

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 September 2103

AUTHOR/S: Planning and New Communities Director

S/1213/13/VC - HISTON

Variation of condition PC8 of the Cambridgeshire Guided Busway Order to allow for the reduction in length of the noise barrier required by the Deemed Planning Permission opposite to the flank wall of 59 St Audrey's Close, Histon between the points marked B & C on the application plan, reference 5083393/003A, and the reduction in height of the noise barrier adjacent to part of 58a St Audrey's Close between points A & B on the application plan for Cambridgeshire County Council

Recommendation: Delegated Approval

Date for Determination: 6 September 2013

Notes:

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to the Officers.

To be presented to the Committee by Melissa Reynolds

Site and Proposal

1. In August 2011 the Cambridge Guided Busway became operational. The application, received on 3rd June 2013, seeks to vary a planning condition (Condition 8) of the Guided Busway Order that approved the busway noise protection works. Condition 8 requires erection of two sections of noise barrier to protect residences adjacent to the busway from noise disturbance.
2. In order to achieve the level of protection set by the Inspector a 4m high barrier would have been required adjacent to dwellings. Occupiers expressed concerns about the impact on their amenities in terms of light and overbearing effects. An alternative scheme providing (i) noise barriers at 1.5m and 1.9m along with (ii) a stretch where no barrier was to be erected was approved subject to a S106 (Unilateral Undertaking) agreement (see Planning History for full details).
3. It is now proposed by the applicant that what were temporary permissions should (subject to arrangements under a S106) become permanent on the basis that the temporary arrangements have been in place for 24 months without any complaints that these arrangements are unsatisfactory. In order to secure what, in effect, would be a permanent permission, the applicant has confirmed its willingness to agree a fall-back arrangement whereby, in the event of any complaints as to the new permanent arrangements (relating in effect to a lower barrier or a stretch with no barrier), they will bind themselves (via S106) to erect at the relevant areas (i) a barrier which is at full height; (ii) a barrier in the stretch where the permanent arrangement would otherwise suggest no barrier.

Planning History

4. On 21st December 2005, the Secretary of State for Transport directed that planning permission be deemed to be granted for the development included in the Cambridgeshire Guided Busway Order. Condition 8 of the ten conditions read:

(Condition 8) Operational Noise

The scheduled works listed below shall be constructed to incorporate the following elements, each of which shall, in relation to the work in question, be completed before that work is brought into operation and then maintained thereafter whilst the work remains in operation:

- (i) Work No.8 A noise barrier along the north-eastern edge of the guideway from Girton Crossing to approximately chainage 16+000 at the rear of the properties in Pease Way, Melvin Way and St Audrey's Close;
- (ii) Work No.8 A noise barrier along the southern edge of the guideway from approximately chainage 17+000 to chainage 17+500 at the rear of properties in Villa Way.

Reason: to mitigate potential for increased noise intrusion in the interests of residential amenity.

5. Two applications were submitted for temporary permissions, one to permit a reduction in length of the barrier (ref. **S/1424/09/F**) and one to allow the reduction in length and also a reduction in height of another part of the barrier adjacent to 58a St Audrey Close (ref. **S/1421/09/F**). Both of these applications for temporary permission were approved and the works for the reduced length of acoustic fence and reduction in height of the part of the acoustic fence have been implemented.
6. Application references **S/1422/09/F** and **S/1432/09/F** were identical applications to the two temporary applications described above, except that they were for permanent permission for the variation of condition. These two applications were refused, as they resulted in a stretch of busway with no acoustic fence. Both applications were refused on grounds relating to the lack of a barrier resulting in harm to amenities of occupiers at St Audrey close through noise disturbance.
7. **S/0109/10/F** granted permission for barriers 1.9 metre high (A-B), 3m high (C-D), and 2.8m (E-F). This scheme would provide noise protection to the level recommended by the Inspector.
8. This was a full planning application, as in order to address safety concerns about the sight line for the footpath crossing of the busway, it was not possible to have a barrier between points B and C. Discussion with the guided busway promoters, however, resulted in them making this application for land outside the original red line of the busway order. This scheme could deliver a barrier offering noise protection at a level recommended by the Inspector. Such barrier however would extend beyond points B-C into the woodland area adjacent to the guided busway.
9. The promoters entered into a unilateral undertaking whereby they will not erect that part of the barrier affecting the wooded area unless South Cambridgeshire District Council requests them to do so or the Secretary of State requires them to do so when

determining appeal applications against refusal of two variation of conditions (the time period of appealing has since passed). Officers felt that this offered the greatest prospect of ensuring that no trees are cut down / lost unnecessarily but if the residents at 59 St Audreys Close are unduly affected by noise from the guided busway works which will involve the loss of some trees may be necessary.

