

## Regulatory Committee – 02 November 2021

### Proposed use of the Public Address System at Warwick Parkway Railway Station, Old Budbrooke Road, Warwick, CV35 8RH

#### WDC/21CC005

Application No: WDC/21CC005

Advertised date: 25 June 2021

Applicant(s) CRCL  
Chiltern Railway Company Limited  
Marylebone Station  
Melcombe Place  
London  
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Agent(s) Mr Robert Cronk  
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Registered by: The Strategic Director for Communities on 18 June 2021

Proposal: Variation of Condition 17 of planning permission  
W/97/CC023 to enable use of the public address system  
at Warwick Parkway Railway Station, Old Budbrooke  
Road, Warwick, CV35 8RH

Site & location: Warwick Parkway Railway Station, Old Budbrooke  
Road, Warwick, CV35 8RH. [Grid ref: 426523.265436].

**See plan in Appendix A**

#### Recommendation

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.

## 1. Application details

- 1.1 The application seeks to vary condition 17 of planning permission W/97/CC023, which stated “*No amplified public address system shall be installed and used at the station without the prior written consent of the County Planning Authority*”.
- 1.2 When the station was constructed following the consent granted in 1999 a public address (PA) system was installed at the time, which the supporting planning statement explains was to enable announcements to be made in an emergency situation. However, in recognition of condition 17 the PA system has not been used with the exception of occasional testing.
- 1.3 The current proposal seeks planning permission to use and operate the existing PA system as installed, for general travel updates, security announcements and for use in emergency situations.
- 1.4 The PA system as installed comprises 4 speakers on each of the platforms and speakers in the ticket hall and in the passageway beneath the station which connects the two platforms.
- 1.5 It is proposed that the PA system would be in use during the operating hours at Warwick Parkway Station, that is the period between 05:30 when the first train arrives and 00:29 when the final train departs.

## 2. Consultation

- 2.1 **Warwick District Council - Development Management:** No comments received.
- 2.2 **Warwick District Council - Environmental Protection:** No objection subject to conditions to restrict noise levels to ensure noise levels measured at noise sensitive receptors do not exceed a stated level, and a condition to prevent ‘live’ announcements.
- 2.3 **Budbrooke Parish Council:** Objection.

“Budbrooke Parish Council believe the evidence of residents does not support Chiltern’s statement in respect of noise nuisance, the low volume of passenger service suggests that the demand by passengers is low, and the issue of blind and partially sighted passengers should be manageable without creating environmental noise pollution.

Another concern is the apparent failure of WCC to realise the extent of the issue - it appears letters were sent only to properties which back onto the field, not both sides of Blandford Way, Arras Boulevard and Gould Road, the tannoys from Warwick races can be heard in the village, at more than double the distance from Warwick Parkway and at a much lower level. In addition, the sound level checks carried out

seemed to be technical, using sound level meters. A more realistic check would be to let residents know that they were taking place and asking for a response. The Parish Council can assist in this, given adequate notice, the council can notify residents via its website, Facebook pages and Newsletter.

The PC would reconsider a revised application if Chiltern were to repeat the tests, at a non-holiday time of year AND ask for residents' reactions."

*The applicants have provided responses to the Parish Council to address the issues they raised initially, and to the further objections they raised in further correspondence, which are discussed below.*

2.4 **Councillor Matecki:** No comments received.

2.5 **WCC Equality & Diversity:** No objections and advised the following:

The Public Sector Equality Duty (PSED) requires public bodies to have 'due regard' to the need to: -

**A) Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.**

**B) Advance equality of opportunity between people who share a protected characteristic and those who do not.**

This involves having due regard to the need to: -

- remove or minimise disadvantages suffered by people due to their protected characteristics;
- take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people, for example, taking steps to take account of people with disabilities;
- encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

**C) Foster good relations between people who share a protected characteristic and those who do not.**

This means tackling prejudice and promoting understanding between people from different groups and communities.

I believe Chiltern Railway have outlined clearly how the installation of a PA system will help them meet their equality duties on pages 3, 4 and 5 of their Supporting Statement, in particular their duty to advance equality of opportunity.

- 2.6 **WCC Fire & Rescue Services:** No objection to the application, subject to the inclusion of an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service.
- 2.7 **WCC Ecology:** No comments.
- 2.8 **WCC Planning Strategy:** No comments.
- 2.9 **Environment Agency:** No comments.
- 2.10 **Canal & Rivers Trust:** No comments.
- 2.11 **Network Rail:** No comments.
- 2.12 2 site notices were posted 25 June 2021 at the entrance to Warwick Parkway railway station on either side of Old Budbrooke Road. A press notice was posted in the local newspaper on 25 June 2021. In addition, the 43 nearest residential properties, including Old Budbrooke Road, Gould Road, Arras Boulevard and Birmingham Road were individually notified by post on 25 June 2021.

### **3. Representations**

- 3.1 In response to the consultation process, 14 representations were received from local residents who object to the proposal on the following grounds:

#### **Quality of Noise Assessment**

1. The tests conducted do not cover a wide sample of areas that are in direct line of sight of the station, due to the elevated nature of the train station the noise envelope is much greater than the sites of NSR1, NSR2 and NSR3. There is no reference to any considerations that have been made for measures taken or alternatives proposed to overcome the test issues.
2. The consultants did not conduct the testing with a frequency representative noise test.
3. The tests were conducted with a wind direction moving away from Hampton Magna and sites NSR1 and NSR2 and therefore is not representative of all conditions.
4. The consultants have not clearly labelled the key data graphs. This makes interpreting the data fundamentally difficult and prevents robust scrutiny of the test report by an independent assessor.
5. The consultant's report contains terms such as '*minimising*', '*reducing*', '*managing*' and '*controlling noise*' which are all used in

relation to the PA system being used at the station, these terms indicate the system does cause noise pollution and disturbance in the surrounding area.

