

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

10<sup>th</sup> June 2009

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**C/6/9/1A – HISTON AND IMPINGTON**  
**Discharge of Planning Conditions 3 (a) (v), 4 & 8 - Design and External Appearance of Acoustic Fencing, Landscaping and Noise in Histon**

**Recommendation: Delegated Approval**

**Update and corrections:**

1. Further to the main report this document forms a written update, including corrections.

**Consultations**

2. The comments of SCDC's Acoustic Consultant at **paragraph 32** of the main report currently stand; although, a response from the developer to a number of detailed queries is awaited.
3. To clarify, the comments of the consultant at **paragraph 10** are made in reference to a 1.5 metre high barrier at Melvin Way.
4. In response to residents' concerns, raised in writing and at a public meeting held for residents on 5<sup>th</sup> June 2009, the Landscape Design Officer has walked the route and provided further comment on the landscaping proposed for all three sections (see **paragraphs 41, 82-84** in the main report):

"I have measured the areas available for landscaping at all section points, and in all but one case they are constructed to within a few centimetres of that shown in the drawings. In most cases there is slightly more space available than shown on the drawings. The exception is at section G where approximately 500mm more space is available to the south of the track.

At all but one of the areas within the scheme it will be possible to implement the landscape treatments proposed, although all areas will require a good standard of preparatory work and some areas need careful siting of individual plant species. The exception is to the north side of the track at 6 Villa Gardens where the area designated as 'Natural Regeneration' has been churned up and covered by imported material during the construction of the bus stop. Self-set Sycamore would also seem to be a maintenance issue. I would suggest that the 'Dense Scrub' treatment proposed to the north of the bus stop is extended westwards into this area".

He goes on to set out details property by property that need consideration.

5. At **paragraph 72 (b)** there is a typo. The last line should read: '...to the guideway...'

6. **Impington Parish Council** has commented on the Pepys Terrace section (3 of 3 sections) recommending refusal:

“Impington Parish Council is not convinced the design for Pepys Terrace has had the necessary consideration and due diligence and are minded to continue with refusal until proper responses given to the questions raised by the resident on Pepys Terrace. These questions are contained in the report attached [see paragraph 7 below for comments from this resident]

Furthermore, this casts doubt on the other noise barrier calculations and plans seen for Villa Road and Melvin Way”.

### **Representations**

7. The consultation period on the third of the three sections has ended (relating to Pepys Terrace).
8. The owner of **Anglia Fireplaces**, which adjoins the guideway, has commented:
- (a) Station Stores’ living accommodation will not be able to be protected from noise due to the fact that the accommodation is on the second floor over the shop, therefore is there anything that can be done by the way of double glazing to reduce any noise impact as the property is alongside where the busses will be stopping and starting?
9. An objection from the **occupier of no, 7** has been received. In summary points made included:
- (a) Lack of information relating to the acoustic performance of a 2.0m high barrier.
  - (b) Sections do not show the guideway, barrier, property boundaries and the dwellings themselves.
  - (c) Questions the adequacy of the consideration given by the developer to noise impact.
  - (d) Noise readings used as the basis for the design were taken at Pepys Way at 2pm. These failed to take into account background noise at the more sensitive, night-time hours, which are affected by the nearby main road.
  - (e) The methodology used in the Noise Barrier Report does not provide information about the attenuation provided at particular frequencies. He calculates (using the Maekawa method) that the reduced barrier would result in noise at mid and high frequencies increasing by 2dB, bordering on a noticeable difference.
  - (f) The ‘above local ground height’ and steepness of the bank adjacent to Pepys Terrace are different in reality. If the barrier is to be sited as shown on the section drawings, it would be 0.5m lower than intended by the Noise Barrier Report.
  - (g) Inadequate visual screening is provided, as the bus stop is opposite.

### **Planning Comments**

#### ***Updates and corrections***

10. The detailed comments of the **Landscape Design Officer** have been forwarded to the developer for a response.
11. **Paragraph 80** incorrectly refers to comments at paragraphs 64-68. This should read paragraph 93.
12. Further to **paragraphs 80 and 93** of the main report, following discussions with Cambridgeshire County Council, an alternative scheme has been put forward by the County Council which details a lower barrier (1.5 metre high) at the Melvin Way stretch (part of section 1 of 3). If SCDC were minded to also approve the lower scheme i.e. it would give permission for both a full height barrier (such as to meet the noise attenuation levels set by the Inspector) and 1.5 m high barrier, Cambridgeshire County Council are offering to enter into a Section 106 legal agreement, which would require it (at its own cost) to erect the higher scheme if required by SCDC. It is likely that such a requirement would arise in the event of a complaint about noise disturbance from a resident on Melvin Way but the draft form of Agreement received from the Legal Department at the County Council does not restrict SCDC as to the circumstances where it can require the higher form of noise barrier and therefore it will be able to look at any complaint on its own merits. The concept of giving SCDC the protection of being able to call for the higher form of barrier has been accepted by SCDC's Legal Department as a legitimate option. At present the County Council have suggested in their draft that the ability of SCDC to call for the higher form of noise barrier should be limited to a 5 year period (from the Guided busway coming into operation). The Legal Department at SCDC however do not believe that the s106 Agreement should itself include any time constraints but the County Council will have a legal right after a period of 5 years to apply to the Lands Tribunal to vary the s106 Agreement if they can show good reasons for a variation.

