

JOINT DEVELOPMENT CONTROL COMMITTEE (CAMBRIDGE FRINGE SITES)

Report by: Head of Planning Services

Date: 21 October 2015

| | | | |
|---------------------------|---|--------------------|--------------|
| Application Number | 15/1553/S73 | Agenda Item | |
| Date Received | 12 August 2015 | Officer | Mark Parsons |
| Target Date | 11 November 2015 | | |
| Parishes/Wards | Castle | | |
| Site | 'Lot 1' located within Land Between Huntingdon Road, Madingley Road, and the M11, North West Cambridge, Cambridge, Cambridgeshire | | |
| Proposal | Section 73 application to vary condition 20 (Delivery Hours) of application 13/1748/REM to extend delivery hours to the following: 0600 to 2300 hours Monday to Saturday; 0800 to 1900 hours Sundays; and 0700 to 1900 hours on Bank Holidays. | | |
| Applicant | University of Cambridge | | |
| Recommendation | Refuse | | |
| Application Type | Section 73 | Departure: | No |

CONTENTS

| | Page |
|---|-------------|
| 0. Introduction | 3 |
| 1. Site Description and Site Context | 3 |
| 2. Proposal | 4 |
| 3. Site History | 5 |
| 4. Publicity | 6 |
| 5. Policy | 6 |
| 6. External and Internal Consultees | 7 |
| 7. Parish Council and Neighbour Representations | 7 |
| 8. Assessment | 8 |
| • Noise | 9 |
| • Operational justification | 13 |
| • Other issues | 14 |
| 9. Conclusions | 16 |
| 10. Recommendation | 16 |

APPENDICES

| Ref | Title |
|------------|---|
| 1 | Plan of the 'Lots' within the Phase 1 masterplan |
| 2 | Layout plans of adjacent approvals and scheme under consideration |
| 3 | Receptor points for noise monitoring |
| 4 | Original Decision Notice 13/1748/REM |

0.0 INTRODUCTION

- 0.1 In February 2013 Cambridge City Council granted planning approval for 'Lot 1' on the North West Cambridge Development (NWCD) reference 13/1748/REM. This approval was a reserved matters approval relating to a scheme for a foodstore (2000sqm net) along with a smaller retail space, 117 residential units, primary health care centre, police office, and energy centre and other ancillary features such as car and cycle parking, landscape and drainage infrastructure. The approval also included a road through the local centre that connects the northern part of the primary road to the southern part and allows for a direct route through the local centre, albeit controlled during parts of the day.
- 0.2 The consent was approved with 28 conditions (decision notice in full is attached as appendix 4), which included a condition (Condition 20) limiting the delivery hours of the foodstore. The condition stated that:

Delivery hours of the foodstore shall not be outside the hours of

Monday to Saturday 0700 to 2300 hours

Sundays and Bank Holidays- 0900 to 1700 hours

The reason for the condition was to protect the amenity of the adjoining properties both on and off the site ('the site' referring to the red line of Lot 1).

- 0.3 The development has commenced and is currently being constructed on site along with several other reserved matters permissions previously granted.
- 0.4 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition (or conditions) previously imposed on a planning permission. The local authorities can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original permission will continue to subsist whatever the outcome.

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The wider site sits to the northwest of Cambridge, and to the south of Girton Village, between Huntingdon and Madingley Road. The site is covered by the North West Cambridge Area Action Plan (NWCAAP) 2009, a joint document adopted by both Cambridge City Council and South Cambridgeshire District Council reflecting the fact that the site sits within both administrative boundaries. The NWCAAP is therefore the policy basis for the assessment of any applications on this site.
- 1.2 The site subject to this application sits central to the wider site, and to the southern part of the first phase. The foodstore to which the delivery hours relate sits to the northern part of Lot 1 and faces to the market square to

the north. The east of Lot 1 bounds 'Bus Gate Street', and has residential adjoining the foodstore above the police office and health facility. To the south the foodstore backs onto the service yard and energy centre with residential surrounding the southern courtyard beyond that. To the west the foodstore is 'sleeved' by residential properties facing a tertiary road between this site and Lot 3, and also serves as the main entrance into the servicing area. Lot 3 (residential use) completes the opposite side of the road.