6. The number of announcements and their routine/nature has not been outlined within the application, only the hours at which the PA system will operate.
7. At the time of the original planning application for the station it was recognised by the Secretary of State, and subsequently both by Chiltern Railways and their noise survey consultants, that use of a PA system will cause disturbance.
8. One local resident has raised a comment that in the current consultants report that no objections were raised from local residents to the north of the site in 2012.
9. The acoustic tests that were done states that the PA system will not be louder than the trains (or the A46) but it will precede every train and the sound of a PA system carries much further - we hear the PA system of Warwick racecourse on race days and that is over a mile away.
10. The impact analysis was done at a point in the village that is closest to the A46 and therefore they are using the argument that there would not be a significant impact due to the ambient background noise already present due to the traffic from the dual carriageway.
11. The consultants have failed to demonstrate the impact on houses further away from the A46 (Arras Boulevard, Caen close and Blandford Way who are not as impacted by the same level of noise from the A46. With a relatively small field between some houses and the raised platform of Warwick Parkway it is obvious that houses on Blandford Way and Arras Boulevard will be significantly affected and it is notable that the applicants have failed to include them in the testing that was done.
12. It is notable that the assessment was done in late December when residents were unlikely to have windows wide open or be in their gardens as the impact of a PA system will be more notable in these circumstances.
13. The noise level test was performed using a small selection of sampling sites, NSR1, 2 and 3 in the report from Spectrum Acoustic Consultants. The sites were not representative of all impacted housing due to their close proximity to sources of high background noise such as the A46 and flowing water in canal locks. Other sampling areas with less background noise should have been considered e.g. to the west around Blandford Way and

Arras Boulevard. In the northerly direction, The Coach House on Old Budbrooke Road. Furthermore, the properties near the Budbrooke Church on Church Lane. The elevated location of the platform and PA system give line of sight noise transmission no many of these areas. The sampling areas chosen will give a result where background noise is dominant, but this is not representative of all affected locations and gives a biased result.

14. Sound characteristics of speech are different to traffic and train noise. Speech is much more disturbing than the constant white noise of these other sources.
15. One local resident wrote that their house was not included within the noise test even though we are similar distance as Lock Cottage where NSR 3 was placed, and Stanks Farm where NRS 1 was placed. We are much closer to the station than NSR 2 in Hampton Magna. Stanks Farm and the Lock Cottage are closer than us to the A46 and as a result have more competing background noise that we believe would have influenced the results from NSRs 1 and 3. Our land is quieter and the amplification system will have more cut-through, and we are also on higher ground than the locations of NSRs 1 and 3.
16. We are concerned that this sound system could become the backing track to our daily lives because we live so close to the station and because the main divider between us is water over which sound travels so well.

#### **Impact of noise on local area**

17. Residents already have to deal with additional noise from increased numbers of travellers using the station and travelling via car on the A46 and local roads. Hampton Magna already has background noise levels above that outlined in the British Standard BS8233. It is unacceptable to increase these noise levels.
18. Noise pollution in the form of car alarms can already be heard from the station car park where noise is created at ground level. The elevated position of the platforms and speakers would therefore be greater.
19. A PA system is designed to transmit sound as efficiently as possible and therefore will be audible in the ranges the human ear is sensitive to. The PA system is designed to be audible over the sound of passing trains which requires a significant level of volume to achieve. With this in mind Chiltern intend to operate the system from early morning, throughout the day and into the night; 0530hrs continuous through to 0030hrs. It is not reasonable to provide only 5 hours noise relief each night from a system designed to be heard clearly over the noise of frequently passing freight trains and diesel

engine locomotive passenger trains. There are other legal and local planning residential noise restrictions in place which provide several numbers of hours less disturbance each day e.g. construction, aircraft etc. These are in place to protect the health of local residents, a 5 hour relief period does not meet the health requirements of local residents.

- 20.** The noise emitted from a PA/loudspeaker system would interfere with the enjoyment of being in gardens and outdoors spaces and within our home, especially during warmer months and at night when bedroom windows in line of sight of the station are open.
- 21.** Local councils who have companies operating with noise pollution concerns in their areas have installed measuring devices to ensure noise levels do not exceed those already agreed in the planning permission. This provides a local authority with a mechanism to monitor and quickly resolve any issues which arise from excess noise pollution and protect the local residents.
- 22.** It is not mentioned in the application as to how many anticipated routine announcements will be made in a day, their nature or duration. Although Chiltern railways stated they could not confirm the number of announcements to be made, the attached document prepared in 2012 representing the timetable at that time as being 10 announcements per hour Monday to Friday of two announcements per train.
- 23.** One resident wrote that their property fronts the Birmingham Road, (North) with the rear garden facing nearly due south and which backs onto a field and small wood. The station is not far from the rear of the property.
- 24.** Over the last few years there continued to be an increase in the noise that can be heard from traffic on the A46 and M40 together with increased noise from trains calling at and passing through Warwick Parkway since the station was built approximately 21 years ago. In addition, weather conditions/wind direction play a huge role as to the volume of noise heard by us from the South. We continue to hear the beeping from lorries when reversing and machinery used to load the lorries at the Highways Agency site on old Budbrooke Road (whether at night or during the day) which is very close to Parkway Station. This noise carries from ground level and not from an elevated position which the station platform is and some speakers will be. An example of sound carrying from further away is, although we live over a mile away from Warwick, we can easily hear the music from concerts held at Warwick Castle and occasionally the bells from St Mary's Church.
- 25.** Announcements from a PA system would be intrusive along this section of the canal and spoil the enjoyment of those using it.

