

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - B - 25th January 2017

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| AGENDA ITEM NO | 1 |
| APPLICATION NO | 2691/16 |
| PROPOSAL | Re-laying of existing standard gauge track on existing track bed and erection of new 'Wilby Halt' |
| SITE LOCATION | Mid Suffolk Light Railway, Hall Lane, Wetheringsett cum Brockford IP14 5PW |
| SITE AREA (Ha) | |
| APPLICANT | Mid Suffolk Light Railway |
| RECEIVED | June 22, 2016 |
| EXPIRY DATE | January 31, 2017 |

REASONS FOR REFERENCE TO COMMITTEE

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council, the comments received from third parties and the nature of the application.

PRE-APPLICATION ADVICE

1. Pre-application advice has been given on this proposal. That advice has been followed.

SITE AND SURROUNDINGS

2. The Mid-Suffolk Light Railway is a small museum and preserved railway based on part of the former Haughley to Laxfield branch line just to the south of Wetheringsett village. The museum includes a small station platform and buildings, static displays of locomotives and rolling stock and refreshment and maintenance buildings. Short train journeys are operated on designated days (currently thirty in any one year).

There is limited car parking within the museum site. On some of the event days the museum uses an adjacent field under the '28 day' provisions of the General Permitted Development Order, although this is not used for winter events when visits are pre-booked. This area has additional capacity.

This application concerns a section of the former track bed extending some 435m. from the eastern end on the present operational line, which runs for 330m eastwards from the museum.

Whilst the application site stands in generally open countryside, there are scattered residential properties nearby; approximately 100m. to the north is Wetheringsett Hall and two barns now in residential use, at the eastern end is

the garden of Potash Cottage and some 300m. to the south is Wetheringsett Lodge.

Public footpaths run both adjacent to the northern boundary of the application site and cross it (and if approved, the line as extended) near its western end. As noted in 'Assessment' below, if this application is approved, light railway legislation will require this crossing to be manned at all times when trains are operating.

HISTORY

3. The planning history relevant to the application site is:

| | | |
|---------|--|-------------------------|
| 0943/15 | Re-laying of existing standard gauge track on existing track bed and erection of new 'Wilby Halt' | Withdrawn 11/05/2015 |
| 3696/14 | Construction of railway track extension and erection of halt. | 21/11/2014 |
| 1048/14 | Re-laying of existing standard gauge track and erection of new 'Wilby Halt' | Withdrawn 23/05/2014 |
| 3840/12 | New engine restoration shed with exhibition room and volunteer facilities; new sewage treatment plant; thinning of 17no. trees. | Granted 27/03/2013 |
| 3955/11 | Variation of Conditions 2 & 3 of Planning Permission 732/06 (number of event days and use of steam locomotive) to allow 30 steam events per year and remove requirement to notify details of special event days. | Granted 10/01/2012 |
| 3262/10 | Variation of conditions 2 and 3 of planning permission 0732/06 (restriction of special event days), to allow up to 30 special event days involving the operation of steam locomotives in substitution for the current 20 day restriction. | Granted 10/12/2010 |
| 0732/06 | 1) Vary existing consent to permit opening all year round and increase special event days to 20 per annum. 2) Vary consent to permit Sunday operation of diesel locomotive & include steam locomotive. 3) New application to establish storage area. | Granted 20/11/2007 |

PROPOSAL

4. It is proposed to extend the existing track eastwards by some 360m. using the former trackbed.

The new section of track will be a single line and terminate 75m. from the curtilage of Potash Cottage to the east (95m. from the nearest corner of the dwelling) from which it is separated by a short sand drag and a landscaped area.

Close to the end of this extension to the line, on its north side, it is proposed to construct 'Wilby Halt', a small platform where trains will terminate. As it approaches the Wilby Halt platform, the track will be graded down into a shallow cutting 750mm. deep. This will enable the platform itself to be retained at existing ground level whilst allowing a shallow step out from the carriage.

Also proposed with the platform is a timber palisade type fence to its rear and two small timber buildings - a 'workman's hut' and the body of a former goods van described as a 'box car'.

POLICY

5. Planning Policy Guidance

See Appendix below.

CONSULTATIONS

6. **Wetheringsett Parish Council** recommend refusal for the following reasons:-

- Loss of amenity to Potash Cottage through noise, smoke and smut.
- Interference with the public footpath
- Wilby Halt too extensive and no need for it as it does not replace an existing structure

Suffolk Wildlife Trust request that the mitigation measures set out in the submitted biodiversity survey are implemented as a condition of any permission granted

Natural England have no comments

The Environment Agency have no objection but offer advisory comments

The Ramblers Association have not commented

MSDC Environmental Control have been consulted on matters of **noise** and **air quality/emissions**. Their responses form a significant part of this report and are discussed in more detail in 'Assessment' below.

