

MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 13 September 2016



COUNCILLORS PRESENT: Councillors Upton (Chair), Landell Mills (Vice-Chair), Cook, Fooks, Hollingsworth, Pegg, Price, Tanner and Coulter.

OFFICERS PRESENT: Michael Morgan (Lawyer), Fiona Bartholomew (Principal Planner), David Stevens (Environmental Health Officer), David Edwards (Executive Director City Regeneration and Housing), Patsy Dell (Head of Planning & Regulatory Services), Sarah Stevens (Planning Service Transformation Consultant) and Catherine Phythian (Committee Services Officer)

The Committee recorded their regret at the sad news of the death of Jeremy Thomas, Head of Law and Governance.

44. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Tidball (substitute Cllr Coulter).

The Chair advised that a member of the public would be making an audio recording of the meeting.

45. DECLARATIONS OF INTEREST

There were no declarations of interest.

46. EAST WEST RAIL PHASE 1 - RAIL DAMPING ROUTE SECTIONS H (16/01858/VAR) AND I-1 (16/01861/VAR)

Discussion

The Committee considered two applications for the removal of conditions in relation to the use of 'Tata SilentTrack' in route sections H and I-1.

The Planning Officer presented the report. In summary she explained that that planning officers' were not saying that the use of 'Tata SilentTrack' **was** reasonably practicable but that the applicant had not submitted a convincing

case that the use of 'Tata SilentTrack' **was not** reasonably practicable for use on route sections H and I-1.

The following residents spoke against the application: Mr Mike Gotch, Mr Keith Dancey, Mr Paul Buckley, Mr Adrian Olsen.

Representatives from Network Rail gave a presentation in support of the application.

The Committee asked questions of the officers and Network Rail representatives about the details of the applications.

In reaching their decisions, the Committee considered the officers report and presentation, the address of the public speakers and the presentation by Network Rail.

The Committee concluded that the applicant had not demonstrated to the Council's overall satisfaction that the use of 'Tata SilentTrack' was not reasonably practicable for use on route sections H and I-1.

Decisions

(a) 16/01858/VAR: to remove condition 2 of 15/00956/CND in relation to the use of Tata SilentTrack in Section H

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **refuse** planning application 16/01858/VAR: to remove condition 2 of 15/00956/CND in relation to the use of 'Tata SilentTrack' in Section H for the following reason:

It has not been demonstrated to the satisfaction of the Council that the provision of rail damping is not reasonably practicable for route-section H. While it may be reasonable to expect that rail damping will provide additional noise attenuation, and that safety and safe working conditions would not prevent the installation of rail damping, insufficient regard has been given in the application to local conditions and the financial considerations of installing rail damping. The application is therefore contrary to policies CP6 and CP10 of the adopted Oxford Local Plan 2001-2016, and policies CS13 and CS27 of the adopted Core Strategy 2026.

(b) 16/01861/VAR: to remove condition 2 of 15/03503/CND in relation to the use of 'Tata SilentTrack' in Section I-1

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **refuse** planning application 16/01861/VAR: to remove condition 2 of 15/03503/CND in relation to the use of 'Tata SilentTrack' in Section I-1 for the following reason:

It has not been demonstrated to the satisfaction of the Council that the provision of rail damping is not reasonably practicable for route-section I-1. While it may be reasonable to expect that rail damping will provide additional noise attenuation, and that safety and safe working conditions would not prevent the installation of rail damping, insufficient regard has been given in the application to local conditions and the financial considerations of installing rail damping. The application is therefore contrary to policies CP6 and CP10 of the adopted Oxford Local Plan 2001-2016, and policies CS13 and CS27 of the adopted Core Strategy 2026.

47. EAST WEST RAIL PHASE 1 - NOISE MONITORING (2 APPLICATIONS) AND VIBRATION MONITORING ON ROUTE SECTIONS H AND I-1 (3 APPLICATIONS)

Discussion

The Committee considered five applications to vary conditions in relation to noise and vibration monitoring on route sections H and I-1.

The Planning Officer presented the report. She reminded the Committee that when they had approved the original applications subject to the condition to which these variations refer they had been advised by officers that the condition would not meet the legal or policy tests of the National Planning Policy Framework. She advised that officers remained of that view and for that reason were recommending approval of the applications to vary that condition. She said that in respect of application 16/01410/VAR (vibration monitoring on the plain line, route H) the applicant had indicated that they were prepared to conclude a Unilateral Undertaking to conduct some additional vibration monitoring.

The following residents spoke against the application: Mr Mike Gotch, Mr Keith Dancey, Mr Paul Buckley, Mr Michael Drolet, Mr Adrian Olsen.

Representatives from Network Rail gave a presentation in support of the applications.

The Committee asked questions of the officers and Network Rail representatives about the details of each of the applications.

In reaching their decisions, the Committee considered the officers report, presentation and the address of the public speakers.

The Committee concluded that in respect of the following applications it was reasonable to remove or vary the conditions previously imposed as the proposed monitoring arrangements were in line with the original deemed permission condition 19 (1, 6):

16/01410/VAR

16/01411/VAR

16/01406/VAR

16/01412/VAR

However, in regard to application 16/01412/VAR the Committee were mindful of the statements from local residents about the high levels of vibration experienced, and they considered that it was unreasonable to dispense with any vibration monitoring arrangements for plain route, section I-1 purely on the basis of modelling assumptions.