26. Warwick Parkway has been built in a largely rural area where the use of such a system would be intrusive and impact on the countryside.
27. We still feel that the reasons stated for having a PA system at the station do not outweigh the disruption and constant noise pollution that will be inflicted on the people in the vicinity of Warwick Parkway.
28. I live in Hampton Magna and I would like to raise my concerns (objection) to the retrofitting of a PA system at the station next to the village. Wind direction already means that I am able to hear station noise at weekends and during the day / evening.
29. Consider the creeping growth of the station since its first planning approval, with an ever-increasing number of overflow car parks and now increasing noise levels.
30. This station has been placed in a semi-rural area, the characteristics of which have not changed significantly since the original planning permission was granted.
31. Three adults and two children live in our house and we would all be disturbed by the amplification system at all times of the day, except the kids during school hours. Currently all three of the adults are working from home and, even after Covid restrictions are lifted, we are all likely to continue to work largely from home.
32. The sound from amplified announcements can easily travel across the field to my property and the neighbouring properties. These announcements could occur throughout the day, late at night and the early hours of the morning. This would disturb my sleep and quality of life, as well as that of family members and friends who visit me and stay the night. I am considering putting my house on the market in the near future. Public announcements from the railway station that are audible will affect the value of my home. I would seek redress if this was to happen. Warwick Parkway is a small station that has always managed without a tannoy system. To install one would lead to an unacceptable level of noise pollution in a largely quiet and peaceful area.

### **Requirement for a PA system**

33. There have been no developments which change the surrounding area around Warwick Parkway, therefore the reasons behind the original planning decision are still valid.
34. The PA system was installed without planning consent, despite the original planning consent stating there should be no PA system without written consent.



35. One local resident wrote that they would have no objection if the existing PA system was used in respect of emergency announcements for the purposes of any one-off emergency concerning passenger safety and security should such an emergency occur. However, this is a very different situation to continuous announcements with each arrival, departure of trains and in for trains passing through the station being made. Chiltern continue to have a mobile APP which gives “real time information” to passengers together with display screens providing information on the platforms. In addition they have a dedicated Twitter account enabling passengers to sign up for free travel alerts, have access to live arrivals and departure boards and find out how their train is running. There is also a facility to request specific information from managers.
36. Chiltern Railways cite that one of the reasons for the PA system would be to attract new customers. The profits of a rail company are not relevant to a planning application and should not be used as a decision-making factor.
37. There is a conflict of interest as Warwickshire County Council co-own the station with Chiltern Railways. There is financial pressure on councils and the station has grown without the aid of the PA system.
38. Other stations along the route (ie. Hatton) do not use a PA system.
39. The station does not require a PA system to comply with the Disability Discrimination Act as Chiltern Railways can make alternative provision to ensure compliance.
40. Alternative proposals to a PA system have not been put forwards for consideration.
41. There are other more fundamental accessibility challenges for all passengers using Warwick Parkway which a PA system can't fix; it cannot bridge the large gap between the platform edge and trains, nor can it provide on hand assistance for ramps and operate the life services at all hours the station is in operation.
42. The station has been operating since it opened approximately 21 years ago. The first application to vary Condition 17 was 11 years ago and Chiltern found no need to challenge the original refusal by the Council to vary the condition until now and the station has continued to work without the need to use a PA system. In respect of the visually impaired, there are alternatives available, for example, another train operator with stations without PA systems had systems installed at least 11 years ago with enhanced help points to assist both **visually** and **hearing**-impaired passengers. These enhanced help points provide real-time train information with

the buttons being differentiated by touch and colour to assist the visually impaired. They provide a button to contact an adviser for emergency assistance, another to provide information queries and a further button to provide aural “next train” information. They also feature audio frequency induction loops to assist hearing-impaired passengers.

- 43.** One resident has stated that Chiltern Railways have not set out any changes which have occurred since the original permission was granted, nor since their previous application in 2012, which would allow WCC to approve this application. The resident also stating that the developments with mobile phone applications, real-time departure boards, the loop system for the hard of hearing and technology for the visually impaired should mean the need for a PA system has further reduced, rather than increased.
- 44.** Warwick Parkway is a very small station, just two platforms, one going north and one going south. Once you have obtained your ticket and got to the correct platform it's quite easy to catch the right train.
- 45.** 682, 228 people managed it at the last count, without the aid of a PA system.
- 46.** The vast majority of people are able to see and read the information screens sufficiently well to gain the information they need about the incoming trains and if Chiltern Railways were more efficient there wouldn't be the need for constant updates about delays or cancellations. This would also improve customer satisfaction, rather than being told how late your train is, it could just turn up on time.
- 47.** If the applicant has stated the Equality Act as a supporting reason for the installation of a PA system, they need to provide data regarding the number of people who would genuinely benefit under this.
- 48.** Surely people getting on and off trains do so carefully, minding the gap, being reminded to do so is part of the insurance stipulation for Chiltern Railway against paying out for station accidents, not to enhance customer satisfaction.
- 49.** It is difficult to say what the effect the pandemic will have on our travel habits but citing maintaining pre-pandemic customer numbers is not a legitimate reason to install a PA system that will be announcing every train all day, every day, to the entire village of Hampton Magna. It is likely that less people will be using the trains post-pandemic due to working more from home and not wanting to be sitting in an enclosed space with people for long periods of time.

