

COMMITTEE DATE: 7th July 2011

Reference: 11/00323/VAC
Date submitted: 18.04.11
Applicant: Mr Mick Gadd - London Underground
Location: Old Dalby Test Track, Station Road, Old Dalby, ,
Proposal: Variation of Condition 1 relating to Planning Approval 08/00609/FUL which included the train movement times.

Proposal :-

This application seeks a variation to the permission which was granted consent on the 29th September 2008 for the upgrade and electrification of a section of railway test track, including testing of electric trains. Condition 1 imposed restriction on the number of passes permissible over a time frame of 0700 – 1900. This application seeks an increase in the operating hours by 2 hours per day and increase the number of passes per hour. The railway line is 21 km long and runs between the former Asfordby Mine and Edwalton. The line was previously upgraded and electrified by Alstom UK Ltd in 2000 and used as a testing facility for West Coast Main Line Trains.

The application proposes the following changes to the operating times and increase in no. of passes:-

Mon- Fri

- 0700 – 0800 12 passes (has approval for 6)
- 0800 – 1800 14 passes (has approval for 12)
- 1800 - 2100 12 passes and an increase in 2 hours (approved 6 passes up to 1900 only)

Saturday

- 0800-1800 12 passes (approved : 4 passes during operating hours 0800-0900 and 1700-1800 and approved 8 passes during 0900-1700)

It is considered that the main issues relating to this proposal are:-

- **Impact upon the residential amenities resulting from noise and disturbance**
- **Whether the increase in hours and no. of passes is acceptable under the terms of the planning approval granted in 2008 where it was considered necessary to reduce the no. of passes applied for under application 08/00609/FUL**

The application is to be considered by Committee by the request of the Ward Councillor in light of the level of objections received.

Relevant History:-

08/00609/FUL - Upgrading and electrification of railway test track and related works. A variation of the condition increased frequency of the number of passes from 4.5 per hour to 12 passes per hour. – Approved with amendments by the Development Committee with conditions reducing the number of passes to: -

Mon - Fri 7am - 8am 6 passes
Mon - Fri 8am - 6pm No more than 12 passes per hour
Mon - Fri 6pm - 7pm 6 passes

Saturday 8am - 9am 4 passes
Saturday 9am - 5pm No more than 8 passes per hour
Saturday 5pm - 6pm 4 passes

08/00168/FUL - Upgrading and electrification of railway test track and related works. A variation of the condition increased frequency of the number of passes from 4.5 per hour to 12 passes per hour. Application withdrawn to enable further ecological survey work to be carried out.

00/00113/FUL - Proposed upgrade of existing Old Dalby railway test track and provision of a light maintenance depot at former Asfordby Mine site. Planning permission granted 11 September 2000.

00/00114/FUL – Proposal to upgrade existing Old Dalby railway test track and provision of a light maintenance depot at former Asfordby Mine Site (including train control system and 6 masts). Planning permission granted 11 September 2000.

00/00115/FUL - Proposal for provision of light maintenance depot at former Asfordby Mine site (non-electrified programme) and railway track improvement on site. Planning permission granted on 30 March 2000.

00/00679/FUL - Proposed laying of railway tracks, alterations, extension and change of use to a light maintenance depot of building at the former Asfordby Mine Site. Planning permission granted on 17 November 2000.

01/00625/FUL – Proposed extension to existing maintenance depot. Planning permission granted on 4 October 2001.

02/00773/VAC – Proposed variation of Condition 5 of planning permission 00/00114/FUL to increase the number of train movements to 4.75 train movements per hour averaged over the working day. Permission granted on 23 March 2004.

Applications have also been submitted to Rushcliffe Borough Council for the section of test track in their area and the combined length of track is some 21 kms. The application has been refused on grounds of having an inadequate revised noise assessment based on the increase in the hours of operation and frequency of train testing. They have not been able to assess the impact upon residents living close by.

Planning Policies:-

PPS7 - Sustainable Development in Rural Areas: Planning authorities should ensure that the quality and character of the wider countryside is protected and, where possible, enhanced.

PPS9 – Biodiversity and Geological Conservation: Gives advice on conservation of our natural heritage and areas of ecological importance, including the need for appropriate mitigation where necessary.

PPG13 - Transport: Stresses the importance of public transport and the rail network in the promotion of sustainable transport objectives.

PPG 24 - Planning and Noise: Whilst the guidance relates primarily to the consideration when new (noise sensitive) development is proposed close to existing noise generating development, it does contain general guidance on noise. Annex 3 includes reference to noise from railways and

refers to the need to consider vibration and re-radiated noise from tunnels. Annex 1 refers to various categories of noise exposure from different sources relating to new development next to noise sources. The note also advises that sound levels should also relate to garden areas not just within the buildings.

Melton Local Plan (saved policies):

Policy OS2 - restricts development in the countryside to, amongst other things, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside and development essential to the operational requirements of a public service authority, statutory undertaker or licensed telecommunications code system operator.

