

Application ref 08/0794/FUL, made by Tesco Stores Ltd in respect of 163-167 Mill Road, Cambridge, is for "installation of plant equipment and development ancillary thereto".

As local residents, we oppose this application on a number of grounds:

1. The noise impacts of the plant have been incorrectly assessed by the applicant. This makes it impossible to accurately determine the likelihood of noise impacts on surrounding residential properties.
2. Most of the information necessary to make an informed decision about the impact of the proposed plant is absent from the application. Issues such as highway safety and residential amenity impacts continue to be fundamental to consideration of the application, as they were for previous applications. This is because such impacts would be a necessary consequence of approval of this application, but would not otherwise occur.
3. The applicant's delivery plans, which are not discussed in the application (other than with reference to the Co-op) but which it must be assumed are unchanged, remain a serious threat to highway safety, to the free flow of traffic, to local residential amenity, and to parking provision in the area. As such, they remain incompatible with local and national planning guidance. They would also constitute a source of severe noise pollution to local residents, contrary to local planning guidance.
4. Contrary to the applicant's assertions, the proposals would have a similar impact to previous applications in respect of a reduction in car parking;
5. By the applicant's own account, by permitting the opening of a store with the existing floorspace, the installation of plant would necessarily cause a high volume of external storage, of waste, recycling and delivery cages, contrary to local planning guidance and to the planning officers' advice in respect of previous applications.

1. Plant noise

We have sought advice on this matter from a qualified acoustic consultant. His comments on the matter are as follows:

1. Background levels

1.1

The KRA report (ref KR01332) recommends that the Mitsubishi air conditioning (A/C) units only run during the day time period (0700-2300h).

The BS4142 assessments have been done on this basis, therefore the noise sources for the day time and night-time periods are very different.

Day time noise source = 3 Mitsubishi A/C units + 1 Searle unit

Night time noise source = 1 Searle unit

According to the report, KRA have measured background noise levels from 2000h through until 1000h the following morning. This has allowed them to measure the lowest background level during the night, and if the noise source was the same for the day time and night-time periods this would allow them to accurately assess the impact of the plant noise during the most sensitive period.

However as the proposed noise sources are different for day time and night-time we are unsure whether they have accurately measured the daytime background noise levels needed for this assessment.

Instead of measuring, KRA have chosen to estimate the day time background noise levels based on the limited data they have collected. How have they done this? And what proof do we have that these estimations are accurate? Would the noise levels not decrease after the busy morning rush hour, rather than increase?

1.2

BS4142 does not differentiate between morning, day and evening, it only differentiates between daytime (0700-2300h) and night-time (2300-0700h). Therefore the lowest measured daytime background noise level is 43 dB L_{A90} not 47 dB L_{A90} as stated in the report. The measured daytime background level of 47 dB L_{A90} is misleading, as it is not the lowest measured day time background level, and the assessments done using this level are not in accordance with the British Standard.

1.3

KRA have measured the background noise levels by the roadside on Sedgwick Street, this position is subject to road traffic noise both from Sedgwick Street and the very busy Mill Road.

However, the sensitive bedrooms are at the rear of the properties and are screened from the road traffic noise by the residential and commercial properties surrounding them. This means the background noise levels at the rear facades are likely to be significantly lower than those measured out on the road.

2. Rating Noise level

British Standard BS4142 states if the source of noise:

"contains a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.) or if there are distinct impulses in the noise (bangs, clicks, clatters, or thumps), or if the noise is irregular enough in character to attract attention, add 5 dB to the specific noise level to obtain the rating level. Make only a single 5 dB correction if one or more of the above characteristics is present".

Although it could be argued that the Mitsubishi air conditioning units produce a constant broadband noise and therefore do not require a +5dB correction, we do not agree with this as it is likely they produce a noticeable hum or hiss compared to the frequency spectrum of the background noise.

All chillers (including the proposed Searle unit) are intermittent. They turn on and off just like a domestic fridge. This means the noise from them is irregular and according to the British Standard a +5dB correction must be added to the rating of the Searle unit for this 'acoustic feature'.

This has not been done.

