

**RULE 6 STATEMENT ON BEHALF OF NO MILL ROAD TESCO CAMPAIGN, IN RESPECT OF THE APPEAL AGAINST NON-DETERMINATION OF PLANNING APPLICATION LPA REF: 07/0811/FUL (PLANNING INSPECTORATE REF: APP/Q0505/A/08/1202697)**

<b>Contents</b>	<b>Page</b>
<b>Summary</b>	2
<b>Incompatibility of application with Cambridge Local Plan 3/14</b>	3
Car Parking	3
The Appellants' Proposals in Respect of Car Parking	3
Visits to the Proposed Store by Car	5
<i>Car Use and Existing Express Stores</i>	6
Tesco Express Cherry Hinton	6
Tesco Express Chesterton	6
<i>Comparator: The Co-op</i>	6
Incompatibility of Car Parking Proposals with Planning Guidance	7
<i>Car Parking Standards</i>	8
Bin Storage	9
<b>Deliveries to the Site</b>	10
Number of deliveries	10
Servicing the Site From Mill Road	
Conflict with Existing Permission	11
Impact on Highway Safety	12
Previous Practice	13
Comparison With Existing A1 Stores	13
Incompatibility with Cambridge Local Plan	14
Servicing the site from the rear of the property	14
Comparator: The Co-op	15
<b>Noise Impacts</b>	16
Air Conditioning and Refrigeration Units	16
Deliveries: Noise	17
<b><i>Appendices</i></b>	
<i>Appendix 1: Photographs</i>	
<i>Appendix 2: Tesco Express, Cherry Hinton: Monitoring Data</i>	
<i>Appendix 3: Tesco Express, Chesterton: Comments of Local Resident</i>	
<i>Appendix 4: Mill Road Accident Map</i>	
<i>Appendix 5: Highway Authority Comments to the City Council on the Tesco Application</i>	
<i>Appendix 6: Deliveries to Existing A1 Stores on Mill Road</i>	

**RULE 6 STATEMENT ON BEHALF OF NO MILL ROAD TESCO CAMPAIGN, IN RESPECT OF THE APPEAL AGAINST NON-DETERMINATION OF PLANNING APPLICATION LPA REF: 07/0811/FUL (PLANNING INSPECTORATE REF: APP/Q0505/A/08/1202697)**

**Summary**

As local residents, we oppose the appeal against non-determination of this application by Tesco Stores Ltd for the erection of a single story rear extension and installation of plant at 163-167 Mill Road. We do so on the grounds that the proposed extension to the existing building, the installation of plant, and the site servicing proposals that result from the proposal for an extension and the installation of plant, would have a severe negative impact on residential amenity, on adjacent businesses, and on highway safety. As such, it is contrary to local and national planning guidance, including the Cambridge Local Plan, PPS1, PPS6, and PPG13, as we will argue in our evidence to the Inquiry.

(We have not submitted copies of these planning guidance documents since we understand these have already been submitted to you by the Local Planning Authority (LPA) and/or the appellants. Since we understand that all our submissions to the LPA on this application have been copied to you by the LPA we have also not included further copies of these documents.)

We wish to give oral evidence at the Public Inquiry, which will set out the above position in detail. In support of this evidence, we are also including written evidence on a number of points, including:

1. The incompatibility of the application with Cambridge Local Plan 3/14 and the consequent negative impact on residential amenity, the amenity of adjacent businesses, and highway safety;
2. The negative impact on all these factors of proposed delivery mechanisms in respect of the site, and the problems of traffic congestion that would follow from these delivery plans;
3. The problems of noise pollution resulting from the proposed plant installation and from deliveries to the site, consequent on the approval of the extension.

## INCOMPATIBILITY OF APPLICATION WITH CAMBRIDGE LOCAL PLAN 3/14

As the Local Planning Authority] has noted, and as we said in our original submissions to the Planning Officer, the proposed extension is incompatible with Cambridge Local Plan 3/14, which states that

The extension of existing buildings will be permitted if they [...] retain sufficient amenity space, bin storage, vehicular access and car and cycle parking.

Since the Local Plan also states that 'when a policy states that a certain type of development will be permitted it should also be understood that other types of development are likely to be refused' (1.20), we understand that, under the Local Plan, the extension of existing buildings will be refused if they fail to provide these things. The impact of the appellants' proposals on some of these matters is considered below.

### **Car Parking**

#### The Appellants' Proposals in Respect of Car Parking

The appellants plan to remove all or most on-site car parking, as well as some on-street parking. Despite their assertions, and as discussed below, this is not compatible either with local planning guidance (in particular, Cambridge Parking Standards) or national guidance (PPG13). It will have a significant, negative impact on residential amenity, traffic congestion, and on highway safety.