- 1.3 The foodstore is entirely within the Cambridge City Council boundary. It is not located within a Conservation Area, although it will be seen from the Conduit Head Road Conservation Area. No protected trees sit within the application site, although the site does sit adjacent to protected Green Belt land.

2.0 THE PROPOSAL

- 2.1 The proposal is to replace the delivery hours specified in paragraph 0.2 above with the following hours for deliveries:

Delivery hours of the foodstore shall not be outside the hours of

Monday to Saturday- 0600 to 2300 hours

Sundays- 0800 to 1900 hours

Bank Holidays- 0700 to 1900 hours

This represents the following changes that need to be assessed through this application.

- 1) Increase of 1 hour in the morning Monday to Saturday from 0700 to 0600 hours.
 - 2) Increase of 1 hour in the morning Sundays from 0900 to 0800 hours.
 - 3) Increase of 2 hours in the morning on Bank Holidays from 0900 to 0700 hours.
 - 4) Increase of 2 hours in the evening on Sundays and Bank Holidays from 1700 to 1900 hours.
- 2.2 The supporting documentation with the application specifies that in reality due to the time it takes for unloading and given the size of the delivery yard it is likely that only one HGV will visit the delivery bay in any one hour. One can therefore assume that generally one HGV will visit the site prior to 0700 hours Monday to Saturday, one HGV will visit before 0900 hours on a Sunday, and two will visit before 0900 hours on Bank Holidays.
- 2.3 The section 73 application is accompanied by the following documents:
1. Noise Assessment
 2. Covering letter including justification of operating need

3.0 RELEVANT SITE HISTORY

3.1

| | | |
|------------------------------|--|----------|
| 11/1114/OUT & S/1886/11 | Outline for 3,000 dwellings; up to 2,000 student bedspaces; employment floorspace, including commercial and academic floorspace; retail floorspace; Senior Living; Community Centre; Indoor Sports Provision; Police; Primary Health Care; Primary School; Nurseries; Hotel; Energy Centre; and associated infrastructure including roads, pedestrian, cycle and vehicle routes, parking, drainage, open spaces and earthworks. | Approved |
| 13/1402/S73 and S/2036/13/VC | Section 73 application to vary condition 69 (Drawing Numbers) of 11/1114/OUT and S/1886/11. | Approved |
| 13/1827/REM | <p>Lot 3</p> <p>Reserved Matters Application (access, appearance, landscaping, layout and scale) pursuant to 11/1402/S73 for 232 residential units, including 87 one bedroom key worker units and 140 two bedroom key worker units and 5 four bedroom shared key worker units, including a semi-basement car park and cycle parking, a flexible community space, residential car parking courts for wider local centre uses and the adjacent access Lane from the primary street to the residential courts, landscaping, utilities and associated ancillary structures.</p> | Approved |
| 13/1748/REM | <p>Lot 1</p> <p>Reserved matters application (access, appearance, landscaping, layout and scale) pursuant to 11/1402/S73 for a foodstore (2000sqm net, Use class A1) and retail space (use class A1- A4), 117 residential units, comprising 41 one bedroom key worker units and 76 two bedroom key worker units, a primary health care centre (Use class D1), a police office (Use class B1), a district heating energy centre, access roads, including bollard controlled street running through the local centre (with cycle and pedestrian routes), cycle parking, car parking, landscaping, public realm, utilities and associated ancillary structures.</p> | Approved |

| | | |
|------------------------------------|---|----------|
| 13/1401/REM and S/2037/13/RM | Primary Street Reserved matters (access, appearance, landscaping, layout and scale) of 11/1114/OUT (North West Cambridge Scheme) for: (1) The Primary Street surface finishes. (2) Phase 1 infrastructure initial Western Edge earthworks, surface water lagoon excavation, two stage channel and engineered road build up on utility corridors. | Approved |
|------------------------------------|---|----------|

4.0 **PUBLICITY**

4.1 Advertisement: Yes
 Adjoining Owners: Yes
 Site Notices Displayed: Yes

4.2 The proposal has not been presented to the North West Community Forum and it has not been subject of a pre-submission JDCC briefing.