Conclusion

If the background level had been measured at the rear facade of the sensitive properties on Sedgwick Street and Catherine Street, rather than by the roadside, we believe the level would be lower than the measured 43 dB LA90. If this was the case it would alter the results of the assessment.

The omission of any acoustic correction in the calculation of the Rating Level could also have a serious impact on the result of the daytime assessment.

We believe that if the assessment had been carried out in strict accordance with BS4142 it may well have shown that the noise levels from the plant do not meet the planning condition of 10dB below background and could be cause for complaints.

In addition to the consultant's comments, we have two observations:

1. The applicant's assertion that the new proposals would site the plant "marginally" closer to 161A are obviously not correct; the new plans reduce the distance between plant and 161A by approximately 50%.

2. Cambridge Local Plan policy 4/13 requires the consideration of potential pollution risk when assessing planning applications. 4/13 identifies noise as a form of pollution. The risk of noise pollution cannot, however, be accurately determined from the applicant's acoustic report because of its omissions and inaccuracies. The application thus fails to meet local planning requirements because it prevents the necessary, informed consideration of noise pollution.

2. The relevance of matters not included by the applicant

No information regarding the operation of the proposed store is given, in contrast to the previous applications. This gives the incorrect impression that the proposal presents no threat to, for example, highway safety or residential amenity. In fact, many of the problems attaching to the previous applications also apply to this one. Most obviously, the many problems resulting from the applicant's servicing plans remain. As discussed below, we think it highly likely that the problems of waste storage and other storage would be exacerbated by the applicant's stated intention of opening a store using the existing floorspace only.

It may, perhaps, be contended that these matters are not relevant to a decision in respect of the current application, since the current application is for "installation of plant and development ancillary thereto" and that matters such as deliveries and storage have no direct bearing on consideration of plant. We consider this to be incorrect.

The installation of plant to enable air conditioning and refrigeration is necessary for the store to open. Assuming that, as the applicant suggests in this application, an Express format store would be viable without extending the gross floorspace, the minimum requirement for the store to open is the installation of the plant applied for here. If plant is not approved, the store will not open; the applicant indicates in the documentation supporting this application that it will open if the plant is installed.

This is a point made by the applicant themselves in their Planning Design and Access Statement (PDAS), paragraph 1.3, which states that, "to facilitate the introduction of an Express store planning consent is required for the introduction of plant equipment".

Any impact of the store opening that does not relate exclusively to the impact of the previously proposed extension is an impact that would follow from approval of the current application, as from the previous applications. If the applicant indeed proposes to open a store using the existing floorspace only, approval of this application would necessarily result in deliveries to the site, the generation of waste, and the requirement to store delivery cages and other material, to take three obvious examples. These activities would not occur if the application is not approved. All the well-rehearsed problems regarding highway safety, traffic congestion, impact on residential amenity, and the incompatibility of aspects of the proposed operation of the store with local and national planning guidance, are thus directly material to consideration of this application, since the outcome of this application will be the factor that determines whether they occur.

It should be noted in addition that, although consideration of all the matters identified as grounds for refusal in the previous applications is missing in relation to the current application, we note that the applicant does, clearly, consider matters extending beyond strict consideration of the plant alone to be relevant here. Notably, paragraph 2.5 of the PDAS asserts (incorrectly) that:

The site is well served by public transport with Cambridge Train Station located approximately 600 metres to the south west and a number of bus

routes running along Mill Road and the surrounding area. The site is therefore very accessible by public transport.

The applicant also raises the matter of deliveries, claiming – again, incorrectly – that deliveries to the Co-op store on Mill Road "are undertaken from the public highway" (PDAS, paragraph 2.4). (It should be noted, in passing, that this is not the case; we have asked the Co-op about this and they have confirmed that the site is serviced from the on-site car park and delivery area.) Since matters such as the alleged accessibility of the store by public transport and the servicing practices of other stores in the area are considered by the applicant to be relevant to the consideration of the current application, it follows that they must consider, as we do, that matters more directly linked to the application, such as those noted above, are also relevant.