In their applications (07/0711/FUL and 08/0099/FUL) the appellants stated that there are currently six car parking spaces. This is incorrect. Not all of the spaces are clearly marked out in the car park; in some places the markings have faded and there is an unsurfaced area at the east of the car park where there are no surface markings (although there are three spaces indicated by notices, one of which can be seen in photographs 1, 3, and 4 at Appendix 1). Nevertheless, adding the marked spaces to those in the unsurfaced area, it is clear that there are at least sixteen spaces in the current car park; at the Cambridge Council East Area Committee meeting of 6 March 2008, the Planning Officer stated that he estimated twenty spaces. The accuracy of these estimates can be seen from photographs 1-4 at Appendix 1, which shows eleven cars parked in the car park, with a large number of spaces unoccupied (the eleventh car is just visible in photograph 4, behind two black cars in the south eastern corner of the site). These photographs show cars parked in spaces adjoining the building itself and in a space adjoining the small brick building behind 161 Mill Road, neither of which are indicated on the appellants' drawings as existing areas of car parking (drawing [P]500).

Of these existing spaces, three (in the unsurfaced area) are marked as reserved for Bush and Co, the business at 169 Mill Road, and two or three are reserved for the business on the first floor of 163-167 Mill Road.

The appellants have proposed two means of servicing the site – from Mill Road, at the front, and from this area at the rear. Even if serviced from the front, the proposed store would result in a substantial reduction in car parking because the extension would remove more a quarter of the car parking area. If serviced from this area at the rear of the site, on site car parking would effectively be removed altogether. Drawing [P]203 shows seven car parking spaces along the northern boundary of the site, including a disabled parking space. However, this is precisely the area into which the appellants wish to reverse their delivery vehicles, as the swept path analysis for 10.35 rigid vehicles (drawing SP03) clearly shows. This obviously renders these spaces unusable for the purposes of car parking; the two spaces immediately behind the proposed path of the vehicle (in other words, those spaces not occupied by the lorry itself) would be rendered dangerous and almost certainly unusable by the need to move delivery cages to and from the back of service vehicles. We find it a matter of particular concern that the appellants are proposing to locate a disabled parking space immediately behind reversing 10.35 metre vehicles.

Since all car parking at the northern end of the car park would be effectively removed by servicing the site from the rear, only two possible spaces would remain – the two spaces marked at the eastern end of the car park on [P]203. However, the drawing also shows that one of the spaces would be effectively unusable because of the doors to the proposed condenser compound, which would open into this space. This would leave one car parking space, of the existing sixteen-twenty spaces. Given the fact that at least five or six spaces are currently used by the businesses on the first floor of 163-167 Mill Road and 169 Mill Road, this would mean a reduction in at least four car parking spaces for these businesses alone.

In addition, the Planning Officers have noted (and research by one local resident confirms this) that some local residents also appear to use the car park on a regular basis. Photographs 1-5 at Appendix 1 provide evidence that even when no business is operating from the ground floor of this site the car park is very well used. Even assuming that the effect of removing on-site parking would be to deter all visits to the proposed store by car (which, as we have explained elsewhere, we do not consider plausible), there would also be a negative effect on the adjacent businesses who rely on the car park and on local residents who currently use on-street parking and who would therefore find it harder to park near to their homes because they were having to compete for parking places with those who currently use the car park.

This negative impact would be compounded by the fact that the appellants' proposal to service the site from the rear would entail the removal of four on-street parking spaces on Sedgwick Street, currently used by local residents. This would place yet more pressure on parking in the area, with a consequent negative impact on local, residential amenity.

Thus, were the appellants to service the site from the front, there would be a reduction of between eight and twelve car parking spaces; were the appellants to service the site from the rear, there would be an effective reduction of between nineteen and twenty three car parking spaces, when the number of space removed is added to the number of spaces that would be rendered unusable by the delivery proposals and condenser compound.

This would be a clear breach of the condition attaching to the existing permission, that:

The loading and unloading area and the parking spaces shown on drawing number 71/258/1 shall be permanently maintained for that purpose.

#### Visits to the Proposed Store by Car

The appellants have said, at several points, that they do not require car parking spaces for their customers because the store will function as a "top up" store and consequently they expect customers to arrive on foot or by bicycle. Not only is this claim not sustainable when considered in relation to statements made elsewhere in their applications but it is not consistent with observable practice either in other Cambridge Tesco Express stores or in relation to the store on Mill Road that provides the best comparison on this point, the Co-Op.

The appellants have said that the store will attract customers on foot and by public transport and that "a number of bus routes" offer "good public transport accessibility" to the proposed store (Planning, Design and Access Statement, January 2008, p.16). (In this context, they also mention the relative proximity of the railway station, although we are not clear why they do so, unless they are suggesting that customers are likely to travel from other towns, by train, to visit this store, which seems unlikely to us.)

