

# Regulatory Committee

Tuesday 2 November 2021

## Minutes

### Attendance

#### Committee Members

Councillor John Cooke (Chair)  
Councillor Jill Simpson-Vince (Vice-Chair)  
Councillor Jeff Clarke  
Councillor Judy Falp  
Councillor Sarah Feeney  
Councillor Dave Humphreys  
Councillor Jack Kennaugh  
Councillor Justin Kerridge  
Councillor Jan Matecki  
Councillor Chris Mills  
Councillor Christopher Kettle  
Councillor Adrian Warwick

#### Officers

Ian Marriott, Delivery Lead - Commercial and Regulatory, Governance & Policy  
Isabelle Moorhouse, Democratic Services Officer  
Sally Panayi, Senior Planning Officer  
Matthew Williams, Senior Planning Officer  
Clare Saint, Planning Assistant  
Paul Spencer, Senior Democratic Services Officer  
Scott Tompkins, Assistant Director, Environment Services

#### Others Present (for Item3)

Councillor Andy Thomas, Chair of Budbrooke Parish Council.  
Tim Satchell, local resident  
William Knighton, Agent for Chiltern Railways, Stakeholder & Integrated Transport Manager  
Rob Cronk, Agent, Planning Development Management Ltd  
Nick Treby, Spectrum Acoustic Consultants, Principal Consultant

### 1. General

#### (1) Apologies

None.

#### (2) Disclosures of Pecuniary and Non-Pecuniary Interests

Councillor Jan Matecki reported that the station was located within his electoral division. He

had attended the parish council meeting, but not participated in the discussion of this item and had an open mind on the application. Councillors Falp and Cooke declared non-pecuniary interests as Members and portfolio holders at Warwick District Council. Councillor Kettle reported that he used the station. None of the matters disclosed resulted in a disqualification from speaking and voting.

### **(3) Minutes of the Previous Meeting**

The Minutes of the meeting held on 5 October 2021 were agreed as a true and accurate record. In response to a question from Councillor Feeney about appointments to external organisations considered at this meeting, it was confirmed that Councillor Simpson-Vince was receiving invites to the Rugby Community Safety Partnership.

## **2. Delegated Decisions**

The Committee noted the delegated decisions made by officers since the last meeting, as presented in the report.

### **3. Planning Application WDC/21CC005 Warwick Parkway Railway Station, Warwick - Variation of condition 17 to allow use of PA system.**

This item was introduced by Sally Panayi, Senior Planning Officer. The application sought to vary condition 17 of planning permission W/97/CC023, which stated “No amplified public address (PA) system shall be installed and used at the station without the prior written consent of the County Planning Authority”. The proposal sought planning permission to use and operate the existing PA system as installed, for general travel updates, security announcements and for use in emergency situations, during the operating hours of the station.

Consultation had taken place on the application with the report detailing the responses received and the 14 representations from local residents objecting to the proposal and stating 58 grounds under the headings of:

- Quality of noise assessment
- Impact of noise on local area
- Requirement for a PA system
- Community involvement.

The report outlined the previous planning history, including the call in for determination by the Secretary of State in 1998 and condition 17, stating that there should be no amplified PA system without the prior consent of the County Planning Authority. The PA system had been installed and there was annual testing to ensure the system remained in working order. To the extent that the system was used for testing, this application was in part retrospective. Permission was sought to vary condition 17 in 2012, but this was refused by the Regulatory Committee and the grounds for refusal were set out in the report.

Next, the report provided assessment and observations referring to the station’s location, the need for a PA system, access and inclusion. Environmental and amenity issues were raised particularly those related to noise.

The report set out the relevant planning legislation and policy, comprising the Section 73 application for the variation of the planning conditions imposed on an existing permission, the Development Plan provisions, the National Planning Policy Framework (NPPF) and Warwick District Local Plan 2011-2029.

In summary, Ms Panayi said that, the application was in furtherance of the objectives of the Equality Act 2010, ensuring that all users of the station had access to information. The PA system would enable information and warnings to be given to all train users. The application was considered to comply with the policies of the NPPF and the policies within the Development Plan. In terms of noise, the noise impact assessment concluded that there was a low probability of the operation of the system having an adverse impact on health and quality of life.