5.0 **POLICY**

5.1 **National Planning Policy Framework (2012)**

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The document was published on 27 March 2012 and immediately became a material consideration for planning applications. It replaces PPGs and PPSs, and other guidance. The document encourages positive, balanced decisions, emphasizes the primacy of the development plan and local decision making

5.2 **North West Cambridge Area Action Plan (2009)**

The following policies were considered during the determination of the original reserved matters application.

- NW1 Vision
- NW2 Development Principles
- NW4 Site and Setting
- NW6 Affordable Housing
- NW7 Balanced and Sustainable Communities
- NW9 Employment Uses in the Local Centre
- NW10 Mix of Uses
- NW11 Sustainable Travel
- NW12 Highway Infrastructure
- NW14 Madingley Road to Huntingdon Road Link
- NW16 Public Transport Provision

NW17 Cycling Provision
NW18 Walking Provision
NW19 Parking Standards
NW21 A Local Centre
NW24 Climate Change and Sustainable Design and Construction
NW25 Surface Water Drainage
NW26 Foul Drainage and Sewage Disposal
NW28 Construction Process
NW30 Phasing and Need

5.3 **Informal Planning Policy Guidance on foodstore provision in North West Cambridge. (March 2011)**

Adopted guidance can be found at

https://www.cambridge.gov.uk/sites/www.cambridge.gov.uk/files/docs/IPP_G_March_2011.pdf

Background documents can be found at

<https://www.cambridge.gov.uk/foodstore-provision-in-north-west-cambridge>

6.0 **EXTERNAL AND INTERNAL CONSULTATIONS**

6.1 **External Consultations**

Highway Authority

No objection to the application.

6.2 **Internal Consultations**

Environmental Health

The results of the noise assessment show that proposal is likely to impact on the amenity of residential properties and the application should therefore be refused.

7.0 **PARISH COUNCIL, RESIDENTS' ASSOCIATIONS AND NEIGHBOUR REPRESENTATIONS**

Girton Parish Council

Girton Parish Council felt that the request for extended delivery hours was felt to be unreasonable, as these are anti-social hours and will inconvenience many residents. The delivery vehicles will come in on the haul road from Madingley Road which is already clogged with heavy commuter traffic in the morning rush hour, and this extension will significantly affect commuters. If the extended hours were felt necessary, these should have been applied for at the start of the planning process.

Nineteen Acre Field Residents' Association (NAFRA)

NAFRA is concerned at this application's shortcomings, identified and documented in some detail by Environmental Health. In the circumstances it seems essential that the Council reject the application in its current form.

Neighbour Representations

The owners/occupiers of the following addresses have made representations:

- 161 Huntingdon Road
- 177 Huntingdon Road
- 32A Storey's Way
- 6 Windsor Road
- 33 Windsor Road
- 59 Windsor Road
- 93 Windsor Road (The Four Windsor Road properties is a joint representation)

The representations can be summarised as the following:

- We do not agree that there is a need and this will impact residents who cannot object as their identity is unknown.
- Early shoppers are relatively few and therefore congestion is minimal even if produce is still being put on shelves- is there evidence that this is a serious problem?
- Glazing provisions will limit noise disturbance to those properties close to the delivery bay but sound travels round corners and will affect open windows and there will be noise from tracks passing on route.
- Disturbed that the original application did not include the delivery hours now specified- has the delay between delivery and display changed in the last two years?
- The proposed delivery times will impact negatively on the properties on Huntingdon Road.
- Delivery times should be confined between 0900 and 1900 hours on all days.
- Residents will be woken up in the morning and evenings by heavy vehicles.
- Pleased that that the number of deliveries will not be increased.

8.0 ASSESSMENT

- 8.1 The original application was a complex submission requiring many elements to be assessed. This section 73 application focuses only on one issue: the proposed amendment to condition 20. This submission therefore makes an assessment on that one issue alone.