It is logical to assume that the considerations which would lead potential customers to make a journey to the store by public transport (distance of the store from their home or place of work, or the volume of goods purchased) would also lead customers to make the journey by car – indeed, we are unable to think of any considerations which would lead customers to arrive by public transport that would not also lead at least as many customers to arrive by car. Given the much greater number of people who travel by car than by bus (the only form of public transport along Mill Road), and the fact that the proposed store is located on one of the main roads into and out of the city centre, the assumption must be made that a significant number of customers will arrive by car if there is an assumption of access by public transport, as there is in this application. The fact that there is only one frequent bus service route along Mill Road (the C2), and the fact that on Sundays this service only runs once an hour, further highlights the implausibility of the assumption that those who choose to make a significant journey to visit the store will do so by bus and that none will do so by car.

### *Car Use and Existing Express Stores*

We obtained evidence regarding visits by car from two existing Express format stores in Cambridge, in Cherry Hinton and Chesterton.

#### *Tesco Express, Cherry Hinton*

We monitored deliveries and visits to this store on two week days in mid-February 2008, choosing a mid-week day and a Friday to ensure that we were not observing behaviours restricted to a particular time of the week (Appendix 2). This store has a car park but we recorded only those visits to the store by car where people parked on the street, not the car park. Across the two day period, an average of twenty per cent of visits to the store were made by people who arrived by car and parked on the street. On both days, peak car visits occurred during morning and evening rush hour periods, suggesting that people were stopping on route to and from work, rather than making shopping-specific trips by car to the store.

#### *Tesco Express, Chesterton*

We understand that this store does not have on-site car parking and so it might be reasonable to expect that, following PPG13, there would not be visits to the store by car. However, we received evidence that this is not the case from a resident living close to this store (Appendix 3). This resident told us that:

Especially at peak times (8.30-9.30am and then 5pm - 8pm) there are huge numbers of cars pulling up for Tescos. There are double yellow lines that people park on illegally. Then there's the problems of people constantly doing three point turns and reversing round corners of adjacent roads. As a cyclist there are more hazards of car doors opening, pedestrians stepping into the road without looking, and cars pulling in and out of parking spaces.

Taken together with the fact that the proposed store's location on one of the main roads into and out of the city would mean that car users would be particularly likely to stop on route to and from work as at Cherry Hinton and Chesterton, this suggests that the lack of on-site car parking is not likely to prevent visits to the store by car. In the absence of on-site car parking, and especially when considered in conjunction with the appellant's proposal to seek removal of a number of existing, on street parking spaces, this in turn means that the proposed store will significantly increase the parking problems in the area, including both the competition for existing parking spaces and the problems of illegal parking.

#### *Comparator: The Co-op*

On the matter of car parking, the closest (both best and geographically nearest) comparison with the proposed store is the Co-op. Although significantly larger than the proposed Tesco Express, the proposed Express store would be closer in size to the Co-op than to any other grocery or convenience store in this area of Mill Road (those shops on the Romsey side of the Mill Road bridge). The Co-op has a car park at the rear of the store, which is very well used.

### Incompatibility of Car Parking Proposals with Planning Guidance

It has been argued that the reduction in car parking entailed by the planned extension and delivery proposals would be compatible with PPG13 and the Cambridge Local Plan. We consider this to be incorrect.

In the course of these applications, PPG13, paragraphs 49-56, have been cited in order to make the claim that the proposed removal of effectively all on-site parking is consistent with national government guidance on reducing reliance on car journeys through reducing parking availability. A reading of this section of PPG13, however, indicates that it does not support the case of for the removal of on-site parking, as presented here. Importantly, objective 7 of PPG13 states that Local Authorities should "use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys". This, taken together with Cambridge Local Plan 8.23 ("The City Council promotes lower levels of private car parking [...] where good public transport accessibility exists. Reduced levels of car parking will be sought in parallel with improvements in the provision of alternative modes of transport"), makes it clear that car parking reductions need to be made in the context of a wider, coordinated transport strategy, not on an *ad hoc* basis to meet the desire of individual applicants to build an extension.

It would be in the spirit of neither PPG13 nor the Local Plan to make a one-off, on-site car parking reduction and a reduction in on-street parking that increased road congestion and, by increasing the likelihood of illegal parking, increased the threats to highway safety. One of the key concerns informing the PPG13 sections on "Traffic Management" (paragraphs 64-69) "Walking" (paragraphs 75-77) is "pedestrian safety and security", something that would be significantly harmed by both of the proposed servicing solutions for the site, as well as the expected increase in illegal parking by those who wish to shop in the store and/or use the proposed ATM machine.

