

WEST AREA PLANNING COMMITTEE

15th December 2015

Application Number: 15/03110/CND

Decision Due by: 18th December 2015

Proposal: 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)

Site Address: Chiltern Railway From Oxford To Bicester – Section H
Appendix 1

Ward: Wolvercote Ward

Agent: ERM

Applicant: Network Rail

Recommendation:

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.

For the following reasons:

- 1 The application proposes noise barriers which, from a noise control perspective, are of an acceptable size and construction and are suitably located. The proposals conform to the requirements of the Noise and Vibration Mitigation Policy and are in accordance with the approved Noise Scheme of Assessment for route Section H. The external appearance of the proposed barriers is acceptable and the proposals therefore also accord with policies CP10 and CP21 of the adopted Oxford Local Plan 2001-2011 and other material considerations. It is confirmed that prior to and in connection with the granting of this consent, the Council has taken the Environmental Statement and other relevant environmental information into account.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation

and publicity. Any material harm that the development would otherwise give rise to can be offset by the condition imposed.

Subject to the following condition:

- 1 Development in accordance with plans

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP10 - Siting Development to Meet Functional Needs

CP21 - Noise

Other Material Considerations:

National Planning Policy Framework
Planning Policy Guidance

Relevant Site History:

15/00956/CND - Details submitted in compliance with condition 19 (operational noise and vibration) 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). PERMITTED 30th June 2015.

Representations Received:

35 representations have been received from local residents raising the following points (in summary):

- Inaccurate plan - properties not shown and no contours - need to cross-sections so that residents can see the effects on their property.
- Independent acoustic assessor required.
- At the public inquiry it was said that barriers would be 2.5 m from track. Noise modelling was based on a barrier 2.5 m from the tracks - the modelling is negated because the barriers are not proposed in that position.
- Where the track is located at the bottom of cutting, the barrier should be at top.
- Noise from diesel engines emanates 4 metres above the rail therefore barriers should be higher.
- At Quadrangle House the proposed barrier is too close to the building – this will not provide adequate noise attenuation and will prevent access for fire escape, maintenance and also blocks light to bedroom windows. The barriers

here are too far away from track – quadrangle house is not being treated equally as Blenheim Drive and Bladon Close.

- Adjacent 23 St Peter’s Road the barrier should be adjacent to the track.
- Near Blenheim Drive the length of noise barriers has been reduced to save costs - additional barriers are needed to protect Blenheim Drive particularly in the context that felling of trees and shrubbery has made noise worse, and increased train services will make noise worse. These barriers should extend as far south as Richards Lane.
- The barriers will have a negative visual impact, including when seen from upstairs bedrooms.
- Residents should be asked whether they want their views obscured or their gardens shaded by barriers, or whether they want optimum sound insulation.
- The noise barrier proposed adjacent to 396 Woodstock Road needs to be on private land therefore not in same position as in the noise scheme of assessment which undermines the proposal.
- At a meeting with Network Rail, residents in Lakeside were offered four 4 metre high barriers - why are barriers now proposed at only 2.5 metres high?
- The northern and southern ends of Lakeside are not treated equally – the barriers extend for different lengths.
- In places, barriers are lower on the eastside - will this deflect noise from the west side where barriers are higher on the west side than on the east side?
- At 1 Upper Close the barrier offers no protection to first and second floors.
- The gap in the barrier adjacent to 3 Bladon Close should be closed.

Statutory and Internal Consultees:

Environmental Health: in view of the clarification given by ERM on behalf of Network Rail in the letter of 27th November 2015, the detailed submission of 22nd October 2015 is satisfactory from a noise control perspective for the purposes of condition 19 (13).

Background

1. Part 2 of Condition 19 of the deemed planning permission for East West Rail Phase 1 (EWRP1) requires the submission of Noise Schemes of Assessment (NSoAs) and proposals for associated noise mitigation measures.
2. The NSoAs are required to be drawn up in accordance with the Noise and Vibration Mitigation Policy (NVMP) which was approved by the Secretary

of State as part of the deemed planning permission (**Appendix 2**). The NVMP lays down thresholds for noise mitigation; and barrier design principles which respond to non-noise constraints on the practicability of noise barriers, such as health and safety, physical constraints and cost.

