

MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 15 December 2015

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COUNCILLORS PRESENT: Councillors Upton (Chair), Gotch (Vice-Chair), Benjamin, Cook, Fooks, Hollingsworth, Price and Tanner.

OFFICERS PRESENT: Fiona Bartholomew (Principal Planner), Michael Morgan (Lawyer), Tim Sadler (Executive Director Community Services), David Stevens (Environmental Health Officer) and Jennifer Thompson (Committee and Members Services Officer)

82. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Gant submitted apologies and Councillor Fooks substituted for him. Councillor Paule submitted apologies.

83. DECLARATIONS OF INTEREST

There were no declarations.

84. CONDITION 19, PART 13 (NOISE BARRIERS- ROUTE SECTION H) OF TWA/10/APP/01- EAST WEST RAIL LINK: 15/03110/CND

The Committee considered application for 15/03110/CND - details submitted in compliance with Condition 19, Part 13 (Noise barriers- Route Section H) of TWA Ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990) – setting out proposed design and confirming the location of the noise barriers along Section H of the railway line.

The Planning Officer reported on a number of points including:

- The location and size of the proposed noise barriers were fundamental to the acceptability of the Noise Scheme of Assessment (NSoA) and thus were approved at that time. Network Rail confirm that the location of the barriers as shown match exactly the approved locations in the approved NSoA.
- The effectiveness of the mitigation in the NSoA was based on the relative height of the tops of barriers compared to receptors. This was based on the existing ground levels at the time. Sections of the cuttings and embankments had been re-profiled during works. Any permission will clarify that the barriers must be installed exactly as approved **including maintaining the approved heights of the top of the barrier** and distances relative to the receptors.

Otherwise a new assessment must be carried out to check noise mitigation is satisfactory.

- Changes to the size, height, relative position, and composition of the barriers from that previously agreed in accordance with the calculations from the independent expert could compromise their effectiveness and reduce the mitigation.
- She therefore recommended a condition clarifying that nothing in this approval sanctions any departure from the approved NSoA, in particular there is to be no departure from the specified location and height of the barriers relative to the receptors.

At the discretion of the Chair, speakers against and speakers in support of the application were permitted to speak for up to ten minutes per group.

Keith Dancey, Ian Robinson, Mike Lewis, and Michael Drolet, residents living near the railway line, addressed the Committee and explained their concerns about the details of the barriers alongside Quadrangle House and Bladon Close.

Robert Mole, on behalf of Network Rail, spoke in support of the application.

The Committee asked questions of officers for clarification and to satisfy themselves that residents' concerns were adequately addressed and that approving the scheme with the recommended condition fulfilled the requirements of the NSoA.

Amongst other points, officers confirmed that:

- There were permissible tolerances on the final location and size but it was not possible to revisit the approved scheme;
- At 1 Upper Close only the approved location (vertical and horizontal) would provide the required mitigation: any departure from this as a result of permanent changes to the bank would require further assessment.
- At Bladon Close the overlap in the barriers had been shown to be as long as was required to be effective in mitigating noise: Network Rail could not be required to go beyond the requirements of the Noise and Vibration Mitigation Policy or to provide anything additional to that which met their obligations.
- At Quadrangle House the position and function of the barrier was exactly as described and modelled in the NSoA; Network Rail had stated that infrastructure was to be built between the track and barrier location near Quadrangle House.
- The NSoA made clear that mitigation applied only to the interior of buildings not outside spaces, and there were unavoidable limitations to both barriers and insulation.

Notwithstanding the approval of the layout of the barriers under application 15/00956/CND the Committee had two outstanding concerns:

- at Quadrangle House to consider whether the barriers at could be moved further away without compromising their function of mitigating noise for St Peter's Road or compromising the safety and functioning of the railway, as

increasing the gap between barriers and building would improve the amenity of the residents.

- at Bladon Close, to clarify if the gap in the barriers was necessary and if the overlap was sufficient to be fully effective in terms of the NSoA; whether this gap could be closed or the overlap extended to further reduce noise; and how much noise mitigation either of these options would achieve.

A motion to defer decision until all details of compliance and a more aesthetically pleasing barrier design were submitted was not seconded.

A motion to approve the application in part, specifying exclusions, and with conditions as recommended (as set out below) was proposed, seconded and agreed on being put to the vote.

The Committee resolved that in respect of application 15/03110/CND:

Condition 19(13) be partially discharged in relation to the details of the size, appearance and location of the noise barriers in route Section H subject to the following exclusions and conditions:

Exclusions:

1. Quadrangle House:

adjacent to the building, the position of the barrier relative to the building and track be re-evaluated and either

(1) a new location closer to the track be proposed, assessed, and the effectiveness of this (for the appropriate barrier height as specified in the NSoA) in meeting both operational and noise mitigation requirements evaluated and confirmed in writing; or

(2) the current combination of location and height confirmed to be sound and that changing these will have a negative effect (in terms of operational and/or noise mitigation requirements).

Reason: to allow the consideration of options for a suitable alternative location for the barriers in this stretch which improves the amenity of residents without compromising noise mitigation or rail operations

2. Bladon Close:

- a) clarify the reasons necessitating the gap between the barriers in this stretch at its current position and separation between barriers, and why the gap cannot be closed or the overlap extended; and
- b) demonstrate clearly how the agreed gap and overlap will fully meet the requirements of the NSoA; or
- c) if b) is not met or if practicable submit a proposal to close the gap, with the effectiveness of this (for the appropriate barrier height as specified in the NSoA) in meeting both operational and noise mitigation requirements evaluated and confirmed in writing; or
- d) if b) is not met or if practicable submit a proposal to increase the overlap, with the effectiveness of this (for the appropriate barrier height as specified in the NSoA) in meeting both operational and noise mitigation requirements evaluated and confirmed in writing.

Reason: to allow consideration of possible alternatives or to confirm to the local planning authority that the current proposals adequately meets the requirements of the NSoA

Condition

1. development in accordance with plans: nothing in this approval sanctions any departure from the approved NSoA, in particular there is to be no departure from the specified location and height of the barriers relative to the receptors.

The meeting started at 4.00 pm and ended at 5.30 pm