

Application Number	21/03939/FUL	Agenda Item	
Date Received	31st August 2021	Officer	Laurence Moore
Target Date	26th October 2021		
Ward	Arbury		
Site	ALDI Unit 1 157 Histon Road Cambridge		
Proposal	Retrospective Installation of plant equipment to west elevation		
Applicant	Aldi Stores Ltd. c/o Agent		

SUMMARY	<p>The retrospective development is in accordance with the development plan for the following reasons:</p> <p>The application for the retrospective installation of new plant equipment is intended for the reduction of negative impacts on the environment through the provision of more eco-friendly and energy efficient plant equipment. The evidence relating to the noise emittance from the application site, explains that there is an overall betterment in regards to noise, with sound levels emitted by the plant equipment at the specific application site being lower in decibel levels than the existing plant recently removed. The application is therefore considered to be in conformity with Policies 29, 35 and 38 of the Cambridge Local Plan 2018 alongside Paragraph 130 f) of the NPPF.</p>
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site is situated at the rear of a supermarket, Aldi, at Unit 2, 157 Histon Road. The application site consists of a plant store for both the Aldi and adjacent Iceland store, both locations have been plant locations for an established period of time. A large proportion of the Aldi site is subject to TPOs, however, the specific location of the proposals is not subject to these TPO restrictions. The site is not situated within a conservation area, it is situated above a gas line owned and operated by Cadent Gas.
- 1.2 The proposal site to the rear of the store is situated 3m away from the rear of the common boundary fence of the closest neighbour, 1 Windsor Road, and 27.6m away from the rear elevation of 1 Windsor road at it's closest point. The north of the site consists of the rear gardens of the dwellings situated along Windsor Road. The east of the site is the Iceland retail unit, and the south of the site consists of the Aldi retail unit. The west of the site is the Aldi retail unit and further west of the site is Nursery Walk, with the closest elevation of the closest property along Nursery Walk being 43.5m away from the proposal site.

2.0 THE PROPOSAL

- 2.1 This full planning application is for the "*Retrospective Installation of plant equipment to the west elevation.*"
- 2.2 The retrospective plant machinery that has been installed is a replacement gas cooler and refrigeration pack, in the same location as the existing plant that has now been removed.
- 2.3 The proposals seek to improve the stores energy efficiency performance under Aldi's Project Fresh Initiative, through the retrospective replacement of existing plant equipment on the store's north-western elevation, with two gas coolers and two compressor packs to be installed alongside. The screening measures of the existing plant has been maintained as part of these proposals as to maintain visual and noise conditions for residential properties within close proximity to the site. The southern-location existing plant measured 4sqm and the replacement southern-location plant measures 9.5sqm in floorspace and 2.2m in height. The existing most-northern plant

measured 2.63sqm and the replacement most-northern plant measures 9.85sqm in floorspace and 1.8m in height.

Full details of the plant and specifications are included on the submitted plans.

2.4 The application is accompanied by the following:

- Covering Letter
- Existing and Proposed External Elevations
- Existing and Proposed Plant Plans
- Existing Site Plan
- Noise Impact Assessment
- Noise Compliance Assessment
- Plant Specification and Details x 2
- Tree Works Application

3.0 SITE HISTORY

Reference	Description	Outcome
19/1047/S73	S73 application to vary condition 14 of planning permission C/95/0110 (as amended 14/0505/S73) to allow delivery hours to between 07:00hrs and 22:00hrs Monday to Saturday and 09:00hrs and 19:00hrs on Sundays and Bank Holidays (Amended description).	Approved
15/0914/NMA1	Retrospective Non-Material Amendment of Condition 2 (approved plans) of Planning Permission 15/0914/FUL (as revised by 16/0856/S73) to accommodate alterations to the loading bay and plant location.	Approved
15/0914/FUL	Extension to foodstore.	Approved

4.0 PUBLICITY

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

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	1 29, 35 55, 58

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework July 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents	Sustainable Design and Construction (2020)
Material Considerations	<u>City Wide Guidance</u> Air Quality in Cambridge – Developers Guide (2008) Arboricultural Strategy (2004) Cambridge City Council Draft Air Quality Action Plan 2018-2023

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comment on the behalf of the Highway Authority.