MSDC Tree Officer considers that the trees affected by this proposal are of insufficient quality to be a constraint

MSDC Tourism Officer supports the application

MSDC Planning Enforcement note that there is an open enforcement case concerning the use of the on-site bar facility. This is dealt with in 'Assessment' below along with other matters raised by the objectors with regard to non compliance with conditions.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. Two letters have been received objecting to the proposal. One of these is supported by substantial technical information on noise and emissions prepared by specialist consultants. The points raised are:-

- Adverse impact on amenity/quality of life from noise, emissions, loss of privacy
- Adverse impact on ecology and landscape.
- Museum/railway has a record of not complying with existing conditions

In addition four letters of support have been received. The following points are made:-

- Museum valued tourist attraction - extension will secure future
- Museum does good work restoring stock etc.
- Environmental effects will be minimal

ASSESSMENT

8. ***Introduction and Background:***

The Mid Suffolk Light Railway was established as a static museum with small picnic area by grant of planning permission in 1991 (0709/91). The initial permission was restricted by condition to allow opening for visitors only between Good Friday and 30 September, 1000hrs. to 1700hrs. 'Special attraction/event days' which include rides for visitors, were limited to eight in total.

Subsequent permissions (1515/04, 0732/07, 3262/10 and 3955/11) have amended previously imposed conditions and have enabled the total number of attraction and event days permitted to be increased to thirty.

The current application follows the withdrawal of two previous applications (1048/14 and 0943/15) and formal pre-application advice. During that time the proposed eastern extremity of the line has been moved away from Potash Cottage to the position now proposed.

Outstanding Planning Issues and the Balance to be Struck in Any Decision

As members can see above, many of the specialist consultees have either no comment or consider that any issues can be satisfactorily dealt with by condition.

The Light Railway, or 'Middy' as it is often known, is an established regional tourist attraction with high visitor numbers and which makes a significant

contribution to the local economy. It also accommodates educational visits. As such, its extension would attract support under the National Planning Policy Framework (NPPF), para. 28 of which supports sustainable rural economic growth including tourism, and policies CS2 of the adopted Core Strategy and RT16 of the adopted Local Plan, which are broadly consistent with that aim. However, as with any tourist attraction, careful consideration must be given to foreseeable impacts, including activity, noise and disturbance, which may affect local amenity.

Perhaps the most significant impacts to be considered are the effect on nearby residential amenity of the noise and emissions generated by trains using the proposed extension to the line.

Noise

The applicants have submitted a Noise Assessment Report prepared by Sharps Redmore (SRAC). In response to the application the objectors have submitted a Report prepared by Oakridge Environmental Services Limited (OESL).

The Reports reach different conclusions in respect of the impact of noise on sensitive receptors. **The Council's Environmental Health Officer has looked at both reports and concludes that, subject to certain conditions, the operation of the extended line would not result in a loss of amenity to nearby receptors that would justify a refusal of planning permission** (the full response is included in the committee papers).

At the heart of the disparity in findings is the fact that the SRAC Report and the OESL Report have been prepared using different methodologies.

The SRAC Report was commissioned to be representative of a typical journey, using a single steam locomotive and two carriages and including braking, pulling away and the use of the whistle. Recorded noise levels were extrapolated to the nearest noise sensitive receptors (including Potash Cottage).

In the assessment it is recognised that there are no specific standards for this type of activity. However the Report compares the noise levels against the recommended internal and external standards in BS8233. This document is broadly based on World Health Organisation research and is widely used for assessing transportation noise - albeit usually for existing transport noise on new receptors rather than the other way round. In the absence of any more specific guidance this is considered to be a reasonable approach.

The SRAC Report also advises on background noise levels and, in general, all measurements and calculations for distance attenuation are based on the 'worst case scenario'. In reality, it is considered that when adjusted across the appropriate time period levels would be much lower.

The Report concludes that, having regard to the Standard, there will be no adverse impact on receptors, but highlights that 'brake squeal' will be audible to them. To mitigate against this, it is recommended that an effective acoustic barrier is provided on the south side of Wilby Halt, extending beyond the platform (see conditions).

The OESL Report submitted by the objectors has assessed the noise impacts using the BS4142 Standard. This Standard is normally used for stationary plant and equipment and although there may be some relevance in applying it to a stationary locomotive it is, as stated in the document, not intended for the assessment of railway noise and stationary locomotives.

This Standard also specifies a daytime reference period of one hour, which means that the quiet periods have to be taken into account and any recorded 'peaks' evened out over the hour. The noise levels in the OESL Report are measured over a single minute and have not been corrected. As such they overstate the noise impact for purposes of this assessment. The methodology also applies a penalty system adding decibels for acoustic features (such as tonality, impulsivity and intermittency) more often associated with industrial (static) rather than transportation (line source) noise.

The Standard advises that for low noise environments (as is likely for the one proposed), the BS4142 may not be suitable and may even give a 'worst case' scenario. For the above reasons, the Environmental Health Officer has been unable to attach any significant weight to the conclusions in the OESL Report.