3. Deliveries

As noted above, the applicant makes no mention at all of their delivery plans in this application. It is therefore only reasonable to assume, absent any indication by the applicant to the contrary, that the delivery plans remain the same: 30 deliveries per week, of up to 40 minutes each, by vehicles up to 10.35m in length.

Thus, the current application presents all the same problems in respect of deliveries as the previous applications. We are aware that you are familiar with our objections on these grounds, but we include them again, in pages 10-15 of Appendix 1.

Delivery Noise

In addition, we have received advice on the noise impacts of proposed deliveries from an acoustic consultant. The comments relate to the applicant's previous acoustic reports (those submitted with previous applications in respect of this site and with the two appeals in respect of the previous applications). The current report includes no noise assessment in relation to deliveries; in the absence of any new assessment regarding delivery noise impacts on the part of the applicant, we have assumed that the previous assessment is still to be taken as a valid statement of the applicant's position on this matter. Consequently, the comments of the acoustic consultant who has analysed the applicant's report for us refer to the assessment in these previous reports. The acoustic consultant's comments are as follows:

Tesco say there would be about 30 deliveries per week.

They have given details of the activity and noise levels from a typical delivery in the KRA report ref KR00818. In that report they state that the peak level from a delivery is 84dB LAmax @ 10m. This means that the loudest instantaneous noise produced by a single delivery is 104dB LAmax @ 1m. ($20\log(10/1) = +20\text{dB}$)

In the same report they say that currently the loudest measured peak noise level during their survey was 72dB LAmax on Mill Road. Therefore it is likely that

the current LAmax levels at the residential facades would be less than 72dB LAmax, as Sedgwick Street is much quieter than Mill Road.

Even if we assume that the current peak levels are typically 72dB LAmax at the rear residential facade of the property on Sedgwick Street (which is unlikely), 84dB LAmax is a massive increase, more than twice as loud perceptually.

They have not said which specific activities cause the loudest peak levels - the lorry reversing, the roll cages being lifted off the lorry, the roll cages being pushed, or some other activity, and it is not clear how many of these loud instantaneous noises the residential properties would be subjected to.

According to the report during a single delivery 17 roll cages are unloaded from the lorry and wheeled along one at a time into the rear of the store and 21 empty roll cages are loaded back onto the lorry. This is a total of 38 cages being loaded/unloaded 30 times a week, i.e. 1140 cages banging and crashing past the nearest residential property each week.

The crashing and bashing of these cages can be loud, and if the peak levels are high (which I think they may well be) then this would undoubtedly constitute a massive increase in the 'normal' peak levels at the residential facade.

Question - how close to the residential property do the roll cages pass?

We ask this because it is very likely that they will actually pass closer to the residential properties than 10m. If they pass the residential properties as close as 5m then the peak levels will be 6dB higher than the highest LAmax stated in the report (i.e. 84dB becomes 90dB). If they pass as close as 1m the peak level will be 104dB LAmax (very, very loud).

Either way these are loud noises, much louder than any noises that the residents are currently exposed to, and are very likely to cause complaint in the future.

Importance of the question of deliveries to the current application

Like the previous applications, which were refused, in significant part, on grounds relating to the deliveries issue, the current application does not include a request for planning permission in respect of deliveries. (Although the previous applications included details of delivery proposals, which were clearly material to the applications, the applications themselves were for plant and extension, not for deliveries.) **In other words, the question of deliveries is as material to the consideration of this application as it was for the previous applications, because, as before, deliveries would be a direct and necessary consequence of approval** (assuming that the applicant is correct in their assertion that approval of this application will lead to the opening of a store on this site). That refusal on these grounds was previously linked by the council to the proposed extension does not alter the fact that, as before, delivery plans contributing to the refusal of a previous application must be assumed to have remained unchanged and will unquestionably follow from approval of the current application.

4. Car Parking

The applicant states that "the new plant will not result in the loss of any car parking spaces". This is incorrect. The current proposals would entail a reduction in car parking spaces. As in previous applications, the applicant's existing site plan [P]500 shows car parking limited to the northern end of the car park. As we have discussed at length in previous documents, car parking currently exists along all four boundaries of the car park. This includes a number of parking spaces that are currently marked out against the rear wall of the building and two spaces marked out at the western boundary of the site, against the brick buildings sited at right angles to the proposed store (one of which is marked as reserved for the occupants of the first floor of the building).