Noise impact

- 8.2 The impact of noise from deliveries was assessed as part of the original application. During the pre-application discussions for that submission officers made clear that the aspirations for the foodstore operator in terms of delivery hours would not be acceptable to the local authority. The delivery hours condition was made available to the applicant prior to committee and no justification or further information was submitted to officers prior to determination. No appeal to the condition was made by the applicant.
- 8.3 A number of other conditions were placed on the planning approvals also. These include operational hours of the foodstore, noise insulation details and service yard management plan. All of these conditions will remain in place and need to be satisfied and/or adhered to.

The noise assessment

- 8.4 A noise assessment (dated November 2014) has been submitted with the application. In general the methodology used for the noise assessment is agreed however there are two main shortcomings with the assessment. These are as follows:
- 1) Section 3.2.1 of the report provides noise data from HGV movements and a quote is made to 'measurements in free field conditions'. However, no detail is provided on when, where and how the data was obtained and how it fits the scenario under assessment here at NWCD.
 - 2) The report assumes that all deliveries will come from the south entrance into the wider site (Madingley Road). It therefore only assesses this route and not the route from Huntingdon Road.

These issues are discussed in detail below, but as neither of these issues would materially change the recommendation of the application, the application has been determined on the basis of the report submitted.

Noise report reference points

- 8.5 The noise report identifies 11 noise sensitive receptor locations identified in appendix B of the submitted report (drawing number SK02). PR1 to PR5 inclusive are located within the NWCD. R1 to R6 inclusive are situated within the existing residential properties on Madingley Road and Conduit Head Road, Lansdowne Road. Noise data is provided at each location identifying sound levels externally, internally with windows open (reducing sound by 15dB), and internally with windows shut (reducing sound by 30dB).
- 8.6 Data is provided in two ways $L_{Aeq\ 5mins}$ which represents sound average over a 5 minute period which has been used to assess the acceptability of the proposal for daytime noise (the hours between 0700 and 2300) and

L_{AMAX} where the loudest noise is identified which has been used to assess the impact on night time (the hours in between 2300 and 0700) amenity.

- 8.7 L_{AMAX} is used for night time deliveries as this 'max' noise may only be a single event, however its impact cannot be reasonably assessed by reference to changes in LA_{eq} because such an event, possibly disturbing in its own right (enough to wake someone up), would have little effect on the LA_{eq} noise level over an average 5 minute period. Therefore for night time assessment, reference to L_{AMAX} is more likely to indicate the potential for disturbance to local residents¹.
- 8.8 The results in terms of the 5 minute average are compared against guidance set within BS8223:2014 (Guidance on sound insulation and noise reduction for buildings) and for the maximum sound, the World Health Organisation (WHO) Guidelines on Community Noise.

Reference points PR1 to PR5

- 8.9 Lots 1 and 3 have the benefit of planning consent and we therefore can be certain of the internal layout of the dwellings at PR3 (Lot 1) and PR4 and 5 (Lot 3). Lot 1 proposes internal layouts that include bedroom and living room windows facing the Primary Street. For the bedrooms the window facing the Primary Street is the only window serving that room, and in some instances these bedrooms are the sole bedroom in a one bed unit. This layout is replicated over 4 storeys (with a 5 storey element on the corner of Bus Gate Street).
- 8.10 The corner element of Lot 3 has a five storey block which includes bedrooms in its southeastern elevation, although the east elevation does not have bedrooms. The three storey element of Lot 3 facing east towards the delivery yard includes two bedroom units whereby both of these bedrooms face onto the access route and service yard.
- 8.11 PR1 and PR2 are situated on Lot 9 (now known as S3) and is not yet approved, however previous discussions have shown that the size of the plot, and the location- adjacent the Primary Street, have shown that the design of that Lot is already difficult with the current constraints. Any approval of delivery hours would pose as a further constraint for the design of this Lot. It raises questions as to whether this Lot can be built out successfully in noise terms, as well as complementing the design quality in such a prominent location on the site.
- 8.12 It can be seen from the approvals to date that there are bedrooms on the Lots already approved that are exposed to the noise source which needs to be borne in mind when looking the exceedances shown below.