3. The NSoA for Section H of the scheme and related noise mitigation was approved by West Area Planning Committee on 16th June 2015 (15/00956/CND). It showed the location and length of noise barriers. It set out the principles to be followed for noise barrier use, including non-acoustic considerations, and described the location and route of each barrier section, also showing these plotted on a large scale map of Section H.
4. Part 13 of Condition 19 requires submission of details of the size, appearance and location of the noise barriers in the following terms:

13 Where noise barriers are promoted in an approved scheme of assessment, they shall be installed only once the local planning authority has given written approval of their size, appearance and location. Noise barriers shall be maintained in their approved form and may be removed only with the written approval of the local planning authority.

5. This report sets out those details as proposed in the application and recommends that they be approved as being in accordance with the NVMP and NSoA for section H.

The Proposals

6. The barriers are to be 2.5m high relative to rail height where they are to be located close to the rails; and 2.5m high relative to local ground level where they are to be located at the top of a cutting.
7. They are to be constructed of proprietary absorptive acoustic material with timber support rails on the rail side, and timber cladding on the public side, supported by steel posts.
8. The barriers are located as follows (north to south):
 - along the track near Lakeside the barriers are to be located close to the rails;
 - as the track passes through the cutting north and south of the Wolvercote Tunnel the barriers are to be located at the top of the cutting;
 - the cutting continues but diminishing southwards as the track passes under First Turn Bridge: here the barriers are still to be located at the top of the cutting;
 - south of First Turn Bridge at a point adjacent to Bladon Close on the east side, the land levels, and the barriers return to a position close to

the rails southwards to a point past the nearest properties in Blenheim Drive;

- south of First Turn Bridge on the west side the land tends to level but the barriers remain at the western side of the railway land adjacent to property boundaries at Quadrangle House and properties in St Peters Road returning to rail-side at the rear of Ulfgar Road.

9. ERM on behalf of Network Rail has confirmed that the location of the noise barriers shown on the planning drawings which form this application are based on the approved NSoA barrier locations refined through the design process to take account of issues such as local grounds conditions. There are no substantive differences in the barrier locations now proposed from those which were modelled and approved by this Committee in the NSoA. The proposals therefore reflect the mitigation proposed in the approved NSoA.

10. The proposals and the representations of residents have been the subject of discussions between officers and Network Rail (NR). On behalf of NR, their agent ERM has submitted a further letter dated 27th November 2015 which offers clarification of the application, and responses to the issues raised (**Appendix 3**).

Officers Assessment

Issues

- Appearance
- Barrier locations at cuttings
- Barrier alignment relative to track and dwellings
- Barrier length and height relative to dwellings

Appearance

11. In the view of officers the visual appearance of the barriers being timber-faced to the public side achieves a satisfactory balance between the need for noise mitigation and the visual intrusion.

Barrier locations at cuttings

12. Representations have been made to the effect that barriers should always be located at trackside, including at cuttings, so that acoustic performance is maximised and tree and vegetation removal is minimised.

13. The NSoA (section 5.2.2) states reasons why this is impractical and then specifies the norm for barriers at the top of cuttings:

5.2.2 Noise Barriers

After considering noise control measures at source, the use of noise barriers to reduce significant noise impacts, as far as reasonably practicable, has been determined for locations where noise mitigation is required. Network Rail advises that there are constraints on the height to which barriers can be built

and maintained in a rail environment, which are summarised in Box 5.1. Noise barriers will be installed as close to the nearest running rail as is permitted by Network Rail, normally at a distance of 2.6 metres. Retaining walls will be required in areas of significant cut, such as occur at either end of the Wolvercot tunnel. Difficulties in maintaining barriers close to or on retaining walls make these locations impractical for installation. Instead, where noise barriers are required in places where retaining walls are planned, they will be installed at the top of the cutting, close to the Network Rail land boundary. Where barriers close to the rail are proposed (i.e. where retaining walls are not planned), they will be built to a height of 2.5 m, relative to rail height. Where barriers at the top of the cutting are proposed, they will be built to a height of 2.5 m, relative to local ground level.