Environmental Health/Quality and Growth:

- 6.2 “Following my original memo of 28th September 2021, I was informed by the Planning Case Officer that the plant proposed within the original application had already been installed before determination. In addition, the Environmental Health Service is currently investigating noise complaints which refer to noise from plant in the locality.

As a result of the change in circumstances, we have been reconsulted on this application which is now retrospective in nature. The applicant has also carried out further noise monitoring to try to capture the actual noise output from the newly installed external plant at Aldi. The results of that additional monitoring exercise are presented in a Technical Note prepared by Sharps Redmore dated 29th October 2021 (ref 2120384).

I have fully reviewed the details presented within the Technical Note and have the following observations and comments:

- Noise from the new plant was monitored by Sharps Redmore on the 21st and 22nd October 2021. The microphone was positioned 3m from the new plant.
- During the monitoring exercise, it was observed by Sharps Redmore that the dominant noise sources in the locality were items of plant affixed externally to the façade of the adjoining Iceland store.
- The Technical Note provides pre- and post-installation monitoring data (in Figures 1 and 2 respectively). The pre-installation monitoring was carried out on 30th April 2021, the results of which are presented in the original acoustic assessment (prepared by Sharps Redmore and dated 14th September 2021) and is discussed in my memo of 28th September 2021,
- Figures 1 and 2 demonstrate a clear and significant improvement in noise levels at the monitoring location following installation of the new plant. Given the data provided and noise levels measured, the improvement demonstrated on paper should in theory be noticeable ‘in the field’ but this will depend on potential masking by louder sources of noise elsewhere.

- The improvement is further evidenced in Figure 3 which provides a comparison of pre- and post-installation background noise levels (LA90).
- The Technical Note then considers noise from the plant at the nearest noise sensitive façade by day and by night. Noise from the new plant is calculated as being 11dB below the existing background noise level by day and 19dB below the existing background noise level by night. These results are acceptable and demonstrate improvement in noise levels when compared with the scenario with the previous plant in-situ.

Notwithstanding the above, in order to verify the observations made by Sharps Redmore about the noise climate on all of their previous visits, I visited the site on Tuesday 9th November 2021 with my colleague Greg Kearney and the Planning Case Officer. During the visit, we noted that the new Aldi plant was in operation but the noise climate at the time was dominated by noise from air handling units fixed externally to the rear of the Iceland store (some of which were causing a clearly audible low frequency hum) and 'airflow' noise through a vent located at approximately 2.5m in height attached to the rear of the Iceland store.

With regards to the new Aldi plant, noise from the condensing units was almost entirely masked by noise from the Iceland units / vent and noise was only audible from the walk-in unit (refrigeration packs) with my ear pushed up against the wall of that unit.

In conclusion, given the results of the original acoustic assessment, the more recent "Technical Note" and our observations during the site visit, I cannot see any reason to object to this application on the grounds of noise. On visits by both ourselves and Sharps Redmore, we agree that the noise climate at the rear of the Iceland and Aldi stores is dominated by plant noise from Iceland. That said, it is recommended that a compliance condition is attached to the approval, if granted, in order to ensure that the operation of the newly installed plant will always be in accordance with the results of the acoustic assessments and current UK standards (for the assessment of plant noise).

The development proposed is acceptable subject to the

imposition of condition(s)/informative(s)”

Cadent Gas

6.3 “We have no objection to this proposal from a planning perspective, however we need you to take the following action: Please add an informative to the decision notice.”

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations objecting to the application:

5, 7, 84 Windsor Road
8 Nursery Walk

- Increase in Noise from new plant
- Increase in Noise from new vent
- Loud beeping from the site
- A change in the type and overall noise emittance from the site.