Further, although PPG13 does indeed highlight the relationship between car parking availability and car use, it makes clear that, for this reason, the provision of car parking is important, stating that

Advice in PPG6 makes clear that good quality secure parking is important to maintain the vitality and viability of town centres, and to enable retail and leisure uses to flourish. (PG13, 51.4)

Thus, PPG13 should not be cited as grounds for *ad hoc* car parking reductions by individual developers, where such reductions are not part of a coordinated transport strategy for the area and where they are made without reference to the impact of such reductions on highway safety, the impact on retail uses in an existing shopping centre.

### *Car Parking Standards*

Cambridge Council Car Parking Standards are for one parking space per 50m<sup>2</sup> of gross floor area for food retail. This would mean the retention of seven parking spaces, including a disabled space. In the course of these applications, PPG13 has been cited in support of the view that it would be desirable to reduce the number of parking spaces, on the grounds that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances. There are three problems with this position, however:

1. The issue here is not the creation of additional parking facilities, as the planning officers' position implies, but the retention of existing ones as specified by the existing conditions attaching to the site;
2. The Council's Parking Standards state that parking levels "may be reduced where lower car use can reasonably be expected" (1.1) and that car parking levels below the Standards will be supported where measures have been put in place "to ensure that increased on-street parking pressure will not occur". (1.6c) Clearly not only is this not the case with the current application, but the evidence we have collected from other Tesco Express stores in Cambridge is that the proposed store would significantly *increase* car use in relation to the site. Since there are no measures in place to ensure that on-street parking pressure would not occur (and, indeed, the appellants propose to seek the removal of a number of on-street parking spaces), it is clear that the removal of on-site parking facilities is not consistent with the Council's own Parking Standards;
3. The appellants themselves have stated in the documents submitted as part of the application that they wish to retain the existing level of on-site car parking (Planning, Design, and Access Statement, January 2008, p. 12, paragraph 4.21).

In addition, and as is clear from both existing use and the appellants' proposal, the car park also serves the business on the first floor of 163-167 Mill Road. This business falls into the "financial and professional services" category identified in the Parking Standards, for which one parking space per 40m<sup>2</sup> of gross floor area is specified. Assuming that the business has approximately the same gross floor area as the ground floor (which it appears to), this would mean that the business would require seven parking spaces. Cambridge Council Car Parking Standards thus indicate that the car park at 163-167 Mill Road should retain fourteen car parking spaces for the two existing businesses.

The Parking Standards are clear that reductions in car parking must take place in the context of measures to reduce on-street parking pressure. There is clear evidence of both existing use of this car park (that is, use even when the ground floor of the site is not operating as a store) and of a high volume of car visits to other Cambridge Express stores. In addition, the appellants propose to seek the removal of some existing, on-street car parking. All of this indicates that the appellants' proposal would greatly increase, not reduce, on-street car parking pressure. There are thus no grounds to relax car parking standards in this case.



## **Bin Storage**

Bin storage and waste disposal are issues of significant concern to local residents in relation to the appellants' proposals for this site. Although also an A1 business, the previous occupant's waste storage and disposal had an entirely different impact on local residential amenity than the proposed store would. This difference derives from the difference in type of goods sold. The previous occupant of the site was a discount car accessories and bicycle shop – in other words, a shop that sold non-perishable goods. The proposed convenience store will generate a vastly greater quantity of waste, as unsold food will require disposal and cardboard, plastics, and other non-perishable waste will be generated on a daily basis. A member of our group who has worked in a convenience store-size, supermarket-owned shop testifies to the large volume of waste such shops generate on a daily basis.

The appellants provided some details of their proposed storage arrangements for waste plastics and cardboard. However, they have not provided details of their proposed storage arrangements regarding food or any other perishable waste, which is obviously a form of waste with a potential for significant impacts on adjacent business and local residents.

If stored in bins outside the building, in the space to the rear, the potential negative impacts of this form of waste would be aggravated by the proposed extension. This is because the northern boundary of the rear of the site adjoins residential properties; if stored at the back of the extension – an extension which would move the back wall of the building substantially closer to this boundary. This will clearly have a negative impact on residential amenity, especially in warmer months.

External storage of waste (and delivery cages) appears to be the practice at the Cherry Hinton Tesco Express, as can be seen from the photo of the rear of the store (Appendix 1, photograph 7). We understand that in the case of the proposed store, Cambridge Council Planning Officers specified that waste would have to be stored inside the proposed extension, and this appears to be reflected in the appellants' Planning, Design and Access Statement (January 2008, p. 10, paragraph 4.11), although it is not clear from this paragraph if the appellants' proposal covers the storage of all waste.