**50.** In Chiltern Railways application 'Application for Variation of Condition 17 of Warwickshire County Council planning consent reference W126/97CC023' they state in the summary that provision of a PA system at Warwick Parkway will:

*i. Ensure that visually impaired are not discriminated against, in compliance with the Equality Act.*

It has not been demonstrated that alternative methods of achieving this goal have been considered and investigated that better balance the needs of train users AND local residents without discrimination towards either.

*ii. Improve passenger safety, and therefore help to prevent accidents that may lead to serious injury or fatality.*

It has not been demonstrated that alternative methods of achieving this goal have been considered and investigated that better balance the needs of train users AND local residents. Alternative solutions may address a wider range of access issues caused as a results of disabilities.

*iii. Meet the standards required by Chiltern's Accessible Travel Policy.*

It has not been demonstrated that alternative methods of achieving this goal have been considered and investigated that better balance the needs of train users AND local residents.

*iv. Improve the customer experience and make a significant contribution to retaining pre-pandemic rail travel customers and attracting new customers.*

Not relevant to the planning application. Making more profit for Chiltern Railways should not be a factor. Chiltern should be considering their customer experience AND the well-being of surrounding residents. They should be investigating more wide-ranging possible solutions that can achieve this broader goal.

The solution adopted to improve passenger safety and accessibility must not be the lowest cost, simplest solution at the cost of disturbance to local residents.

**51.** The company says the system is required for disabled commuters but the station is staffed and not overly busy so direct support is available.

52. The information transmitted via a public address system will be redundant to almost every commuter who will not need or welcome a public address system telling them information that will be fairly obvious to them.

### **Community Involvement**

53. Should planning permission be granted for the PA system there is no process outlined for consulting local residents about changes to the announcements being made, i.e. frequency, volume, message type and length.
54. Should planning permission be granted there is no process outlined for future reviews based on the impact of the PA system to refine its use to lessen any impact on the local community. Any such process will need to have the local community as a stakeholder in the decision making so improvements to lessen the impact on the community can be made quickly.
55. If the Application is granted without further consultation with Warwick County Council then Chiltern Railways will be free to install a new system/speakers without having to provide further information concerning the PA system and possible further detrimental effects on a semi-rural area.
56. If this application is ultimately approved, fair consideration should be given to the local housing in mornings, evenings and weekends to reduce PA system volume levels or switch it off altogether
57. If the Council were minded to approve the company's application, I would request that time restrictions at least be placed to curb announcements before 7am on weekdays, after 7pm on weeknights, and preferably not at all at weekends.
58. If planning permission is granted there needs to be control given to the local residents so necessary changes to the PA system can be made quickly and with as little red tape as possible. It isn't acceptable to have to wait extended periods of time for resolutions to be implemented. Any proposed changes to the PA system structure i.e. volume, duration, operating hours, time limits must also be concurred by the local community before they are allowed to be implemented.

## **4. Previous Planning History**

- 4.1 The planning application for the railway station on Old Budbrooke Road (Ref: W/126/97CC023) was called in for determination by the Secretary of State in 1998 and was allowed in March 1999 following a public inquiry. The approval was subject to planning conditions including Condition 17 which stated that "No amplified public address system

shall be installed and used at the station without the prior consent of the County Planning Authority”.

- 4.2 When the station was constructed, a public address system (PA system) was installed. Because of the way in which Condition 17 is phrased, it may be interpreted so that there is only a breach if the system is both installed and used. Whilst the system has not been made available for general use (i.e. passenger announcements, etc) it has been used for annual testing to ensure the system remains in working order. To the extent that the system is used for testing, this application is in part retrospective.
- 4.3 Planning permission was sought in 2012 (Ref: WDC/12CC001) to vary condition 17 to allow the PA system to be used. The application was presented to Regulatory Committee with an Officer recommendation for approval but was refused by Members. The reason for refusal stated: ‘Because of its elevated position, expected frequency of announcements, the use of the public address system is capable of causing unacceptable detriment to local amenity in a semi-rural location with residential neighbours. The evidence submitted in support of the application does not demonstrate that this detriment can be satisfactorily mitigated or that the system is reasonably required to meet the needs of people with disabilities.’

## **5. Assessment and Observations**

### **Location**

- 5.1 Warwick Parkway Railway Station is located in the Green Belt in a semi-rural location to the west of the town of Warwick with the adjacent A46 trunk road situated to the east of station site. Open fields surround the site on its western and southern boundaries with the village of Hampton Magna located approximately 300m to the south west and Budbrooke over 600 metres to the west of the station site.
- 5.2 The Grand Union Canal is positioned to the north of the station site and runs west to east, beneath Old Budbrooke Road and the A46 Warwick Bypass.
- 5.3 The station car park and the ticket office are positioned at ground level while the two platforms are at an elevated level. There are two lifts and a stairway to provide access to each platform. To the east of the ticket office on the northern side of the platforms is the multi-storey car park providing parking at ground, first and second floor level.