7.2 Councillor Cheyne Payne has made both a neutral and objection comment on the application:

Neutral Comment:

- Requested confirmation of the current (now previous) decibels/sound levels on site

Objection Comment:

- Noise complaint
- This application should be called to committee.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received the main issues are as follows:

1. Principle of development

2. Context of site, design and external spaces
3. Residential amenity
4. Other Matters

Principle of Development

- 8.2 Policy 29 of the Cambridge Local Plan states that proposals for development involving the provision of renewable and/or low carbon energy generation, including community energy projects, will be supported, subject to the acceptability of their wider impacts.
- 8.3 Policy 35 seeks to ensure that there will be no adverse impacts to the residential amenity of neighbours from development proposals, which will be discussed in more depth in later sections of this report.
- 8.4 The application is for the retrospective installation of replacement plant machinery, which - as stated within the application's covering letter prepared by Planning Potential - seeks to improve the stores energy efficiency performance through the replacement of existing plant equipment with up-to-date, more efficient and environmentally friendly plants as part of Aldi's Project Fresh initiative. The plant will also reduce noise impacts imposed on residents within close proximity to the site.
- 8.5 In their Covering Letter to the proposal, the applicants set out that:

"This planning application seeks the permission to install new plant and forms part of Aldi's 'Project Fresh' initiative, which is a national programme of scheduled upgrade and refurbishment works taking place across many of their stores.

The proposed plant equipment comprises of a gas cooler and a CO2 compressor pack which are to be installed alongside the store's western elevation, this new plant will serve as a replacement to the stores existing equipment situated in the same location, which are to be removed as part of these proposals. The screening measures for the existing plant equipment will be maintained as part of these proposals, so as to maintain visual and noise conditions for residential properties...

The accompanying noise report prepared by Sharps Redmore assesses the predicted noise of the proposed plant equipment against existing conditions and concludes that the replacement plant will not exceed noise levels made by the exiting plant arrangement. It can therefore be considered that the replacement plant will not have any adverse impact on existing conditions, which is entirely compliant with the requirements of Cambridge Local Plan Policy 35 'Protection of human health and quality of life from noise and vibration.

The application seeks modest plant alterations to an existing and established Aldi Store. Given the scale of the replacement plant and its deliberate location, to limit visual intrusion, contained within an appropriate means of enclosure for safety and security reasons, the proposed plant will have a neutral impact on the amenity of existing uses. To this end, significant weight should be afforded to the proposal as its main objective is geared towards securing a more sustainable and energy efficient store in operation – in line with the core principles of the NPPF.”

- 8.6 From the evidence supplied within the covering letter, it is deemed that the application is for the replacement of out-of-date and inefficient plant equipment with new up-to-date plant equipment, as to increase energy efficiency and reduce noise emittance at the Aldi Histon Road site, and so is considered in line with policies 29 and 35 of the Cambridge Local Plan 2018.
- 8.7 Therefore, it is considered that the principle of this development is acceptable and the retrospective replacement of out-of-date and inefficient plant equipment with new up-to-date plant equipment is in principle acceptable. The other material planning considerations and policy considerations are detailed below.

Context of site, design and external spaces

Response to context

- 8.8 The retrospective installation of replacement plant equipment is situated at the rear of the site, adjacent to the neighboring business's (Iceland) plant store and fronting the rear gardens of dwellings situated along Windsor Road. The location has been a plant store for an established period of time, and as being

situated to the rear of the retail unit, is obscured from view from the public highway, reducing any significant visual impacts on the character of the area.

- 8.9 The southern-location existing plant measured 4sqm and the replacement southern-location plant measures 9.5sqm in floorspace and 2.2m in height. The existing most-northern plant measured 2.63sqm and the replacement most-northern plant measures 9.85sqm in floorspace and 1.8m in height. Although the replacement plant equipment is larger than before it will not harm the character of the area as the proposed plant equipment will utilise the same screening measures for the existing plant equipment which will be improved as part of these proposals, so as to maintain visual amenity and noise levels for residential properties.
- 8.10 It is considered that the retrospective application does not cause a significant adverse impact on the character and appearance of the area or the existing building and is considered to accurately respond to the immediate context, meaning the proposals would comply with Policy 55 and 58 of the Cambridge Local Plan 2018.