Melton LDF Core Strategy: there are a number of places and features in the Borough that are particularly important to wildlife and these include former railway lines. It is important to protect the existing diversity of flora and fauna throughout the Borough.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – no observations	Noted
Asfordby Parish Council – no reply to date	
Grimston, Saxelbye & Shoby Parish Council – No response	Noted
Broughton and Dalby Parish Council – No response	Noted
<p>Senior Environmental Health Officer – No objection in principle to the request for the increase in the number of train passes per hour. However, insufficient information has been provided to successfully conclude that no additional noise or disturbance would be created by allowing an increase in hours and certainly beyond 1900 hrs. It is therefore considered appropriate to adhere to the operating times as set out in accordance with the permissions granted in accordance with applications 00/00113/FUL and 08/00609/FUL as different trains/rolling stock may produce different levels of noise.</p> <p>The Officer suggest it is necessary to identify the type of train/rolling stock this application applies to in order to fully understand the implications the increase in passes would have in terms of noise and disturbance.</p>	<p>The applicants have stated that in light of the objections to the increase in operating hours they would be prepared to negotiate and reduce the operating hours until 1900 hours Mon - Sat but request a standard 14 passes per hour over the day. This would still be an increase of 1 hour on a Saturday. The operating times will be dictated by the sunrise and sunset times and it is likely that the operating hours will be less than applied for. The applicants maintain that the noise assessment carried out in 2008 is still relevant for today's application given that the type of trains are the same and that they only seek an increase in passes. To undertake a full assessment would be costly and will only clarify that the increase to 14 passes per hour will still be less than the agreed noise levels for the testing of the Pendolino trains at a pass rate of 4.75 per hour.</p> <p>The Noise Assessment which was submitted back in 2008 concluded that the S-Stock type trains would generate no more noise than what was deemed acceptable when granting planning permission in 2000 for the Pendolino train; at a pass rate of 4.75 per hour.</p>

The technical report submitted in 2008 looked at predicted comparisons of train and took into account the cumulative noise levels of train noise per hour.

The agreement reached in 2000 with the Local Authorities on the testing of the Pendolino trains was for a pass-by frequency of 4.75 trains per hour. This gives an hourly LAeq value of 65 dB(A) at a distance of 25 metres from the track. For the S-stock trains proposed in the application in 2008, the testing regime involves the trains accelerating up to 100kph and then decelerating to rest over the 4km section of 4-rail track. This gave a variable level of noise depending upon the speed and thus different sensitive received positions will experience different noise levels. The equivalent calculation to that described above for the Pendolino trains was for 8-car S-stock trains, at a rate of 12 passes per hour, an hourly LAeq at 100kph of 60dB(A). This is 5dB lower than for the previously approved Pendolino train testing. This analysis gives a worst case scenario because the full speed of 100 kph will affect only one of the three sensitive sites, namely Folly Hall which is in the Borough of Rushcliffe, and only for train pass-bys in a northerly direction. In the southerly direction, train speeds will be approximately 66kph. The site at Station Road, Old Dalby is at the start of the 4km section of track and therefore train speeds during the routine forwards and reverse traverses will be close to zero and unlikely to cause any significant increase in the ambient noise levels.

In the technical way that noise 'type' is measured, the noise of the two types of train is also slightly different. The Pendolino trains previously tested issued a swoosh and rumble noise where as the S-Stock has a rumble and less of a swoosh. The pitch of the noise is also slightly different. However, as stated above the speed of the S Stock will be lower than the Pendolino as will the noise levels.

The applicants still maintain that the overall noise created by the S-Stock, even at a pass rate of 14 per hour, is less than the overall noise levels generated by the permission for the Pendolino and would therefore not create any further noise and disturbance to residents.

Previously, Metronet (now London Underground), considered that by reducing the number of passes for the first and last hour of testing and including a reduction on Saturdays, took into account the times that residents are likely to be in their properties. By

	<p>also limiting the number of passes per hour rather than an average across the working day, the residents can be guaranteed of the maximum number of train passes per hour.</p> <p>To allow an increase in the number of passes per hour in excess of those agreed, particularly the first hour and last hour of the day, conflicts with the previous negotiations sought by the Committee to allow a grant of planning permission for the testing of the S-Stock type trains. In allowing the increase in passes the Council must be satisfied that there would not be a detrimental impact upon the nearby residents.</p> <p>The submitted noise assessment is out of date and has not provided sufficient information to allow an adequate assessment upon the impact upon noise and disturbance of more passes per hour. Whilst the S-Stock (underground train) is quieter the applicants are not willing to have a condition imposed to restrict movements to this type of train only. They consider that a condition of this type would be unfair as the type of train has not been restricted in any previous approvals, only from the perspective that trains do not exceed the noise limits based on the previous approvals for Pendalino Trains. If the type of train is specified they would have to re-apply for permission to run each time a new class of vehicle is brought to the facility. This situation in their view would compromise fleet delivery times and waste council and their time on an ongoing basis.</p> <p>Without an up to date noise assessment which clearly identifies the number of passes; and the likely types of trains tested, which the agent deems necessary to have the flexibility, the Council is unable to successfully assess what implications approving this application will have on residential amenities. Whilst the Environment Health Officer has not objected to the number of passes it is considered that the increase in hours is excessive and is likely to create disturbance to the nearby residents but without the up to date information the full impacts are not understood.</p>
<p>LCC Footpaths – Concerns raised over the safety of users using footpath G62 without knowing the speeds and frequencies of passes in the vicinity of the footpath.</p>	<p>The applicant has provided the information as requested by the Rights of Way Officer and has stated that the maximum permitted linespeed at this location is 90mph, which has not changed since 2000. They go on to offer that if testing is carried out over the whole length of the Down line, then in practice the maximum number of passes of trains in an hour through the section of track at G62 footpath</p>