Ms Panayi concluded that operating the PA system was acceptable when the benefits in terms of safety and passenger convenience, and the advantages to those with disabilities and all other users, and the desirability of encouraging sustainable travel, were balanced against the impact of the noise on local residents, with the mitigations proposed in place. Accordingly, permission was recommended for approval, subject to the conditions contained within the report.

The Chair invited members to submit technical questions. The following points were raised and answers provided:

- There had been no appeal to the planning application refused in 2012.
- Presently people could book assistance to board or depart from a train at this station.
- Data was provided on the reported accident rates at this station, which were higher than for other comparable stations. Context was sought on the cause of the nine reported accidents and whether this was linked to a passenger being visually impaired or another reason. Officers did not have this information, but the applicant may.
- The number of trains per hour stopping or passing through the station, to give an indication of the number of announcements and noise impact for residents. The number of trains could fluctuate and had reduced due to the Covid-19 pandemic. It was estimated there were 200 trains per day passing through the station, with 69 passenger trains stopping, 37 fast trains not stopping and the remainder being freight or empty trains. Comment about the number of announcements for each train, dependent on whether it was stopping; the sound was directed to the platform and findings from the noise assessment were reported.
- The equalities legislation in place at the time of the original application would have been the Disability Discrimination Act. There had been no changes to material planning considerations since 2012.
- The ability for the PA system to be used in an emergency situation. It was understood the system had not been used in an emergency and its wiring was only connected for the purpose of annual testing.
- The number of accidents occurring when passengers boarded the train or when they left it. A view that those with a visual impairment were more likely to struggle when stepping out of the train. This would make announcements on the platform of less use.
- Concerns about the frequency of security messages.
- The application included use of the PA system at weekends; a resident had objected requesting no use at weekends or between 7pm and 7am. A related question on the ability for emergency announcements still to be made at other times.
- Confirmation that a PA system was provided at the Hatton Station

- The impact of the prevailing south westerly wind direction reducing noise from the station. Reference to the environmental health noise assessments, which were based on noise levels indoors with windows closed. It was noted that the noise levels reported in this application were taken outside of the properties.
- Regarding the condition of the PA noise level being a maximum of one decibel above ambient noise levels, context was sought on how loud this would be. Officers were guided by environmental health and the applicant had brought a noise expert to this meeting.
- A point about the safety of people on the platform outside the operating times for the PA system. If this was deemed safe, why was the PA required at all other times?
- The current usage of the station was 682,000 people each year and it was expected this would increase over time.
- A question on the amount of usage at different times of the day. This data wasn't available.
- Reference to an email suggesting the delay of the noise survey on the grounds of weather conditions. Further information was sought and this would be better directed to the applicant's noise expert.

## **PUBLIC SPEAKING**

Councillor Andy Thomas, Chair of Budbrooke Parish Council outlined issues raised previously with the applicant. There was concern about the lack of proper notification of the noise tests, reference to the local feedback received via social media and regarding the location chosen for one of the noise tests. PA announcements would need to be louder than trains, which were already heard in the village. The concerns about the gap between platform and train were a design fault and accidents could still occur. The volume of passengers was much reduced since the pandemic and there was no evidence of the increased passenger numbers stated.

Tim Satchell, confirmed the lack of notification of the noise tests and questioned the choice of Locke Cottage as the location for one of the noise tests, given its proximity to the A46 and the background noise from this road.

William Knighton addressed members on behalf of the applicant, speaking of the passenger numbers and saying that it was the only station Chiltern Railways had without a PA system. He summarised the reasons for the PA system to provide safety warnings, especially for trains passing through the station at high speed. He made reference to a recent report following a serious incident elsewhere, recommending strongly the provision of advance warnings of non-stopping trains approaching. With respect to safety warnings to 'mind the gap', he said that audible warnings were effective. There had been a higher number of incidents at this station. With respect to Equality Act compliance, people with a visual impairment were not able to use the live information boards at the station and without audible notification were disadvantaged. From the customer experience perspective, the audible announcements provided useful passenger information. The applicant understood local residents' concerns on the noise aspects. There had been close liaison between the noise expert and environmental health officers, to ensure the test results were valid and the conclusion was there would be a negligible impact for local residents. Questions to speakers were invited, with responses provided as indicated:

- Reference to the excessive step from platform to trains and whether this was unique to the station or occurred elsewhere. The characteristics of each station varied, and some were located on bends like Warwick Parkway station.