Residential Amenity

- 8.11 The impact on the amenity of neighboring occupiers is to be considered below.
- 8.12 Policy 35 of the Cambridge Local Plan 2018 states that developments will be permitted where it is demonstrated that:
- a. it will not lead to significant adverse effects and impacts, including cumulative effects and construction phase impacts wherever applicable, on health and quality of life/amenity from noise and vibration; and*
 - b. adverse noise effects/impacts can be minimised by appropriate reduction and/or mitigation measures secured through the use of conditions or planning obligations, as appropriate (prevention through high quality acoustic design is preferable to mitigation).*
- 8.13 Paragraph 130 f) of the NPPF states that there should be a high standard of amenity for future and existing users.

Plant Equipment

- 8.14 The retrospective installation of replacement plant equipment is situated at the rear of the site, adjacent to the neighboring business's (Iceland) plant store and fronting the rear gardens of dwellings situated along Windsor Road. The location has been a plant store location for an established period of time. The proposed plant equipment, will utilise the same screening measures for the existing plant equipment which will be maintained as part of these proposals, so as to maintain visual and noise conditions for residential properties.
- 8.15 Concerns have been raised with regards to the noise levels emitted from the recently installed plant. Neighbour comments have been submitted in relation to this concern from both the Windsor Road (North) and Nursery Walk (West) sides of the site.
- 8.16 Comments have highlighted issues with an inconsistent humming noise similar to that of a "tumble dryer", which is causing the inhabitants of dwellings along Nursery Walk to suffer from a noise nuisance which disturbs their sleep and reduces the enjoyment and overall quality of their rear residential amenity, as the sound can be heard at a significant level when windows are open, or when the residents from Nursery Walk are residing in their gardens.
- 8.17 A professional noise impact assessment was conducted by Sharps Redmore, with regards to the sound levels emitted by the new plant equipment. The assessment has evaluated the noise levels from the existing plant from both Aldi and Iceland and the existing noise climate. This was achieved through real-time noise monitoring carried out at two locations:
- Location 1: 3m from the plant at Aldi (monitored between 12:40 hours on 29th April and 11:15 hours on 30th April 2021),
 - Location 2: 10m from the bank serving the plant at Iceland (monitored between 15:00 hours on 25th August until 08:15 hours on 26th August 2021).

The following noise levels were obtained:

Location 1: Aldi plant (at 3m):

- 57dB(A) by day
- 53dB(A) by night

Location 2: Iceland plant (at 10m)

- 52dB(A) (day and night).

- 8.18 The report concluded that the existing Aldi plant has been found to operate at 57dB(A) by day (measured at 3m). By simple calculation (assuming free field propagation), at 10m the noise output from the existing Aldi plant would be 47dB(A) and therefore, based on the data provided and assuming that the new plant is installed as proposed, there is a significant difference between the noise output between the old and new plant (47dB(A) at 10m existing against 38dB(A) at 10m new). This indicates a “betterment” of the existing situation.
- 8.19 Following the notification of the application becoming retrospective, a Noise Compliance Test was requested by the environmental health officer, to be conducted by a noise consultant and organised by the applicant/agent. A Noise Compliance Test was conducted by Sharps Redmore on the 21st and 22nd of October 2021 and submitted on 1st of November 2021.
- 8.20 To review the potential impact of the replacement plant, an environmental noise survey was undertaken in the same location as that undertaken prior to the plant being replaced, approx 3m from the area in which the Aldi plant is located. The survey was undertaken using a Norsonic 140 type 1 sound level meter, which was calibrated before and after the survey, with no variation in level noted. Samples were taken every minute, in-line with the original noise survey.
- 8.21 The report concluded that the predicted noise level at the nearest residential property 35m from the plant (5 Windsor Road), would still remain 10 dB below the pre-existing background (predicted 30 dBA against the night time background of 40 dBA).
- 8.22 To further assess the levels of sound emitted by the application site, several site visits were conducted alongside environmental health officers (EHO). From the site visit conducted on Tuesday

9th November 2021, environmental health officers (EHO) noted that the new Aldi plant was in operation but the noise climate at the time was dominated by noise from air handling units fixed externally to the rear of the Iceland store (some of which were causing a clearly audible low frequency hum) and 'airflow' noise through a vent located at approximately 2.5m in height attached to the rear of the Iceland store.