## **Need for a PA system**

- 5.4 The Supporting Planning Statement states that Warwick Parkway is the only station operated by Chiltern that does not use a PA system at present. Chiltern operate stations in many rural locations or edge of village locations, close to residential properties. The use of a PA systems make a key contribution to customer information and safety.
- 5.5 The applicant has stated that the system is necessary to safeguard against accidents. From the information provided in the Supporting Planning Statement, Warwick Parkway has a particularly high rate of 'Platform/Train Interface' (PTI) incidents and accidents, including passenger falls into the gap; which have resulted in injuries including fractured legs.
- 5.6 The platform at Warwick Parkway is on a curve of the railway line, resulting in a significant cant of the track, and consequently there can be a significant gap between the doors to the carriage and the platform, and results in a large vertical step. Other stations with this particular issue remind passengers on the PA system to be aware of the risk and to 'mind the gap'. Train crews are able to warn disembarking passengers of the gap issue by using the train's internal PA, but for embarking passengers, this is not possible without using a platform-based PA system, and both visually impaired and visually able passengers embarking on the train are therefore at greater risk without this audible warning.
- 5.7 Warwick Parkway has a large number of trains that do not stop at this station (including other operators' passenger trains and many freight trains) and which pass through the station at full speed. At all other similar stations, Chiltern make a PA announcement to warn passengers of the approaching highspeed train and to stand well back. The Supporting Statement advises that there is a need for warnings of fast approaching trains on the PA system at Warwick as the risk from through trains is significantly higher due to the station being on a curve, with passengers unable to see the approaching trains until they are close to the station.
- 5.8 The applicant has said that there is a need for emergency use of the PA system and states that on 1st August 2017 a fire on a train occurred at Warwick Parkway. Passengers were evacuated, but complaints were received regarding the lack of announcements. A megaphone has been supplied to the station in case of similar circumstances arising, but this is not as effective as an active PA system. In emergency situations, Chiltern's central control room, who have the benefit of CCTV feeds from the platforms, can make remote announcements at all the other station platforms as necessary if staff are not present; Chiltern are unable to do this at Warwick Parkway. The applicant has informed that the station Risk Assessment recommends use of a PA system as an important tool to mitigate

against the various safety risks by being able to broadcast timely, accurate and emergency information directly to passengers.

- 5.9 Chiltern Railway's Accessible Travel Policy requires information provision at stations in both aural and visual formats for journeys with connections and when changes to services occur due to disruptions. Warwick Parkway is unable to comply with this Accessible Travel Policy without the use of the PA system.
- 5.10 The applicant says that whilst the number of trains have recently been and are currently reduced due to the coronavirus pandemic, that does not remove the need for an operating PA system. While there may be fewer passengers travelling, there remain a proportion of travellers who require assistance that would benefit from a PA system as well as being a safety warning to all users of the station, for example announcements that warn of fast trains approaching. The applicant advised that the data presented was from pre-COVID times; planning can only be done on the basis that the current situation is temporary, and that travel requirements will return to at least pre-pandemic levels in the future.
- 5.11 The applicant has, therefore, put forward evidence of the need for an operating PA system which will need to be considered in the context of policies BE1, HS1 and TR1 of the Warwick District Local Plan, which are concerned with enabling safe access to all people regardless of disability, age or gender.

### **Access and Inclusion**

- 5.12 Under the Equality Act 2010, the applicant has advised that, it is the duty of the station operator to take such steps as are reasonable and to put in place processes to eradicate any disadvantages to disabled or impaired persons. The applicant says that the current situation, without any audible announcements, discriminates against visually impaired persons and places them at a disadvantage compared with non-disabled persons.
- 5.13 As advised by Warwickshire County Council's Equality, Diversity and Inclusion Practitioner, Section 149 of the Equality Act relating to the Public Sector Equality Duty (PSED) requires public bodies (including planning bodies) to have 'due regard' to the need to eliminate unlawful discrimination and promote equality of opportunity (see paragraph 2.5 above).
- 5.14 Both Budbrooke Parish Council and some objectors have stated that there should be an alternative to the PA system. Other objectors have commented that Chiltern Railways already have various formats available (such as a Twitter account and Apps for smartphone and computer users) which provide additional information during times of travel disruption. In addition, there are several help points at the station

which objectors have implied would be adequate to meet the needs of people with hearing or visual impairments. Whilst it is acknowledged that the existing communication methods discussed by the objectors are well utilised, the installation of the PA system would add to the inclusive facilities the station provides.

5.15 A number of objectors made the point that alternatives to the PA system should be considered. The applicant has provided the information below:

- i) **Fast trains approaching:** the PA system warns passengers of imminent through trains which can be passing at speed, and this is particularly needed due to the curve of the track. Trains can arrive without much warning even for sighted people paying attention.

**Alternative:** the applicant advises that in their opinion there is no alternative, other than relying on passengers to not stand too close to the edge of the platform.

- ii) **Mind the gap:** to warn passengers embarking and disembarking, to mind the gap between carriage and platform. The gap can be significant due to the curve of the track at this location. The applicant advises that on train PA systems are used to warn disembarking passengers; however, those already near the door can miss such on-board warnings but may pick up a platform PA warning.

**Alternative:** There is no alternative effective warning for embarking passengers; on platform signage is used (including on the platform itself adjacent to the platform edge) but is not as effective as audible warnings.

- iii) **Emergency:** in the event of an emergency, use of the PA system enables passengers to be directed to safety much more easily than is otherwise the case.

**Alternative:** staff with loudhailer. This is less effective, as (a) there is an inevitable delay in deploying equipped staff, and (b) one staff member with one loudhailer can only be heard in a localised area, and clearly cannot cover the whole platform area of a full length train or be heard in all relevant areas of the station.

- iv) **Equality Act compliance:** the PA system would enable visually impaired people to receive the key information about incoming services.

**Alternative:** the provision of a personalised service to visually impaired people would require additional staff. This would increase the staffing levels required at all times, unless assistance is pre-booked.