- Reference to the higher accident data at this station compared to others. Context was sought on the number of accidents when compared to passenger numbers at each station. Data was provided for three broadly comparable stations at Gerrards Cross, Dorridge and Aylesbury, on the number of incidents per 100,000 passengers at each station and it was significantly higher at Warwick Parkway. There was no breakdown on the proportion of incidents for passengers joining or leaving the train.
- A question on the proportion of incidents related to the passenger having a visual impairment or those due to other causes. Mr Knighton responded on the broader safety point for all passengers. There was an identified safety issue which the PA system would address, whilst giving other benefits as outlined during his earlier address. The specific information was not available.
- A point that most passengers prepared for their journey and knew their destination, platform and departure time, which was acknowledged.
- It was questioned if the other stations used for comparison on safety data were comparable in terms of passenger interface, or whether this was due to the design of Warwick Parkway causing the issue. The point was acknowledged by Mr Knighton and showed the need for the PA system to give additional audible warnings. The member asked how a PA system would assist those who were less physically able and there was perhaps a need to make the passenger interface safer.
- A comment and example to show how noise experiences could be subjective and could be more noticeable when pointed out.
- Scott Tompkins reiterated a point from the introduction of this item on the importance for visually impaired passengers to receive audible alerts and warnings.
- A point that this was a newer station, with better design standards and had been designed in the knowledge of having no PA system.
- A question about the weather conditions chosen for the noise survey, also referring to the graphs from the survey. Mr Treby explained that noise surveys were not undertaken in wet weather conditions, or when it was windy/gusting as there would be more ambient noise, reducing the additional noise from the PA system. The relevant guidance had been followed in taking the noise samples. Mr Treby provided more information on the graphs and the method used to record the precise times of announcements and compare the noise data to periods immediately before and/or after each announcement. The data recorded was clear of other noise sources such as trains or road vehicles.
- A question if the PA system had caused any noticeable increase in noise levels and what the one decibel limit in the condition equated to. Mr Treby advised that for the vast majority of samples, the PA could not be heard, and the measureable change was so small it may have been as result of PA or perhaps another source. The exception was at Stanks Farm in the late night where the PA became more audible but was still within the one decibel limit in the condition. Mr Treby provided further context on the noise level change before most people would usually be able to detect it and the strict condition being applied to be protective of residents, whilst providing a clear limit to be able to monitor in the future. In responding to a follow up question, Mr Treby confirmed that late in the night at Stanks Farm, it was just possible to hear the PA, which was why the time restrictions had been included.
- Regarding condition 4, further information was sought about the usage of the PA for different message types. This information was not available but could be provided.
- It was questioned why the PA system was necessary. Reference to the typical numbers of people needing assistance and type of support requested. The PA would not be of

additional benefit in many of the cases reported. It was acknowledged that support was sought for a variety of reasons. For visually impaired people the PA would give more independence and the safety aspects for all passengers were reiterated.

## **DEBATE**

Councillor Adrian Warwick reminded the meeting that the condition would have been imposed only if it was considered necessary to the grant of permission, and of the request for removal of that condition in 2012 which had been refused and was not appealed. There had been ample opportunity for the applicant to appeal on two occasions. The PA system did have advantages, but he did not know whether it would change the accident rate at the station. Having regard to the information provided, the one decibel noise limit seemed to be a way forward. A temporary permission could be granted to enable a trial, giving local people the opportunity to provide feedback and the applicant to provide data on accident rates. He proposed a trial of 12 months to gather feedback, the data and then review this application. This was seconded by Councillor Justin Kerridge.