The EHO stated that: *“with regards to the new Aldi plant, noise from the condensing units was almost entirely masked by noise from the Iceland units / vent and noise was only audible from the walk-in unit (refrigeration packs) with my ear pushed up against the wall of that unit.”*

8.23 With respect to the results of the original acoustic assessment, the more recent “Technical Note” and the EHOs observations during the site visit, I cannot see any reason to object to this application on the grounds of noise. On visits by both the planning and environmental health departments of the local authority, as well as Sharps Redmore, it is concluded that the noise climate at the rear of the Iceland and Aldi stores is dominated by plant noise from Iceland.

8.24 It is therefore concluded for the reasons outlined above that the retrospective application is considered in line with policies 29, 35 of the Cambridge Local Plan 2018, and para. 130 of the NPPF.

Noise from new vent

8.25 Comments have been raised with regards to a noise disturbance emitted by a new vent on the south-west elevation of the site.

8.26 This area of the site is not considered a part of the application site and is not connected to the retrospective proposals outlined as part of this application, and so are not considered reasons for refusal.

Other Matters:

Tree Works

8.27 Tree works have been conducted on site, including the pruning of a X tree situated within close proximity to the proposal site. An arboricultural report, drawings and management manual constructed by Barrel Tree Consultancy was submitted on the 4th of October 2021 (04/10/2021), highlighting that the trees affected are of no significant value. The reports and drawings have been conducted by a professional and respect technical expert (Barrel Tree Consultancy) and so there is no reason to doubt any of the document's validity and so the works have been deemed acceptable by the LPA.

9.0 CONCLUSION

9.1 It is considered that the principle of this application is acceptable as it provides an energy efficient and much more environmentally conscious set of plant equipment to reduce the negative impacts on the environment caused by the existing plant equipment previously on site. This meets the requirements of policy 29 of the Local Plan.

9.2 However, concerns have been raised by the neighbouring properties through consultation that there has been an impact on the amenity of the neighbouring properties through the noise impact brought about by the new plant equipment recently installed.

9.3 The Noise Impact Assessment and Noise Compliance Test conducted by Sharps Redmore, alongside the comments made by the EHO, show that the noise levels on site have been reduced through the installation of the new and improved plant equipment, and that the increase in noise levels experienced by neighbours is caused by a source not relevant to the specific application site currently under scrutiny.

9.4 Therefore, it is recommended that this application is approved, due to the noise and disturbance impacts witnessed by neighbouring residents originating from a separate source than the plant equipment recently installed. This is considered in line with the requirements outlined by policy 35 of the Cambridge Local plan 2018.

9.5 The retrospective application is considered to reduce the negative impacts on the environment caused by the site without inflicting adverse impacts on the residential amenity of

neighbouring properties. The application is therefore considered to be in conformity with Policies, 29 and 35 of the Cambridge Local Plan 2018 as well as Paragraph 130 f) of the NPPF and is to be recommended for approval.

10.1 RECOMMENDATION

APPROVE (subject to conditions and informatives)

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. The plant / equipment as approved shall be installed and operated in accordance with the principles, design and specifications (including operational noise levels) stipulated within the report 'Aldi, Histon Road, Cambridge; Plant Noise Assessment' (ref 2120384, dated 14th September 2021 - Sharps Redmore). The plant / equipment as approved shall be maintained and retained thereafter.

Reason: To protect the amenity / quality of neighbouring properties from noise in accordance with the requirements of the National Planning Policy Framework (NPPF, 2019) paragraphs 170 e) and 180 a) and Cambridge Local Plan 2018 policy 35 - Protection of human health and quality of life from noise and vibration.

INFORMATIVES

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to

have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.