- v) **Customer Experience:** an audible announcement to passengers on the platform about an arriving service will remind those awaiting whether this particular train is their service.

**Alternative:** none; continued reliance on visual information only by means of display boards (which are of course provided to key areas).



The applicant also advised that the vast majority of railway stations use audible announcements for each of the above reasons, including all of the other stations managed by Chiltern Railways. Station operators would not invest in installing and using platform PA systems if there was any acceptable viable alternative method of achieving the key objectives.

The applicant again advises that when appropriate the PA system allows announcements to be made simultaneously across the two platforms, subway and the station building during emergency and normal situations; even with extra staff this is something that cannot be matched. The PA system also has functionality to make remote announcements from the Control Centre, in times of disruption; in an emergency such messages need to be in real time across the whole station, which can only be achieved via a working PA system.

For these reasons, the applicant advised that in their opinion, there is no viable alternative to a working PA system that fulfils all operational and emergency requirements.

- 5.16 One objector queried the number of passengers asking for assistance at the station. The applicant has provided the data on numbers of people recorded as asking for assistance, whether booked or turning up and asking for assistance on the day. The data provided is from 2018, 2019, 2020 and up to early 2021, and indicates that numbers of users can be up to 32 in a 4-week period. The numbers were significantly reduced during the last 18 months, when travel was severely restricted. The requests for assistance include ramp assists, helping someone with a ticket purchase, assistance for a visually or aurally impaired passenger, and helping someone with anxiety. While the numbers of those requesting assistance may be low there remains a requirement to take reasonable steps to make facilities and services safely accessible to all passengers with disabilities and some who have not requested assistance would be specifically assisted by the use of the PA making announcements about train services and safety aspects on the platforms.
- 5.17 One objector stated that while it would be acceptable to use the PA system for an emergency, routine use would not, in their opinion, be acceptable. From the evidence above, there are a small but regular number of passengers who require assistance that would benefit from a PA system. In addition, providing updates and information including approaching fast trains is valuable to all users.
- 5.18 It is considered that the provision of the PA system would materially enhance the safety and accessibility of the station for people with disabilities and that its use is, therefore, supported by Policies BE1, HS1 and TR1 of the Warwick District Local Plan.

## Environmental and Amenity Issues

### Noise

- 5.19 Planning consent is sought for the use of the PA system as currently installed which would generate noise at the railway station and in particular from on the elevated platforms. The PA system consists of eight speakers installed on columns on each of the station platforms. Speakers are also positioned at ground level in the tunnel passageway between the two platforms and in the station ticket hall. All of the speakers on the platform are positioned facing downwards towards the platform in order to minimise the transmission of noise away from the station.
- 5.20 A small number of residential dwellings are located in close proximity to the station. Stanks Farm is located approximately 60m to the south of the northbound platform. Lock Cottage is located on the canal towpath, to the north of the station site, approximately 50m away (145m from the platform). There are two residential properties, the Coach House and Hampton Court Place on Old Budbrooke Road to the north of the station. The closest, the Coach House is 100m from the station site (170m from the platform) with a garden to the south of the property that adjoins the canal towpath. Further residential dwellings are located further north of the canal along Birmingham Road, some 350m away from the station (approximately 420m from the platform). Budbrooke Highway Depot and offices are located between the station and the residential properties of Birmingham Road. The closest residential properties in Hampton Magna, to the south of the station are located on Gould Road and Arras Boulevard, the nearest being approximately 300m away.
- 5.21 A Noise Impact Assessment was submitted to support the application. The Assessment details that a noise survey was carried out during a 24-hour period from Tuesday 08 until Wednesday 09 December 2020. This was during a period of the coronavirus pandemic when tiered restrictions were in place. Warwickshire was, at that time, in Tier 3 which prevented household mixing indoors or outdoors in hospitality venues or private gardens, delivery and take-away only for restaurants, indoor entertainment venues closed and asked people to work from home where they could.
- 5.22 Three noise sensitive receptors were identified:
- NSR 1: Stanks Farm, approximately 70m to the south of the station;
  - NSR 2: Gould Road/Arras Boulevard, Hampton Magna, a residential zone just over 300m to the south of the station;
  - NSR 3: Lock Cottage, 147m to the north of the station.

- 5.23 Prevailing conditions in the UK are for wind to blow from the south-west, and so NSR1 and NSR2 would ordinarily be upwind of the station. Wind direction can also interfere with noise levels from the distant roads, though in this case all three NSRs are upwind of the A46 under prevailing conditions, so road traffic noise would be lower. Very light rain was recorded between 1745 and 1830 on Tuesday 8 December. Therefore, the neutral weather conditions of the survey were considered suitable for the purposes of this survey. As a result of the coronavirus lockdown, background noise levels during the testing from the surrounding road network were lower than usual.
- 5.24 At all three positions, the microphone was extended to a height equivalent to first floor level of housing. This minimised any localised screening. At all three NSRs, road traffic was audible, primarily from the A46. Trains were also audible, particularly noticeable at NSR 1, though also at NSR 2. NSR 3 is adjacent to the canal, very close to the A46 (the road is elevated as it crosses the canal, so is above the level of the house), though ambient noise levels were dominated by water running through the lock gates.
- 5.25 The Noise Assessment details that noise levels were measured over the course of the day and night in December with the PA system at Warwick Parkway in operation as a test during that time. The Assessment concludes that the measured levels and the subjective observations show that there is a low probability of the operation of the system having an adverse impact on health and quality of life in terms of noise. In response to criticism from the Parish Council and objectors on the methodology of the noise impact assessment, the applicant advised that the report was both objective by accurately measuring sound levels and subjective as the personnel undertaking the assessment were listening and attending the survey. In addition, they were accompanied on site during part of the testing by Warwick District Council's Environmental Health Officer (EHO).
- 5.26 The EHO asked for clarification on which speaker system would be used going forward. The applicant confirmed that the details provided with the application are those that relate to the speaker types currently installed at the station and were used in the tests undertaken in December to inform the noise impact assessment report.
- 5.27 The EHO expressed concern that noise from the PA is both audible and intelligible at night-time as this is when noise impacts would be most significant to sensitive receptors. A condition is recommended to limit the hours of operation, so that the PA system is only used for emergencies overnight (Condition 4).
- 5.28 The final consultation response from Warwick District Council EHO confirmed that there is no objection to the use of the PA system subject to the recommended conditions to control the hours of operation and the noise levels (Conditions 3 and 4).