Decisions

(a) 16/01410/VAR: Vibration monitoring on plain line, route section H (re - 13/03202/CND, Condition 3)

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **approve** application 16/01410/VAR: Vibration monitoring on plain line, route section H (re - 13/03202/CND, Condition 3) subject to the following conditions as amended below:

- the conclusion of a Unilateral Undertaking (to monitor vibration for four days at 3 properties close to the line in route section H) the decision upon which to be delegated to the Head of Planning and Regulatory Services *in consultation with the Chair of West Area Planning Committee*

and

Conditions:

1. Development in accordance with application documents
2. Monitoring in accordance with submitted scheme

(b) 16/01411/VAR: Vibration monitoring at switches and crossings, route section H (re - 14/00232/CND, Condition 3)

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **approve** application 16/01411/VAR: Vibration monitoring at switches and crossings, route section H (re - 14/00232/CND, Condition 3) subject to the following condition:

Conditions:

1. Development in accordance with application documents

(c) 16/01406/VAR: Noise monitoring route section H (re - 15/00956/CND, Condition 4)

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **approve** application 16/01406/VAR: Noise monitoring route section H (re - 15/00956/CND, Condition 4) subject to the following conditions:

Conditions:

1. Development in accordance with application documents
2. Implementation of SilentTrack
3. Monitoring in accordance with submitted scheme.

(d) 16/01412/VAR: Vibration monitoring on plain line, route section I-1(re - 15/03587/CND, Condition 3)

On being put to the vote the Committee agreed the resolution as set out below.

The Committee resolved to **refuse** planning application 16/01412/VAR: Vibration monitoring on plain line, route section I-1(re - 15/03587/CND, Condition 3) for the following reason: that in view of the statements from local residents about the high levels of vibration experienced it was unreasonable to dispense with any vibration monitoring arrangements for plain line, route section I-1 purely on the basis of modelling assumptions.

(e) 16/01409/VAR: Noise monitoring route section I-1 (re-15/03503/CND, Condition 4)

On being put to the vote the Committee agreed with the officer recommendation.

The Committee resolved to **approve** application 16/01409/VAR: Noise monitoring route section I-1 (re-15/03503/CND, Condition 4) subject to the following conditions:

Conditions:

1. Development in accordance with application documents
2. Implementation of SilentTrack
3. Monitoring in accordance with submitted scheme.

48. EAST WEST RAIL PHASE 1 - NOISE SCHEME OF ASSESSMENT (16/01634/CND) AND VIBRATION SCHEME OF ASSESSMENT FOR ROUTE I-2 (16/01635/CND)

Discussion

The Committee considered two applications for Noise and Vibration Scheme of Assessments for route 1-2.

The Planning Officer presented the report. She informed the Committee that officers were proposing an amendment to the published recommendation to include the following condition:

Within three months of this approval, proposals shall be submitted for the written approval of the local planning authority showing how at-source noise attenuation by rail damping to at least the standard achievable by the use of Tata SilentTrack can be incorporated into the scheme. The development to which this approval relates shall not be brought into operation EITHER without that written approval having been obtained and other than in accordance with such approved details OR without the Council having given written confirmation that it is satisfied that the provision of such rail dampening is not reasonably practicable.

She explained that as the case for not installing 'Tata SilentTrack' on route sections H and I-1 had not been made by Network Rail it followed that the same requirement should apply, by condition, to route section I-2.

Mr Keith Dancey, resident, spoke against the application. Representatives from Network Rail gave a presentation in support of the application.

The Committee asked questions of the officers about the details of the application and in particular to determine the legal and planning policy reasons for the proposed amendment to the recommendation to include the requirement to show how at-source noise attenuation by rail damping to at least the standard achievable by the use of Tata SilentTrack can be incorporated into the schemes.

In reaching their decision, the Committee considered the officers report, presentation and the address of the public speakers.

The Committee concluded that officers had not provided sufficient justification for their recommendation to impose a condition to incorporate Tata SilentTrack on route I-2.

Decisions

(a) 16/01634/CND: Noise Scheme of Assessment for route section I-2

Notwithstanding the officer recommendation for approval, as amended with condition, and on being put to the vote, the Committee resolved to **defer** determination of application 16/01634/CND: Noise Scheme of Assessment for route section I-2 to allow planning officers to provide more detail on the legal and planning reasons for recommending approval subject to a condition requiring at-source mitigation.

(b) 16/01635/CND: Vibration Scheme of Assessment for route section I-2

Notwithstanding the officer recommendation, as amended, for approval and on being put to the vote, the Committee resolved to **defer** determination of application 16/01635/CND: Vibration Scheme of Assessment for route section I-2 to allow planning officers to provide more detail on the legal and planning reasons for recommending approval subject to a condition requiring at-source mitigation.

49. MINUTES

The Committee resolved to approve the minutes of the meeting held on 2 August 2016 as a true and accurate record.

50. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications.

51. DATES OF FUTURE MEETINGS

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.40 pm

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