All the existing car parking against the rear wall of the proposed store would be lost under the current application because the installation of the condenser compound and the air conditioning units (which in drawing [P]205 are shown fixed to the wall at about half the height of the rear doors) would preclude parking.

The loss of car parking spaces resulting directly from the installation of plant would be comparable to the number that would be lost were an extension to be built because, in both cases, all parking along the northern boundary of the site would be lost. At least one of the two parking spaces along the western boundary would, we assume, be lost by the operation of the doors in the north western corner of the building. Were the applicant to intend to store waste or items such as delivery cages outside the store (see below for why we consider this likely), this would further reduce the number of parking spaces unless the applicant were planning to store these items in the centre of the car park, which seems unlikely (and which would obviously constitute an obstruction to car park users).

Given the necessary assumption that delivery plans in respect of the proposed store remain the same, it must also follow that the applicant still seeks to deliver to the rear of the site in 10.35 metre vehicles. For reasons we have set out at length elsewhere (please see Appendix 1, pp. 3-8), this would entail the removal of all car parking along the northern boundary of the site – the only area marked with parking spaces on the applicant's drawing [P] 500. **Thus, contrary to the applicant's assertions, approval of the current plant application – which would necessarily result directly in deliveries to the site - would result in the effective loss of all on-site car parking.**

5. Storage of waste and delivery cages

Another area left unresolved by the application but which raises serious problems of residential amenity and car parking is the issue of storage, in particular the storage of waste and delivery cages. As noted above, no mention is made in the application of the proposed location of waste or other storage. We consider this to be an important consideration for the following reasons:

The proposed store would be much smaller than the store previously envisaged – indeed, smaller than that previously considered viable by the applicant – and this, by the applicant's own account, would entail considerable external storage. In the discussion of the necessity of the extension in an email of 18 December 2007 from John Mumby, acting for the applicant, it was asserted that:

Tesco have installed an Express in a site of some 280 sq m before, although this incurred a high level of storage outside of the store by way of refuse, recycling and 'cages' to hold goods and was therefore not considered a preferable design solution.

The applicant has previously given the floor space of the existing building as 270 sq m. We do not think it would be reasonable to assume that the applicant can accommodate all waste, recycling, and cage storage in a building 10 sq m smaller than the size of store that the applicant has previously stated entails a high level of external storage. Thus, a direct consequence of approval for the plant required to open the store would be "a high level of storage outside the store".

That this is the case is evident from other Express format stores. As Appendix 2 shows, large numbers of delivery cages are stored outside two Express format stores for which we have pictures, and we can attest to having observed on-street cage storage at the small Express format store in Southampton Row, central London. Evidence thus supports the applicant's own statement of their practice in this regard.

Clearly, given the position of the rear of the site, external storage of waste, recycling and cages would have a serious negative effect on residential amenity. As we have rehearsed elsewhere, the storage of food waste in close proximity to residential properties is particularly undesirable. Please see the attached document at Appendix 1, pp. 9-10, for details of our objections to the external storage of waste. Although, in the absence of an extension, externally stored waste might be a few metres further away from some of the residential properties, depending on where the waste storage was located, its proximity to these properties would still have a significant negative impact on residential amenity. However, since there appears to be no space in the current proposals for waste storage along the rear wall of the building, it is not clear how much further from these residential properties it *would* actually be.

As the comments of the acoustic consultant who has examined the proposals for us make clear, the noise impacts of cages on surrounding residential properties would be very significant. As noted above, external storage would also further reduce existing on-site parking.

The damaging effect of external storage (contrary as, the planning officers noted, to Cambridge Local Plan 2006 Policy 3/4) was noted by the planning officers in relation to the previous applications. In that context, they advised that external storage should not be permitted.

Thus, by the applicant's own account, supported by evidence from other Express format stores, a necessary consequence of the approval of the current application would be external storage, which planning officers have previously advised should not be permitted.