The NPPF at para. 123 states that planning decisions should avoid significant adverse impacts and mitigate effects by condition where appropriate

Overall then, as noted above, the Environmental Health Officer has no objection to the proposal but suggests conditions requiring:-

- Prior to commencement of use details of an acoustic barrier to be submitted to and approved in writing by the local planning authority. (This is likely to be a 1m. high close boarded fence located along the southern edge of the end of the track at the new halt).
- No more than one locomotive and two carriages using the track extension at any one time, with the locomotive at the western (Brockford) end of the train.

***N.B.** The topography is such that the existing section of track generally falls away from 'Brockford Station'. This new section would generally then rise again to the new terminus. This would mean that a locomotive at the western end of carriages would be at the furthest practical distance from Potash Cottage, and would only have to work hard briefly to push the train up the short rise to the new halt. On the return journey it would only need to work hard again on the rise back to Brockford (substantially on the existing section of track).*

Emissions

In considering the effect of emissions, the Council's Environmental Health Officer has used the DEFRA Local Air Quality Technical Guidance (TG16), which is the national statutory guidance on air quality. This specifically assesses the levels at which air quality might start to be compromised by steam trains.

Under this guidance, further assessments are only required where sensitive locations are within 15m. of the point of emissions of trains that are stationary for more than 15 minutes more than 3 times a day.

The Environmental Health Officer does not believe that the proposed operations of the railway will fall within these criteria. **The conclusion therefore is that it is unlikely that the new operations will have an adverse impact on sensitive receptors (the nearby residential properties) and no objection is raised** (the full response is included in the committee papers).

Previous/Ongoing Enforcement Enquiries

There has been a previous enforcement enquiry relating to the use of the whistle. This has not been pursued.

In addition there has been a complaint that the museum calendar included more than the permitted thirty 'event and attraction' days. This has now been amended to comply with the condition.

Until very recently the 'Middy Bar' opened in the evenings providing a social hub for local residents. This is in breach of the condition requiring the museum to close at 1700 hrs. and is understood to have now ceased.

There is a continuing dialogue with the museum on their advertised photo shoots which will be clarified verbally at the committee meeting.

Other Matters

With regard to the public **footpath** which crosses the proposed extended line, it is understood that under the provisions of light railway legislation the operators are required to have the crossing manned at all times while trains are running.

As noted in the 'Consultations' section above, the specialist consultee is content that any effects on **biodiversity** can be satisfactorily dealt with by a condition securing the mitigation measures set out in the applicant's submitted report. In addition the Council's arboricultural officer states the **trees** affected are of insufficient quality to be a constraint.

Inevitably this small increase in human activity will have an effect on the general ambience of the countryside and **landscape**. However the permanent infrastructure is very low-key visually and the activity will only be for a limited number of days per year.

Planning Balance and Conclusion

The Middy is a valued regional tourist facility which is identified as an opportunity for enhancement in the Babergh and Mid Suffolk Visitor Destination Plan Action Plan (2015). This modest extension of the line will enable that enhanced offer.

The proposed extension has been carefully considered with regard to the effect on neighbouring amenity and, from the original submission (1048/14), the eastern end of the line has been moved away from Potash Cottage, the nearest residential property).

The specialist consultees are content that any adverse impacts can be satisfactorily addressed by condition, in particular the Environmental Health

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Officer raises no objection to the proposal in terms of adverse impacts on neighbour amenity from noise or emissions.

Overall it is considered that a permission can be granted with appropriate conditions and a recommendation is made accordingly.

RECOMMENDATION

That Full Planning Permission be Granted subject to the following conditions:-

- 1. Standard time limit.**
- 2. List of approved documents.**
- 3. The additional section of track hereby approved only to be traversed by a locomotive on designated 'event' days and not at any other time.**
- 4. All event traffic using the hereby approved section of track in accordance with condition 3 (above) shall be hauled by a single locomotive and no more than two carriages only, attached to the western (Brockford station) end of the rolling stock, and not in any other configuration**
- 5. Prior to the extended section of track hereby approved being brought onto use details of sound attenuation measures to be installed shall be agreed in writing with the local planning authority. The agreed details shall be fully installed prior to use and thereafter retained as approved.**
- 6. Biodiversity mitigation measures to be implemented as set out in submitted Report.**

Philip Isbell
Professional Lead - Growth & Sustainable Planning

Ian Ward
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor4 - CS4 Adapting to Climate Change

CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

Cor2 - CS2 Development in the Countryside & Countryside Villages

Cor5 - CS5 Mid Suffolks Environment

2. Mid Suffolk Local Plan

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

HB13 - PROTECTING ANCIENT MONUMENTS

SC4 - PROTECTION OF GROUNDWATER SUPPLIES

RT12 - FOOTPATHS AND BRIDLEWAYS

CL8 - PROTECTING WILDLIFE HABITATS

RT16 - TOURISM FACILITIES AND VISITOR ATTRACTIONS

3. **Planning Policy Statements, Circulars & Other policy**

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letters of representation have been received from a total of **6** interested parties.

The following people **objected** to the application

[Redacted]

The following people **supported** the application:

[Redacted]
[Redacted]
[Redacted]
[Redacted]

The following people **commented** on the application:

[Redacted]