It is suggested that if the option of a lower barrier backed by a s106 Agreement is to be followed it should be subject to support from all affected residents on Melvin Way. It is understood that there is unanimous support from the affected residents for a lower barrier despite it not providing the noise attenuation recommended by the Inspector, although the option has not formally been put to them at present. One immediate advantage of the approach of a lower height barrier in the first instance would be that it would allow occupiers to live with the busway in daily operation such that they can consider the real impact upon them.

13. It is understood that Cambridgeshire County Council may be willing to offer a similar solution for section 2 (Villa Way and Villa Place), although details have yet to be discussed. This section would not appear to be as straight-forward not least because individual properties have quite different relationships to the busway e.g. proximity, orientation which will affect responses from residents and it is not known if residents will unanimously support an alternative scheme.
14. Further to **paragraphs 91-92** of the main report, the Council's Acoustic Consultant is awaiting further information from the developer before making a recommendation in relation to Pepys Terrace (Section 3 of 3).

***Matters not previously addressed***

15. The wording of condition 8 is such that it refers to specific chainages (points along the route at which the noise barrier is to be provided). No noise barrier is required under this condition adjacent to Station Stores. None has been proposed either. The concern in relation to residential properties situated within this commercial site will be forwarded to the developer. The developer may on behalf of Cambridgeshire County Council decide to assess the noise impact and, if necessary, propose a barrier in order to avoid potential future noise complaints.

### **Recommendations**

16. It has been noted since producing the main report that **Condition 8** does not include any specific provision requiring SCDC to agree a scheme. Notwithstanding, SCDC will reserve its right to inspect the works to satisfy itself that what is implemented accords with the details approved by SCDC under conditions 3 and 4.
17. The recommendations have been amended in light of the above, following on-going efforts to resolve outstanding matters and taking account of consultation responses received such that the amended recommendations are as follows:

#### ***(Section 1) From Park Lane (Girton Interchange) along Pease Way, Melvin Way and St Audrey's Close:***

- i. **Condition 3:** As a recommendation from SCDC's outside noise consultant is not yet available that the scheme, currently submitted, meets the Inspector's criteria, **delegated approval** is given such as to allow officers to review further data and information submitted by Cambridgeshire County Council to demonstrate that the barrier will perform to the necessary standard and to invite the submission, on its behalf, of a revised scheme (if it subsequently proves necessary) and to accept the submitted alternative scheme to be subject to consultation and agreement with the Chair of Planning Committee.
- ii. **Condition 4: delegate approval** in order to seek revisions and detailed planting schemes in accordance with the Landscape Design Officer's comments.

#### ***(Section 2) From Villa Road, Villa Place to Station Road:***

- iii. **Condition 3:** As a recommendation from SCDC's outside noise consultant is not yet available that the scheme currently submitted meets the Inspector's criteria, **delegated approval** is given such as to allow officers to review further data and information submitted by Cambridgeshire County Council to demonstrate that the barrier will perform to the necessary standard and to invite the submission, on its behalf, of a revised scheme (if it subsequently proves necessary) and an alternative scheme (similar to that offered for Melvin Way) to be subject to consultation and agreement with the Chair of Planning Committee.
- iv. **Condition 4: delegate approval** in order to seek revisions and detailed planting schemes in accordance with the Landscape Design Officer's comments.

**(Section 3) From Station Road to Pepys Terrace:**

- v. **Condition 3:** As a recommendation from SCDC's outside noise consultant is not yet available that the scheme currently submitted meets the Inspector's criteria, **delegated approval** is given such as to allow officers to review further data and information submitted by Cambridgeshire County Council to demonstrate the barrier will perform to the necessary standard and if necessary, invite the submission on its behalf of (a) a revised scheme or; (b) invite the submission on behalf of Cambridgeshire County Council of this scheme (or a revised scheme) and an alternative scheme (similar to that offered for Melvin Way) to be subject to consultation and agreement with the Chair of Planning Committee.
  
- vi. **Condition 4: delegate approval** in order to seek revisions and detailed planting schemes in accordance with the Landscape Design Officer's comments.