The waste generated by the convenience store would also add to traffic congestion along Sedgwick Street, which is a narrow residential street, and would also add to the obstructions to users of the car park. Again, both these problems will differ from the position under the previous occupant of the site because of the greatly increased frequency of waste collection required by a convenience store relative to a car accessories store. The appellants did not include full details of waste collection in their application or in supporting documents; as with the matter of waste storage, no details of the frequency of food and other perishable waste collection has been given. We find this omission surprising, given that this has been highlighted as an issue of concern since October 2007, and that the appellants must have standard arrangements in place for their more than 500 existing Express-format stores.

In addition to the detrimental impacts that would result from the proposed extension and which would be contrary to Local Plan 3.14, there are other, significant negative impacts that need to be considered.

#### DELIVERIES TO THE SITE

The appellant says that they propose to make 30 deliveries per week, including deliveries using 10.35 metre rigid vehicles, with each delivery lasting for up to forty minutes. Evidence we have collected suggests that there will be significantly more deliveries than the appellant estimates. The appellant has two proposals for the servicing of the site: servicing the site at the front, from Mill Road, and servicing the site at the rear. Both of these proposals are inappropriate for the site and neither should be permitted.

#### **Number of deliveries**

As noted above, the appellant has stated that they expect to make thirty deliveries per week to the store, with no more than five deliveries on any one day (and with a lower figure on Sundays than on Mondays-Saturdays). They have also told the Cambridge Council Planning Officers that the number of deliveries to this proposed store would be the same as for other Express-format stores. This means that the assumption of thirty deliveries per week can be tested by observing the delivery pattern to another Express-format store. Such observation shows that the appellant is either incorrect in their assertion that the number of deliveries will not exceed thirty per week, or in their assertion that the delivery pattern to this proposed store will be the standard one for Express-format stores (if the latter, it is not clear why a variation would be made in this particular case).

The data collected in our two-day monitoring of the Cherry Hinton Tesco Express store (Appendix 2) shows that in under two days the appellant made fifty per cent of the number of deliveries that they expect to make across seven days at the Mill Road site. This included making nine deliveries to the site in a single day, compared with the five that they have said is the maximum they would ever make in a day.

This indicates that the actual number of deliveries to the store would be very significantly larger than the number given by the appellant. If these observed delivery patterns and numbers were to be taken as typical and averaged across Monday-Saturday then, assuming that the appellants assumptions regarding the number of Sunday deliveries are correct (in the absence of any monitoring evidence to suggest otherwise), the actual weekly delivery figure would be approximately forty five, not thirty.

#### **Servicing the site from Mill Road**

As has been noted, there are delivery restrictions limited loading and unloading on this section of Mill Road; it may be the appellant's contention, therefore, that any on-street deliveries that took place outside the times where deliveries are prohibited would be permissible. However, this is a false assumption.

There are four reasons why routine servicing of the site from Mill Road should not be allowed:

1. It conflicts with the conditions attaching to the site, the fundamental rationale for which has strengthened rather than weakened in the intervening years since permission for the existing building was granted. These conditions were respected by the previous occupant and there is no case for allowing a breach of these conditions to start to occur under a new occupant;
2. The nature of the proposed store means that the frequency and duration of deliveries and the size of the proposed delivery vehicles would, as the Council have stated, "seriously prejudice the safety and free flow of traffic" on Mill Road.
3. This threat to road safety and traffic flow would be unprecedented in the area – neither the previous occupant of this site nor other A1 stores along Mill Road present anything like the degree of obstruction that would entail from allowing the appellant to service the site from the street.
4. It is thus incompatible with local and national planning guidance.

#### Conflict with Existing Permission

The appellant has stated that the site can currently be serviced from Mill Road. This is not correct because the conditions attaching to the site prohibit it. The appellants stated in the Planning, Design, and Access Statements for both applications that "the Council have lost the planning file", and that on that basis and given the age of the permission they had decided to assume that no conditions attached to the site. However, the Council has not, and had not, lost the planning file – it is available and we have read it. It clearly shows that there are conditions that attach to the site and that the time elapsed since the granting of this permission has made them more relevant, not less.

Two of the conditions attached to the existing permission for the building at 163-167 Mill Road (C/71/0826) are

“2. The loading and unloading area and the parking spaces shown on drawing number 71/258/1 shall be permanently maintained for that purpose.

3. No loading or unloading of goods, including fuel, shall take place otherwise than within the curtilage of the site.”

The reason given for both the conditions is: "To avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises."

Thus, the site cannot be serviced from Mill Road without breaching existing conditions. Clearly, the reasons for conditions being attached to permission can weaken with the passage of time; in this case, however, they have been strengthened. In the intervening period since the early 1970s, car ownership and the population of Cambridge have both significantly increased. Partly in consequence of these facts, congestion has become a very serious problem on Mill Road – far more serious than it would have been when the conditions on servicing the site were imposed.