	<p>is unlikely to exceed 6 passes per hour under normal circumstances.</p> <p>The Rights of Way Officer has stated that they have no objections in light of the information provided seeing as the speed will not increase and the no. of passes at this section of the track will not be excessive.</p>
Ramblers: No response	Noted
Leicestershire County Council Ecology: No response	The application was submitted with a Badger Mitigation Considerations and Proposed Solution report which concludes that there will be no impact upon the existing badgers.
Conservation Officer – In terms of the affect on the built environment only a small part of the existing route of the test track passes through or close by the conservation areas at Old Dalby and Saxelbye and is sufficiently distant from any listed buildings so as not to affect them adversely.	Noted. It is not considered that the proposal will adversely affect the character and appearance of the Conservation Area or the setting of any listed buildings.
Rushcliffe Borough Council: No response.	An identical application has been submitted to Rushcliffe Borough Council for the part of the track in their borough. This application has since been refused by the Council on grounds of having insufficient information to assess the likely impacts upon residential amenities from noise and disturbance through the increase in operating hours and no. of passes.

Representations:

A site notice was posted and neighbouring properties consulted. As a result 5 letters have been received, objecting to the proposal on the following grounds:

Representation	Assessment of Head of Regulatory Services
<p>Noise and Disturbance:</p> <ul style="list-style-type: none"> • Insufficient information has been submitted to allow a full assessment of the noise levels to be created. • Local residents are already subject to noise and disturbance from the testing of the train and only have Sundays as a reprieve. The increase in passes will create further disturbance especially in the evening when young children are going to bed. • Previously the Council conditioned the no. of passes and operating times to protect residents living in the area. to relax them further now, so that trains would be allowed to run extended hours and more frequently would significantly increase the impact and intrusion on those 	<p>Following on from consultation with the Council's Environment Health Officer information was requested to allow the Officer to consider the impacts which might result from increase the operations on the site. The agents submitted the 2008 noise assessment accompanied with a statement which concluded that the increase in passes to 14 per hour would still be below those permissible under previous planning approvals. However, it is not considered that the increase in the number of passes between the operational hours of 0700 – 0800 from 1 every 10 mins to 1 less then every 5 mins to not have implications for nearby residents and would result in an unacceptable level of disturbance.</p> <p>Without an update noise assessment the Council is unable to conclude that it would be acceptable</p>

<p>living close to the line. This would be a gross dereliction of the council's duties toward its residents and undo all the good work that was done through extensive local liaison at that time.</p> <ul style="list-style-type: none"> Concerns relating to different trains being tested on the site. Such as the HS2 trains. 	<p>contrary to the agents conclusion that 14 passes per hour would generate less noise than previous permissions.</p> <p>The applicants are from the London Underground and are only interested in testing trains suitable for the underground.</p>
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Conclusion

The application is to increase the operating hours and number of passes per hour to allow greater flexibility for carrying out testing of the underground trains. The activity has been taking place over a number of years and previous planning permission has restricted the level of activity in the interest of preserving residential amenities. The noise levels created by the testing of the S-Stock trains is deemed to be acceptable given the previous assessments relating to the noise of the S-Stock type trains in comparison with the previous testing of the Pendalino; and being in line with the previous permissions in regards to level of noise permissible. However the increase in operating hours is likely to have an impact upon residential amenities due to an increase in activity before 0800hrs and after 1900hrs which is considered to be contrary to Local Plan policies OS1, OS2 and BE1. The applicants have offered to amend the operating hours to provide a 12hrs window for testing: 0700 – 1900, but be allowed to carry out testing at a pass rate of 14 passes per hour which according to the previous noise assessment would be within the noise levels deemed acceptable through granting of previous planning proposals. **The Council is not persuaded that the likely level of disturbance resulting in a more frequent use is acceptable and accordingly the application is recommended for refusal.**

RECOMMENDATION:- Refuse:-

- In the opinion of the Local Planning Authority insufficient information has been provided to satisfy the Local Planning Authority that the increase in the frequency of train movements can be achieved without undue detriment to the residential amenity of the occupants of properties within close proximity of the test track.**

Officer to contact: **Mrs Denise Knipe**

28th June 2011