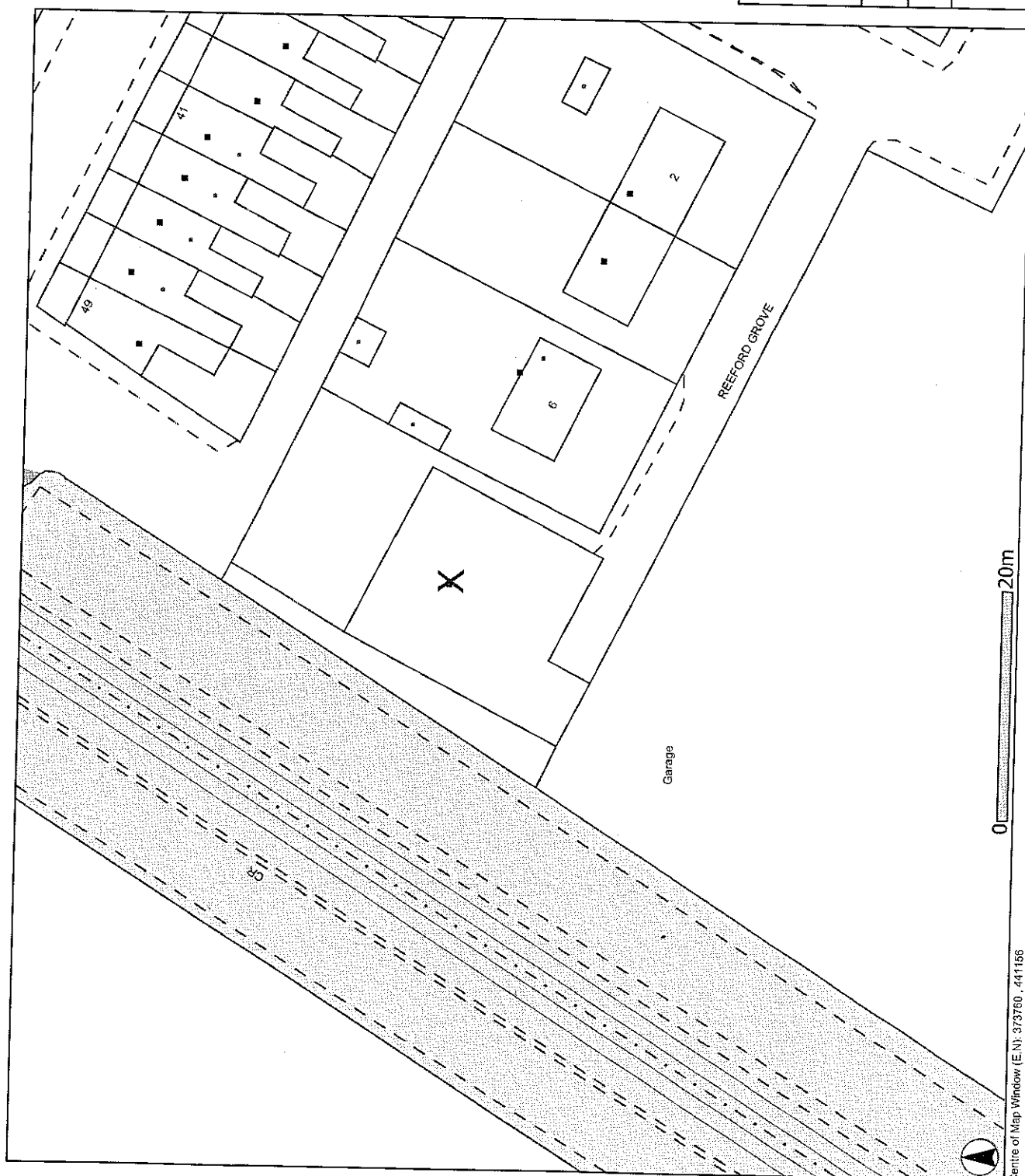
Permitted Trees: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby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

Not Permitted: 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*).

Regards

Diane Clarke | Town Planning Technician LNW | Network Rail Town Planning Team LNW
Desk 122 - Floor 1, Square One, 4 Travis Street, Manchester, M1 2NY
Please send all Notifications and Consultations to TownPlanning.LNW@networkrail.co.uk
www.networkrail.co.uk

Reproduced from the Ordnance Survey Map with permission of the controller of Her Majesty's Stationery Office. Crown Copyright. Licence No: 010040692



Centre of Map Window (E.N): 373760, 441156

		1:500	14/3/2012	Network Rail 
Plot Scale				
Plot Date				

Output Created from the GI Portal - A4 Landscape