### Impact on Highway Safety

In addition to the more general problems of congestion, sections of Mill Road, one of which is close to the site, have now become the third and fourth worst areas for road accidents in Cambridgeshire. The high number of accidents can be seen in the document at Appendix 4. It should be noted in this context, that Mill Road is both a main route into and out of the city and is very narrow for the volume of traffic that use it, with only one lane in each direction. The risks to highway safety would thus clearly be increased by overturning the existing conditions and allowing the appellants to block one side of the road several times a day for up to forty minutes at a time, forcing cyclists, cars, buses, and other traffic to overtake its 10.35 metre vehicles by driving into the lane for oncoming traffic.

It is also important to note that Mill Road is one of the main routes into and out of the city taken by emergency vehicles, vehicles that would be severely obstructed by the appellants' proposed, multiple and lengthy daily deliveries.

Not only are there no grounds to overturn the existing conditions regarding off-site deliveries, therefore, but it would be dangerous to do so. The passage of time since the existing permission was granted has only exacerbated these dangers.

The proposal to service the site from the front has also been identified as dangerous by the Highway Authority, although for different reasons. The appellants originally wished for a lay-by to be created at the front of the store, to enable deliveries. The Highway Authority has requested that that this be refused on the grounds of highway safety and have stated that they will not issue any future permission for the construction of a lay-by that would serve as a loading bay. One of the grounds that the Highway Authority gave for recommending refusal pertained solely to the creation of a lay-by; another, however, applies to any proposal to service the site from the front. This latter reason was that:

Given the level of servicing that the proposed unit is likely to generate there is a strong possibility that there be significant movement of goods from any delivery vehicle to the store which has a high potential for pedestrian conflicts, again to the detriment of pedestrian safety.

This threat to pedestrians is judged by the Highway Authority to stem from the level of servicing generated by this proposed shop. Not only does this make absolutely clear that they will not agree to the regular servicing of the proposed Tesco from the front of the site, it also indicates that not all A1 stores, and thus deliveries to them, can be regarded as functionally alike for the purposes of highway safety. In this case, it is the frequency of deliveries to the propose store that would render it dangerous – a frequency which is the product of the type of store concerned (a grocery store with a "just in time" delivery policy that would generate at least 30 on-street deliveries per week, lasting up to forty minutes each, rather than a car accessories store with around 7% of this number of weekly deliveries, made by van to the back of the site).

### Previous Practice

It has been suggested at earlier stages of this process that the site could be routinely serviced from the front, despite the prohibition on this under the existing permission, because the previous occupant was alleged to have serviced the site in this manner. This is incorrect; the previous occupants have told us that they serviced it by making on-site deliveries at the rear, not from street and at the front. Under the previous occupants, the store was routinely serviced by two deliveries per week, delivered to the area at the back of the store, and by van. Thus, to allow deliveries from the front would not be a continuation of a long-standing breach of existing conditions, it would be a new breach of those conditions.

Any conclusions drawn by the appellants, Highway Authority, or any other party about the impact of the application where those conclusions are based on the assumption that the proposed store would not involve a change of practice regarding servicing of the site are false because the proposal does involve a change of practice – regarding where the site is serviced, how frequently deliveries are made to it, and the size of the vehicles required.

### Comparison With Existing A1 Stores

It might be argued that – if the existing conditions attaching to the site were disregarded – that the appellants' on-street deliveries would present no more of a threat to the free flow of traffic than current deliveries to existing A1 stores in the area. However, it is clear to us that this would be an incorrect assumption.

It was suggested to us during an earlier stage in the application process that, for the purposes of considering the impact of deliveries on traffic congestion and highway safety, all A1 stores could be considered functionally identical – that no one type of store could be considered to have a greater or lesser impact than any other type of A1 store. This seemed to us to be not consistent with reality, and so we decided to test the assertion as it relates to this application. We did this by doing two pieces of research:

1. Monitoring deliveries to an existing Tesco Express store in Cambridge, to see if the number and pattern of actual deliveries reflected the number and pattern of deliveries estimated by the appellants;
2. Collecting data about deliveries to an indicative sample of existing A1 stores on Mill Road (Appendix 6). Since the assertion we were testing was that all A1s can be considered alike in this regard, we collected data on a range of A1 stores including, but not exclusively, existing convenience stores and the one existing supermarket.

As noted above, the monitoring exercise revealed that the appellants' assertions about the number and pattern of deliveries are not consistent with actual practice (given the appellants' assumption of uniformity of delivery numbers and patterns across Express-format stores).

The collection of data about deliveries to some of the existing businesses on Mill Road revealed that on-street deliveries by the appellants to their proposed store would represent an unprecedented obstruction to traffic on Mill Road. None of the

other stores from which we collected data had a remotely comparable number of deliveries.