Councillor Jill Simpson-Vince spoke of the benefits of a PA system for parents with small children and reliance on the messaging provided. She noted the points about a temporary consent, but this may require another lengthy debate in a year. She was mindful of the safety aspects and considered the report to be balanced. On safety grounds she would move approval of the recommendation.

Councillor Sarah Feeney was minded to support Councillor Warwick's proposal, which was sensible and would enable data to be gathered on the noise aspects. There was a need to understand more about usage, demands and the accident statistics.

Councillor Jack Kennaugh spoke of the benefits of the PA system, changes in customer service expectations and the PA system would benefit all users of the station. He did not favour the temporary approval and could not see a material consideration to refuse the application. It could only benefit train users.

Councillor Jan Matecki stated that refusal was possible on the same grounds as in 2012 and he had heard no new evidence, other than a longer noise survey. He could not see any reason to change the earlier decisions. More data was needed on the causes of accidents. He was minded not to accept the report recommendation. Having regard to Councillor Warwick's proposal he suggested restricted hours of operation to have regard to the health and wellbeing of local residents. To this end he suggested use of the PA system between 7am and 7pm with monitoring of the number of accidents at all times to assess the effectiveness of the PA in reducing accidents. The Chair reminded the Committee that members could only consider the application before them.

Councillor Christopher Kettle was sceptical that ambient noise would mask that from the PA given the variable nature of both. He spoke of the impact for residents especially in the summer when windows may be open at night time. He referred to the previous refusal by the Committee and the sound survey. The accident data was viewed as critical evidence to support the application, but that provided was not clear enough to substantiate the case for the PA. In determining the application, both the Planning Inspector and Secretary of State had made the condition that there should be no PA system, which was reiterated by the Committee in 2012. He spoke of the small sample size for accident data at other stations. Councillor Kettle could not support the application.

He referred to the information available via mobile telephone applications, also acknowledging the safety concerns and needs for different user groups including parents with young children. He considered the revised proposal for a trial was reasonable but should include a condition to limit the hours of use to a shorter period, to reduce the impact to residents.

Councillor Judy Falp was supportive of granting a temporary permission for one to two years, but also had regard to the advice from officers at the Warwick District Council. She was not as sure about restricting the hours of operation.

Councillor Jeff Clarke drew comparison to another station within his electoral division, which was larger and yet attracted no complaints from residents about the PA system. He was mindful that this station was in a rural area, but also the noise limit of one decibel above ambient noise. Given the safety aspects, the potential for distractions and accidents, he was supportive of the application either in full, or possibly for a trial period of 12-24 months to secure data. He was not supportive of restricting the hours of operation.

Councillor Adrian Warwick was not supportive of reducing the hours of operation as this would distort the data. He summarised the options available. The trial would provide data and give the option for residents to provide feedback, which would assist in making an informed decision.

Councillor Chris Mills was inclined to support the officer recommendation commenting on the potential implications for the committee if it refused the application and there was a serious accident.

Councillor Jan Matecki asked if the temporary approval was granted, that Chiltern Railways keep a detailed record of any accidents and their circumstances, including whether they occurred as people were getting on or off the train, to enable members to look at the results meaningfully. Councillor Warwick was agreeable to this suggestion.

Ian Marriott confirmed that the amendment before members was for a 12 month temporary permission with no further restrictions to the proposed hours of operation and a condition regarding the recording of accidents. He explained the governance process to be followed to consider the current amendment and any subsequent proposals.

The Chair commented that this was a very balanced report, which had attracted a lot of questions. The Committee had to determine applications on planning matters. He was concerned about safety, whilst having some sympathy with the points raised by several members.

The amendment was put to a vote and carried. This became the substantive motion which was also carried.

## **Resolved**

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 17 of planning permission W/97/CC023 to allow the use of the public address system at Warwick Parkway Railway Station subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities and subject to additional conditions (to be drafted by officers) limiting the permission to a period of 12 months and requiring that Chiltern Railways keep a detailed record of any accidents and their circumstances.

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Councillor John Cooke, Chair

The meeting closed at 12:40pm