Planning Policy

10. **South Cambridgeshire Core Strategy DPD 2007:**
ST/4 Rural Centres
11. **South Cambridgeshire Development Control Policies DPD 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
NE/15 Noise Pollution
12. **South Cambridgeshire Site Specific Policies DPD 2010:**
SP/16 Cambridgeshire Guided Busway
13. **South Cambridgeshire District Design Guide: High Quality and Sustainable Development in South Cambridgeshire SPD 2010**
14. **South Cambridgeshire Local Plan: Proposed Submission July 2013:**
S/1: Vision
S/2: Objectives of the Local Plan
S/3: Presumption in Favour of Sustainable Development
S/7 Development Frameworks
S/8: Rural Centres
SC/11: Noise Pollution

Consultation by South Cambridgeshire District Council as Local Planning Authority

15. **Histon & Impington Parish Council** – Recommends refusal and requested that there be a continuation of the temporary arrangement for another three years until frequency of night service is better known.
16. **Environmental Health Officer** – Comments conclude that, having assessed the proposal: “On balance we have no objection to the proposed variation of the wording of PC8 but subject to a s106 planning obligation agreement or similar, requiring that in the event that a justified complaint/s are received by residents in St Audrey’s Close, demonstrating and or supported by noise assessment measurement or similar that there are clear exceedances of / noncompliance with the acoustic barrier noise mitigation / attenuation standards envisaged by the Planning Inspector...to mitigate adverse noise impact and to safeguard a reasonable standard of amenity / quality of life acoustic / noise barriers, then an appropriate acoustic barrier / fence of an appropriate height and length shall be reinstated to achieve the Inspectors requirements, and retained thereafter.”
17. **Landscape Design Officer** – “I would fully support the reduction in length of the Noise Barrier between Points B and C on the plan, and the reduction in height between points A and B as shown on the plan.

- 1) The existing, agreed, landscape planting between points A and B should be reinstated at sufficient density and with adequate protection to ensure its establishment.
- 2) This scheme should also include proposals for the 'gapping up' of planting between points B and C, again with sufficient protection to ensure that it becomes established.

Following a meeting with the parish and County Council who suggested that the Landscape between A and B should just be kept as short grass (requires maintenance) because space is fairly tight, and all the concrete posts of the old fence removed (the wire has already gone)

Personally I would prefer to see it re-planted, using smaller, tighter species as it probably won't get mown regularly enough to look tidy.

I will suggest a planting list, with a view to replacement in the Autumn."

Representations by members of the public

18. No representations were received.

Material Planning Considerations

19. The key consideration in assessing this proposal is whether the permanent retention of the lower noise barrier and stretch with no barrier is acceptable in terms of ensuring in the longer term that residential amenity is not unduly harmed through noise disturbance.
20. The current arrangement has been in place for 24 months without complaint. This may not continue to be the case, as e.g. occupiers change, bus services increase. It has been recommended that the arrangement secured for the section of the busway to the northwest (Melvin Way) be replicated for this stretch. At Melvin Way, residents did not want the full height barrier in order to retain views across the rear boundary. A lower height barrier was approved and a S106 secured to protect the Council's position should a noise complaint be received later.
21. The County Council has confirmed that it is willing to enter into a legal undertaking to that effect for this stretch as well.
22. The comments in relation to the planted landscaping scheme will be addressed separately, as they relate to a separate planning condition.
23. It is the view of officers that, in light of the advice of Environmental Health, this provides an acceptable solution.

Recommendation

24. It is recommended that the Planning Committee gives delegated powers to approve the application subject to:
 - (a) Section 106 requirements; and
 - (c) The following Conditions

Conditions

As per the original decision notice, with the following amendment to condition 8:

- “8. Each of the works listed below, which have been constructed to incorporate the elements set out below in relation to the work in question, be maintained thereafter whilst the Guided Busway remains in operation:

Work No. 8 An acoustic fence along the north-eastern edge the Guideway from Girton Crossing to approximately chainage 16+00 at the rear of the properties in Pease Way, Melvin Way and the properties in St Audrey's Close up to number 58a;

Work No. 8 An acoustic fence along the southern edge of the southern edge of the guideway from approximately chainage 17+00 to chainage 17+500 at the rear of properties in Villa Way.

The acoustic fence measuring 1.5 metre in height along the boundary of the Guideway at the rear of 58a St Audrey's Close, in accordance with drawing reference 5083393/003A.”

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Core Strategy DPD 2007
- South Cambridgeshire Development Control Policies DPD 2007
- South Cambridgeshire Site Specific Policies DPD 2010
- South Cambridgeshire District Design Guide: High Quality and Sustainable Development in South Cambridgeshire SPD 2010
- Planning file refs. S/1424/09/F, S/1421/09/F, S/1422/09/F, S/1432/09/F, S/0109/10/F, and S/1213/13/VC.
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Case Officer: Melissa Reynolds – Team Leader – Planning (New Communities)
Telephone: (01954) 713237