Of the non-grocery stores, the store with the highest number of deliveries (Cut Price Carpets) has five deliveries, or one sixth of the number that the appellants say that they will make. Even when compared with the existing grocery stores on which we collected data, the figure proposed by appellants is entirely out of line with current practice. The appellants' own estimate of the number of proposed deliveries, which we think may be an under-estimate of around fifty per cent, is almost double the number of deliveries to the Co-op (which, in any case, does not service the site from Mill Road). The appellants' figure is, in fact, almost twice as large as the combined number of deliveries to the two stores with the most frequent deliveries.

#### Incompatibility with Cambridge Local Plan

So, any servicing of the site on Mill Road by the appellants would be both a departure from previous practice at the site; unprecedented in its scale, and thus impact, when compared with existing A1 stores in the area; inconsistent with the existing permission for the site; and detrimental to highway safety and traffic flow because of the particular nature of the A1 store proposed (a convenience store with a particularly high number of lengthy deliveries).

It would also be clearly incompatible with paragraph 8.21 of the Cambridge Local Plan, which states that:

Service and delivery vehicles that park on the highway can cause an obstruction to other road users. Therefore, any development that will require regular loading or servicing must avoid causing illegal or dangerous parking, by providing appropriate off-street facilities.

#### **Servicing the site from the rear of the property**

The appellants' alternative proposal is to service the site by making on-site deliveries to the area at the rear of the store. As discussed in the section on car parking, this has significant implications for car parking which would render it incompatible with Cambridge car parking standards, Cambridge Local Plan 3/14 and with key aspects of PPG13, as well as breaching the existing conditions attaching to the site.

In addition to these problems, very significant problems of highway safety would be created by the proposal to service the site in this way, using 10.35 rigid vehicles.

The existing one way system means that the appellants would have to – and are intending to – apply for a Traffic Regulation Order, to allow two-way movement of motor vehicles along the section of Sedgwick Street between Mill Road and the entrance to the site car park, enabling them to access the rear of the site without confining themselves to delivery by van, as current restrictions would require. As their swept path analysis for 10.35 rigid vehicle (drawing SP03) shows, it is proposed that the delivery vehicles would then reverse into the site to load and unload.

We consider this to be very dangerous – a significant threat to highway safety in an area that already has one of the worst accident records in Cambridgeshire. Sedgwick Street is a narrow, residential street with on-street parking (see photograph 6 at Appendix 1); it cannot safely accommodate deliveries in large vehicles, or the presence of such vehicles as part of two-way motor vehicle traffic. (Photograph 8 at Appendix 1, of a large delivery vehicle that appears to have taken a wrong turn clearly shows this; as can be seen, a parked car had to be lifted out of the way in order to enable the delivery vehicle to pass.) Converting only a small section of it to two-way traffic but retaining the one way status of the rest of the street will pose a serious threat to highway safety, confusing motorists and cyclists and risking collisions.

Deliveries to the rear of the site will increase the danger to the most vulnerable pedestrians, including children, the elderly, and those with limited mobility, who will have to negotiate both an overall increase in traffic in the street and the specific risk posed by the presence of large delivery vehicles. Deliveries to the back of the site will pose a significant risk to pedestrians with limited or no sight, because the noise of the proposed refrigeration and air conditioning will mask the noise of the delivery vehicles. These are not threats that can be adequately addressed by the presence of a single banksman, as the appellants have proposed.

We do not, therefore consider the proposal to be consistent with local or national planning guidance, including PPG13 paragraph 29, which states that:

The planning system has a substantial influence on the safety of pedestrians, cyclists and occupants of vehicles through the design and layout of footpaths cycleways and roads. Planning can also influence road safety through its control of new development. When thinking about new development, and in adapting existing development, the needs and safety of all in the community should be considered from the outset [...]

#### Comparator: The Co-op

In their Planning, Design, and Access Statements, the appellant stated that "this servicing solution is currently being used by the existing Co-op store located on Mill Road". This is correct in that deliveries to the Co-op are made to the parking and delivery area to the rear of the site, but any suggestion of consequent comparability is misleading and thus inappropriate, for two reasons:

1. The existing one-way system permits traffic to drive from Mill Road down Catherine Street, where the entrance to the Co-op's car park and delivery area is located. Deliveries to the rear of the Co-op site are thus consistent with the one-way system and do not, therefore, involve delivery vehicles driving into oncoming traffic, as would be the case here.
2. The arrangements at the rear of the Co-op site allow for both car parking and deliveries by large vehicle. The appellant's proposed extension would render comparable arrangements impossible because of the large reduction in the area to the rear of the site.

## NOISE IMPACTS

The proposed extension would have significant noise pollution impacts, damaging residential amenity. There would be two causes of this – the proposed air conditioning and refrigeration units, and the proposed mode, location, and frequency of deliveries to the site.