- 5.29 Budbrooke Parish Council stated in their objection that they believe the evidence of residents does not support Chiltern's statement in respect of noise nuisance. The low volume of passenger service suggests that the demand by passengers is low, and all passengers should be able to use the station without the need to create environmental noise pollution.
- 5.30 Objections from local residents are concerned at the level of noise and the adverse impact the PA system would have on their quality of life. However, the noise impact assessment submitted to support the application concludes that there is a low probability of the operation of the system having an adverse impact on health and quality of life of local residents in terms of noise. The conditions recommended by the EHO would allow for noise to be controlled should there be complaints of noise levels which are found to exceed the stated limit (Condition 3).
- 5.31 Objections have also been lodged about the number of announcements and their frequency and purpose not being identified within the application. The applicant has confirmed that a typical mid-week schedule would, for example, be 69 passenger trains due to stop at the station; there are also 37 passing passenger trains not scheduled to stop there; and finally there are a total of 20 freight and empty passenger trains passing through. These are at all times of the day & night. The freight and empty passenger train numbers can be quite variable. Typical routine use of the PA would be to advise passengers of the approaching train due to stop at the station and its scheduled station calls, with a repeat when the train is at the station, with a 'mind the gap' message for passengers moving between platform and train; and an advance warning to passengers on the platforms of imminent passing through trains.
- 5.32 Objectors have stated that a testing point should have been located further away from the A46 along Arras Boulevard where background noise levels are lower. The applicant advised that the locations mentioned in the comment are represented by NSR2, and they have no reason to think they would have a materially different result than NSR 2 itself. Due to the timing of the testing, in a period of lockdown, the background noise levels emitted from the A46 would have been lower. The EHO, in discussion with the applicant's acoustician, was satisfied that commissioning further work to predict noise impacts at additional locations would not bring significant additional clarity.
- 5.33 One point raised by objectors was that white noise was used for the testing which they felt would not be a true representation of the announcements. However, the applicant confirmed that tests were made using a sample pre-recorded spoken announcement.
- 5.34 Both Budbrooke Parish Council and some local residents have commented that noise can be heard from Warwick Racecourses PA system. In response, the applicant made it clear that the PA system at

the station is designed to be heard on the platforms, close to the speakers and not significantly beyond, in contrast to the purpose of the racecourse PA system, which is designed to be heard over a much wider area.

- 5.35 Objectors have mentioned that there is noise nuisance from car alarms in the station car park. The applicant has reiterated that the PA system is designed to be heard at close range, unlike a car alarm which is for security purposes and designed to be heard over a greater distance.
- 5.36 It is important to note the differences between the currently submitted noise survey and the document that supported the application in 2012. The noise survey in 2012 was undertaken for a limited time between 05:00 and 08:15 hours on a single day and in only one location. The application in 2012 was refused by Members as they thought that the system was capable of causing unacceptable detriment and that the noise evidence did not demonstrate that the detriment would be satisfactorily mitigated (they also were not satisfied that it was required to meet the needs of people with disabilities). It is considered that the current noise survey provides more detail and evidence than in 2012, with the survey conducted over a 24-hour period and in more locations. According to the applicant, during the survey, engineers walked extensively around the local area, including with the EHO, and did not at any time identify any areas where noise from the PA appeared to be more significant in terms of local amenity impact.
- 5.37 There is no objection from the EHO and it is considered that the noise survey provides sufficient evidence that there is a low probability of the operation of the system having an adverse impact on the health and quality of life of local residents in terms of noise by operating the PA system. The proposed use of the PA system is therefore considered to be supported by Policies BE1 and NE5 of the Warwick District Local Plan.

### **Other Issues**

- 5.38 Warwick Parkway Station is located in the Green Belt. The station was permitted in 1999 by the Secretary of State when it was concluded that the advantages of the park and ride scheme constituted the very special circumstances that outweighed the harm to the Green Belt and justified the inappropriate development. While the use of the PA system could be considered to have an urbanising impact in this Green Belt location, it is not considered to be greater than the noise generated by the trains using the line or the traffic on the adjacent A46. It is concluded that on balance the benefits of operating the PA system would outweigh the urbanising impact.
- 5.39 An objection has been submitted which states that the applicant is in breach of their planning permission. When consent was originally granted for the construction of the station a condition was attached

which prevented the installation and use of loudspeaker equipment without consent from the planning authority. The condition is ambiguously phrased and it may be that installation of the system, without also using it, is not a breach. Even if installation were a breach, it would not be expedient to take enforcement action, as it is currently only being used for annual testing. In any event, approval or disapproval of the conduct of an applicant is not by itself a material planning consideration.