Noise assessment results

¹ A methodology supported by The Planning Inspectorate in appeal ref: APP/D0121/A/07/2041742

8.13 The British Standard 8233:2014 sets out that the internal bedroom noise threshold at daytime (0700 to 2300) is 30dB. With the windows fully closed this sound level is adhered to. With the window open the 30dB recommended level is exceeded in all of the receptor locations as set out in the table below:

| Ref | Internal LAeq 5mins (dB) (Window open) | Level of exceedance (dB) beyond the British Standard |
|-----|---|---|
| PR1 | 31.5 | 1.5 |
| PR2 | 35.0 | 5 |
| PR3 | 37.8 | 7.8 |
| PR4 | 38.7 | 8.7 |
| PR5 | 31.5 | 1.5 |

Table 1

8.14 The WHO guidance sets out criteria for night time noise levels in terms of the LA_{MAX} levels which identify 45db as the threshold. With the window fully closed, once again the criteria are not breached, however with the window open at night the following receptor locations are exceeded.

| Ref | Internal LA MAX (dB) (Window open) | Level of exceedance (dB) beyond WHO guidelines |
|-----|---------------------------------------|---|
| PR1 | 49.2 | 4.2 |
| PR2 | 52.6 | 7.6 |
| PR3 | 55.3 | 10.3 |
| PR4 | 54.7 | 9.7 |
| PR5 | 48.3 | 3.3 |

Table 2

8.15 The applicant's report demonstrates that internal noise levels (with windows open), are predicted to exceed the BS/WHO criteria at the proposed dwellings within the NWCD (PR1 to PR5). However the report states that mitigation measures, including enhanced glazing and acoustic trickle vents have been specified for these dwellings to ensure noise and ventilation criteria are met.

Amenity Assessment

8.16 Officers are aware of the mitigation measures that have been put into place for units on the Lots approved where noise is a factor. Enhanced glazing and acoustic trickle vents enable natural ventilation to occur without noise levels becoming problematic. However, it is the view of officers that where a property has the ability to open windows (and the local authority would only seek to seal windows as a last resort on secondary/non-habitable windows), the occupant has a right to open that window, particularly in a suburban location such as this. This is especially true during the summer months where trickle vents are not as proficient in terms of cooling as opening a window for natural ventilation.

Additional morning hours Monday to Saturday (change 1 in para 2.1)

8.17 The night time hours (those between 2300-0700) when one would expect residents and future occupiers to sleep is better assessed by the L_{Amax} values (table 2), where a noise (however quick that noise is gone- this maybe a noise from a passing heavy goods vehicle.) is enough to cause disturbance and wake someone up. Residents should, at the very least expect adequate time to sleep undisturbed, in order to have a good standard of amenity (NPPF para 17).

8.18 It can be shown through the assessment provided that residents, if the window is (even partially) open, would experience noise beyond the guidance recommended. The level of exceedance would, in officer's view, be enough to cause disturbance and harm amenity contrary to policy.

Additional morning Sunday and Bank/Public Holidays hours (changes 2 and 3 in para 2.1)

8.19 In terms of bank and public holidays, one should apply the same principles as the paragraphs above, however one would expect that the daytime hours to start later at 0900 and end earlier, as it has long been established that the expectation for amenity on these days are different to a typical weekday or Saturday. Planning conditions have long taken a different approach to weekday/Saturday hours than Sunday/Bank holiday hours in acknowledgement of this.

Additional early evening Sunday and Bank/Public Holiday hours (change 4 in para 2.1)

8.20 The report does show that the exceedance occurs in the daytime hours over the $L_{Aeq\ 5mins}$ (see table 1 above). There are two main reasons why officers deemed this acceptable in granting permission previously. Firstly these properties are located within the local centre of the site, where during the daytime hours (0700-2300), one might expect a bit more noise from comings and goings of the activity in and around the mix of uses here. While this noise is present it occurs in times of the day when one would expect a resident to be awake and going about their daily activities.