### **Air Conditioning and Refrigeration Units**

The appellants propose to install wall-mounted air conditioning and refrigeration units at the rear of the building. These would be external but partially enclosed. When the original application was submitted, the appellants included an incomplete, and thus misleading, acoustic report (report reference KR00818), which failed to take a background reading from the residential street, Sedgwick Street, that would be most affected by the noise of these units. In addition to this generally-noted problem, a professional working in this field (qualifications and membership of professional associations include: MCIEH, MIOSH, MIEMA, post-graduate diploma in acoustics and noise control) had the following comments on the acoustic report:

The [acoustic] report is not all it should be.

1. There are lots of assumptions (specification of equipment, distance to housing, operation of equipment at night etc);
2. The measurement position for background noise is inappropriate and doesn't reflect the experience of housing at the rear of the site.
3. The detail for some assumptions are unclear (4.1.7, 4.3.2)
4. Passages such as "suitable time" etc don't help anyone (4.3.3)
5. The assumption that no correction is required is surprising - tonal drone from fans is a common cause of complaint - BS4142 requires correction where the noise has a "Continuous hum". The use of the correction may change some of the categories.
6. I also worry about the use of 4142 and the other standards referred to - what we are allowing is more and more noise sources which effectively allow the background level to creep up. This allows the applicant to use standard plant in a mixed area and assume it won't be a problem. There is an argument that additional plant should not elevate the background noise level at all.

The appellants subsequently submitted another acoustic report (ref: KR 01259) which took a more appropriate background reading which, they have said, demonstrates that there will be no negative noise impact on surrounding local residential properties. This is, however, an incorrect inference to draw from this report since it is clear from the detail of the report that some of the equipment does not meet Local Authority requirements (sections 7.3, 8.1, 8.2, 8.3 and 8.4). We also question the assertion that fans present no tonal characteristics – as one



comment we have received notes, "I think a tour round the back of most shops with overworked chiller units on a sticky July evening point to tonal characteristics".

It should be noted that the more general problems of noise pollution from units such as those proposed for this site would be exacerbated by the extension, since the extension would move any externally-mounted units closer to most of the residential properties in the immediate vicinity of the site.

### **Deliveries: Noise**

The appellants propose to service the site by deliveries to the car parking and delivery area at the rear. There are significant highway safety and car parking concerns that arise from this proposal, which are discussed elsewhere, but there is also, and importantly, a serious problem of noise.

The appellants say that they propose to make approximately thirty deliveries per week, with a maximum of five in any one day, lasting up to forty minutes each. In addition to the noise made by the movement of the delivery vehicles – including the penetrating warning sound made as they reverse – there would be a significant noise impact from the movement of deliveries to and from the delivery vehicles. These would include the noise made by the lowering of the lorry tailgate, something reported to us by a resident near another Cambridge Tesco Express (Appendix 3) and the sound of metal delivery cages being rolled off the lorry and moved to and from the store. As noted above, this noise would occur for up to forty minutes at a time, up to five times a day. It is proposed that this noise would begin at 7 am every morning on weekdays, and at 7.30 at the weekends and on Bank Holidays. We consider that this would have a clear, negative impact on residential amenity, and on the amenity of surrounding businesses, most obviously the office above the proposed store.

As a result of the proposed extension, this impact would be particularly severe for the residents of 2b and 2c Sedgwick Street. The applicants' swept path analysis (SP03) shows that the intention is to reverse delivery vehicles into what are currently parking places that abut the side wall of 2b/2c Sedgwick Street. This means the noise sources noted above would be located immediately next to this property. The photograph 5, Appendix 1 clearly shows the proximity of the proposed delivery vehicle unloading area to this residential building. In assessing the noise impacts of deliveries, the appellants' acoustic report states that "the noise measurement position was located at a position where the rear of the lorry and goods entrance to the site were both 10 metres away" (report reference KR00818, p. 28, 4.1). This seems to us to be an inappropriate measurement position on which to base noise impacts on surrounding residential properties since a number of residential properties would be much closer than this and thus would suffer a much more significant noise impact than this assessment would suggest.

It should further be noted that the noise caused by the proposed deliveries to the rear of the site would not only occur within the boundaries of the site itself. The appellants' proposal includes the removal of four, on-street parking spaces on Sedgwick Street, positioned immediately in front of residential properties, to enable its delivery vehicles to reverse into the area at the rear of the site. Residents of these properties would thus be regularly disturbed by the noise of the lorries themselves and by their warning sound, as the lorries manoeuvred immediately outside their houses several times a day, from 7 am onwards, including at weekends and on Bank Holidays. This would clearly have a negative impact on residential amenity.