- 5.40 Objections have also been raised regarding concerns that there may be a conflict of interest regarding the planning application as Warwickshire County Council are joint owners of Warwick Parkway Station. This situation arises whenever a planning authority is required to determine an application relating to land or development in which it has an interest and Parliament has decided that such authorities should nonetheless determine such applications. In order to ensure probity, such applications are dealt with by a committee which has no management responsibilities in respect of the land or development and which is trained, and operates under procedures, to exclude the interest of the County Council from consideration. Moreover, in this case, the County Council own the freehold and Chiltern Railways hold the station and car park infrastructure under a long lease. The County Council has no financial interest in the installation and operation of the proposed PA system.
- 5.41 Objectors have raised a concern that alterations to the PA system could be made in the future without consultation with local residents. A condition is recommended for the system as currently installed to be retained. Any alteration to the PA system, if approved, would require submission of a further application to vary that condition.
- 5.42 Budbrooke Parish Council have criticised the consultation exercise undertaken by Warwickshire County Council in dealing with this application. For this application, the 43 closest local residents were sent notification letters, two site notices were put up at the entrance to the station site and a press notice was printed in the local newspaper. Budbrooke Parish Council were consulted directly as a statutory consultee. This is exceeding the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Heritage**

- 5.43 The application site is located approximately 500m to the west from the edge of Warwick Conservation Area. The nearest listed building is 700m to the west, the grade II listed Church of St Michael in Budbrooke. The Scheduled Ancient Monument St Michael's Leper Hospital and grade II\* listed St Michael's Place and the II\* listed 108 and 108a Saltisford are approximately 1km to the east. The distance between the heritage assets and the application site is such that it is

considered that there is no harm to the significance of these heritage assets as a result of operating the PA system.

## **Planning Legislation and Policy**

### **Section 73 Application**

- 5.44 A planning application submitted under section 73 of the Town and Country Planning Act 1990 allows for the variation of the planning conditions imposed on an existing permission, in this case the original consent granted in October 2014. A variation under section 73 takes effect as the grant of a new permission with different conditions and, once that new permission is implemented, the new conditions apply to any further development and use of the site.
- 5.45 The legislation at S73 (2) (a) states that the local planning authority on a section 73 application the local planning authority “shall consider only the question of the conditions subject to which planning permission should be granted” and has three choices:
- (a) grant permission unconditionally;
  - (b) grant permission subject to different conditions; and
  - (c) refuse the application.

### **The Development Plan**

- 5.46 Section 38 (6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the development plan ‘unless material considerations indicate otherwise’.
- 5.47 **Paragraph 11** of the National Planning Policy Framework (NPPF) July 2021 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
  - (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
    - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.48 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.49 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 5.50 In this case, the development plan is the Warwick District Local Plan (2011 – 2029) adopted in September 2017, which has relevant policies that are up to date so far as they relate to this proposal. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

### **The National Planning Policy Framework**

- 5.51 **Paragraph 110** states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 5.52 **Paragraph 112** states that within this context, applications for development should address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- 5.53 **Paragraph 185** states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.



In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 5.54 **Paragraph 188** states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. In this case, there is no alternative regime for regulating noise prior to use of the PA system. The environmental health authority can intervene if statutory noise nuisance occurs but it is the role of the planning system to avoid the necessity for such action before permitting a use or operation.

## 5.55 The Development Plan

### Warwick District Local Plan 2011-2029

The following policies of the Local Plan are considered to be of particular relevance for this proposal.

- 5.56 **Policy BE1 – Layout and Design:** states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender.
- 5.57 **Policy BE3 - Amenity:** states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.
- 5.58 **Policy NE5 – Protection of Natural Resources:** Development proposals will be permitted provided that they ensure that the district's natural resources remain safe, protected and prudently used. Development proposals will be expected to demonstrate that they do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.
- 5.59 **Policy HS1 – Healthy, Safe and Inclusive Communities:** Developments should be designed to meet the needs of older people and those with disabilities.
- 5.60 **Policy TR1 – Transport:** Development will only be permitted that provides safe, suitable and attractive access routes for all. Development should take into account the needs of people with disabilities by all modes of transport.

## **6. Conclusions**

- 6.1 The proposal is to operate the PA system to ensure that all users of this station have access to information. The application is in furtherance of the objectives of the Equality Act 2010, ensuring that all users of the station have access to information regardless of disability, age or gender. The PA system would enable information and warnings to be given to all train users; update travellers on train arrivals, list the station stops, any delays; and give warnings about fast trains approaching and the significant gap between the platform and the train. This application is considered to comply with the policies of the NPPF and the policies within the Development Plan.
- 6.2 The noise impact assessment concludes that there is a low probability of the operation of the system having an adverse impact on health and quality of life in terms of noise. There is no objection from the Environmental Health Officer. It is concluded that operating the PA system is 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, are balanced against the impact of the noise on local residents with the mitigations proposed in place. Accordingly, permission is recommended for approval subject to the conditions below.
- 6.3 The refusal of a similar proposal in 2012 is a material consideration. A previous decision is not binding but, if the Committee reaches a different conclusion, it should be able to explain why. In this case, it should be noted that the reasons for the previous decision did not preclude the possibility that a similar application supported by better evidence in relation to noise mitigation and the needs of people with disabilities could be successful. It is considered that the expert evidence as to noise is significantly better than was previously provided and a more convincing case has been made as to the benefits for people with disabilities in terms of inclusion and safety.
- 6.4 It is not considered that there are any other material considerations to call for refusal.

## **7. Supporting Documents**

- 7.1 Submitted Planning Application – Planning reference WDC/21CC005
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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