8.21 Secondly, in the daytime residents are likely to reside in their living accommodation rather than bedrooms. The living accommodation is facing away from the road/delivery yard (Eastern part of Lot 3) or is dual aspect (Lot 1) enabling ventilation from openable windows from the quieter side.

8.22 Therefore, given the above principle it would appear reasonable that extending the early evening hours from 1700 to 1900 would still be within reasonable 'day time' hours and that one couldn't object to the increase to 1900 in noise terms.

Noise conclusion

- 8.23 Therefore given the above, in pure noise terms officers have no objection to delivery hours being extended for the two extra hours in the evening on Sundays and Bank/Public holidays allowing deliveries up to 1900hours.
- 8.24 However officers still consider that extending the delivery hours in the morning to 0600 weekdays, 0800 Sundays and 0700 on Public and Bank Holidays is not acceptable and would have an adverse impact on the amenity of neighbouring properties conflicting with North West Cambridge Area Action Plan Policy NW2 which states that planning permission will not be granted where the proposed development or associated mitigation measures would have an unacceptable adverse impact on residential amenity. The NPPF states that we should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Operational justification

- 8.25 In determining planning applications, decision makers are required to balance material considerations in making a planning decision. Officers acknowledge that there are 'alternatives' available to residents in the form of natural ventilation should they need to shut their window, and have considered this in reaching a view, but the principle remains that windows, if openable, should be capable of being open for ventilation, especially through the night.
- 8.26 In this instance it is considered that there would have to be significant justification to support the extended hours to outweigh any harm identified in the noise section of the report above. The applicant has referenced paragraphs 18-22 within the NPPF about building a strong and competitive economy. However it is considered that the local authority has met all these requirements in allocating and supporting a comprehensive development of this site. While being supportive of development that enhances the economy, that cannot be at the expense of all other considerations such as amenity.
- 8.27 Officers have considered the supporting covering letter which states that the foodstore operator, under the current delivery hours will not have sufficient time to stock products on the shelves between the arrival of the deliveries and the opening of the store meaning that the store will not be able to properly stock fresh food and produce, and provide a satisfactory display by the time the store opens.
- 8.28 There remains is no evidence to suggest that the level of demand from visitors entering the foodstore first thing in the morning would be so substantive as to offset the loss of amenity referred to in the paragraphs above. Moreover, the letter states that the reason for the application being

submitted is to allow greater *flexibility* for deliveries. Officers maintain that the delivery hours set out on the decision notice by no means renders the foodstore 'operationally unviable'. Most stores (not just ones by this operator), in a range of locations are able to manage within greater constraints of delivery hours than are allowed for here.

- 8.29 It is considered that in relation to the delivery hours and the impact upon the ability for the foodstore to operate, on the evidence provided, the delivery hours currently consented in no way make the proposal operational unviable, and merely requires practical arrangements to be put in place to put produce on shelves with some customers in the store. This is not an uncommon arrangement, even in larger food stores. There is therefore considered to be insufficient justification in these circumstances that outweigh the harm identified in the noise section above.

Enforceable planning condition

- 8.30 The noise report makes a significant assumption that all deliveries will come via the south entrance from Madingley Road. While routing agreements are often made at the construction stage (this is easier to control as it is for a small period of time). It is difficult to identify how this condition will be readily enforceable and monitored on an ongoing/open ended basis.
- 8.31 Two of the three options for origin of deliveries set out in the covering letter; Rye Park and Elstree would in all likelihood take the route to M11 J13 and use Madingley Road. However the route from Northampton would use the A14/Huntingdon Road and naturally come in from the Huntingdon Road access. In addition, there are no guarantees in the medium to long-term future that suppliers would not change as supermarket suppliers and contracts will be subject to regular review and changes in circumstances that the local planning authority cannot control.
- 8.32 It is considered that any condition to limit deliveries from this entrance/direction could not be enforceable and would not meet the tests set within the NPPF. Therefore, it follows, that the noise assessment should assess the impact on residential amenity (in terms of L_{Amax} for night time noise) for properties on the approach into the site from Huntingdon Road also.