Table 5.1 Design Considerations for Noise Mitigation

Area	Purpose of Noise Mitigation	Up / Down Line ⁽¹⁾	Start Chainage ⁽²⁾ (m)	End Chainage ⁽²⁾ (m)	Noise Barrier	
					Input from Design Team on Practicability	Other Potential Constraints on Proposed Barrier
Wolvercote	To protect properties in Lakeside Sheriff's Drive, First Turn, Bladon Close, Blenheim Drive	Up	125030 ⁽³⁾ 125590 ⁽⁴⁾ 125955 ⁽⁴⁾ 126140 ⁽⁴⁾ 126240 ⁽³⁾	125465 ⁽³⁾ 125810 ⁽⁴⁾ 126130 ⁽⁴⁾ <u>126290-126255</u> ⁽⁴⁾ 126630 ⁽³⁾	The maximum practicable height for a barrier is 2.5m ⁽⁵⁾ . Detailed input from the design team is presented in Box 5.1. Barrier heights in this report for line side barriers are quoted relative to rail height. As a result, if the barrier is located on higher ground than the rail, then the actual height of the barrier will be lower than the quoted height. Conversely, if the barrier is located on lower ground than the rail, then the actual height of the barrier will be higher than the quoted height.	A 2.5 m barrier is not expected to result in any significant visual effects, overshadowing effects or other constraints
Wolvercote	To protect properties in Woodstock Road and the Travelodge, Godstow Road, Fairlawn End, St Peter's Road including Wolvercote Primary School, Ulfgar Road	Down	125005 ⁽³⁾ 125635 ⁽⁴⁾ 125955 ⁽⁴⁾ 126160 ⁽⁴⁾ 126570 ⁽³⁾	125300 ⁽³⁾ 125825 ⁽⁴⁾ 126155 ⁽⁴⁾ <u>126595-126570</u> ⁽⁴⁾ 126710 ⁽³⁾		

1) The Order Scheme (Phase 1, 2A and 2B) includes double track throughout Route Sections A to H. The tracks are identified as an 'Up' line (which carries trains running from Bicester to Oxford) and a 'Down' line (which carries trains running from Oxford to Bicester). As trains drive on the left, the Up line lies to the southeast of the Down line.

2) Project chainage for the Bletchley Line.

3) Line side barrier located at a plan distance of 2.6m from the nearest rail.

4) Barrier located close to the top of the cutting, at a distance of approximately 1.2 m inside the Network Rail land boundary.

5) Height relative to rail height for line side barriers. Height relative to local ground level for barriers close to the top of the cutting / Network Rail land boundary.

14. This approach was accepted by the Independent Expert (IE) for noise, and was approved by this Committee as part of the NSoA. There is no requirement therefore for the applicant to re-ratify this stance at this subsequent, detailed stage.

Barrier alignment relative to the track and dwellings

15. Several residents of Quadrangle House have expressed concern that the application apparently places the barrier at the boundary of NR land, immediately adjacent to their building. They have questioned why it is not located at 2.6m from trackside. Residents are concerned that there should be satisfactory noise mitigation and to maintain access to that part of their building for maintenance, light and emergency egress.

16. On behalf of NR, ERM has provided the rationale for the barrier location (pages 3 and 4 of **Appendix 3**). The main reason is the existence of a retaining wall near Ulfgar Road – for engineering reasons placing a noise barrier on a retaining wall is not acceptable. That letter also clearly confirms that a gap of 1.2m between the barrier and the façade to Quadrangle House will be achieved for residents to access if necessary.

Concerns about barrier length and height relative to dwellings

17. Residents have expressed concern at the apparent disparity between the NSoA and detailed submission regarding barrier length, including at Bladon Close and Lakeside. They have also raised questions about barrier height and overlaps.
18. The responses provided by ERM in the letter of 27th November 2015 (**Appendix 3**) confirm that the barriers in these locations have been designed to achieve the noise mitigation required by the NVMP and are to be located as promulgated in the approved NSoA.

Conclusion

19. The concerns of residents have been thoroughly investigated. The letter of 27th November 2015 from ERM provides appropriate responses and clarifications. Officers conclude that given this clarification, the application is satisfactory from a noise control perspective and for the purposes of Condition 19(13).

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant condition discharge, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/00956/CND; 15/03110/CND

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Date: 7th December 2015

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