Other issues

- 8.33 As set out above the application does not go into any detail on assessing the impact on properties on the approach road (now called Eddington Ave) that are under consideration through planning application ref numbers 15/1663/REM (City) and S/2219/15/RM (SCDC). The layout of this

proposal is due to be considered by this Committee in November and therefore must be given weight.

- 8.34 The layout of this scheme once again (similar to Lot 3 and Lot 1) provide for bedrooms facing the primary street with no alternative in terms of windows facing opposite directions. Therefore during the night time hours (before 0700 in the morning) the noise (if assumed to be similar to those identified in the report) would exceed the criteria in WHO guidance and harm the amenity of those future occupiers.
- 8.35 The covering letter specifies that noise levels of a short duration will not be dissimilar than other vehicles on the highway such as other HGVs, buses and refuse vehicles. While the roads are public highway, this is primarily a residential area and wouldn't normally be subjected to HGVs during night time hours. By approving this application one is guaranteeing a daily HGV throughout the site harming residential amenity as the noise assessment shows. Furthermore, refuse vehicles will not collect in residential areas prior to 7am due to residential amenity reasons, and it is unlikely that there will be a need for bus services to run through the site before 7am.

Quiet Deliveries Demonstration Scheme (QDDS)

- 8.36 It is noted that the covering letter mentions the supermarket operator's successful involvement in the Quiet Deliveries Demonstration Scheme (QDDS) at other locations within the UK.
- 8.37 One of the fundamental steps in setting up a successful QDDS is involving the local community. Indeed, the *Quiet Deliveries Scheme: Key Principles and Processes (February 2015)*, provides a guidance document which emphasises the importance of community involvement and states that:
- Local communities are a vital part of the planning process for a QDDS
 - Local communities need to be reassured that early/late deliveries will not impact on their amenity
 - The QDDS procedure aims to ensure that those affected are involved at an early stage
 - The Local Authority should encourage liaison with the community and residents groups
 - It is the responsibility of the advocate to consult the relevant communities
 - Householder notification is required
 - Depending on the results of the community engagement and consultation, a trial or temporary scheme can be granted
 - A Memorandum of Understanding should be agreed and signed by stakeholders.

8.38 It is considered that whilst a QDDS, with all its mitigation measures in place, may suit one community, it cannot be assumed that these measures can be successfully implemented at another location, particularly prior to the residential community being established as in this case. Such arrangements are more likely to work with existing well-established communities.

9.0 CONCLUSION

9.1 Having assessed the results in the noise report in the case of early morning deliveries (before 0700 hours on Mon-Sat and 0900 hours on Sunday and Bank Holidays) and taking into account the circumstances of the site and its surrounding context and the other factors highlighted in the report in terms of difficulties of controlling routing and supplier locations in the medium-long term future, it is considered that the proposal will have an adverse impact on residential amenity of occupiers of nearby residential properties. The operational justification from the applicant does not provide sufficient justification to outweigh the harm identified.

9.2 As set out in the report, it is considered that a more modest relaxation can be justified within the evening hours on Sundays and Bank holidays. However, given that the proposal has come forward as one submission officers have considered whether the application can be partially approved in the context of increasing the evening hours on Sundays and Bank Holidays. However there still remains some inadequacy in terms of the technical report (point 1 in para 8.4). If these points were resolved through a subsequent application then the evening hours element of the application (change 4 in para 2.1) could potentially be supported by officers.

10.0 RECOMMENDATION

REFUSE for the following reason:

1. The noise report submitted as part of the application demonstrates that the noise created by the delivery activities within the night time criteria, with windows open will exceed acceptable levels and therefore result in unacceptable harm to the amenity of nearby residential properties during the night time hours, many of which have their sole bedroom window facing the source of noise impact. The proposal is therefore contrary to North West Cambridge Area Action Plan Policy NW2 as the proposed development will have a negative impact on residential amenity, and the NPPF para 18 which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Background Papers

- Application File 11/1114/OUT
- JDCC Report of August 2012
- Application File 13/1748/REM
- JDCC Report of February 2014

Contact details

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The following pages include the following appendices

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APPENDIX 3 – Receptor points for noise monitoring

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