

KR07178

Tesco Store at Barton upon Humber

Technical Note...

Retrospective Planning Application

Site: Tesco Store
Address: Maltkiln Road
Barton-upon-Humber
South Humberside
Postcode: DN18 5JT

Customer: Tesco Stores Ltd
Address: Shire Park
Kestral Way
Welwyn Garden City
Hertfordshire
Postcode: AL7 1GA

Issue: Version 1.4
Date: 20th January 2024
Status: Current Document

KR Associates (UK) Ltd

Quietly confident...

Revisions...

KR07178	Project	Barton upon Humber Tesco Store			
	Title	Retrospective Planning Application (Delivery and Plant Noise)			
	Standard	British Standard 4142: 2014 + A1: 2019			
Issue	Date	Details of Revision			
V1.4	20/01/24	Description	Retrospective Planning Application New warehouse extension (285 m ²) New canopy to form a covered loading bay (49 m ²) New 3m high acoustic fencing and 2.4m high gate facing Maltkiln Road Appendix A following feedback from Local Authority		
		Signature			
		Name	Mr. R. Scrivener	Miss N Truman	Mr R Scrivener
		Position	Technical Director	Project Manager	Technical Director

Disclaimer...

This report is strictly confidential and is designed to meet the requirements of the customer. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party. No Liability is accepted outside the scope of this report in strict accordance with the standard terms and conditions.

KR Associates...

KR Associates (UK) Ltd (Company No. 04813349) registered office at 56 Bassett Green Road, Southampton. SO16 3DX.

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1. Executive Summary....

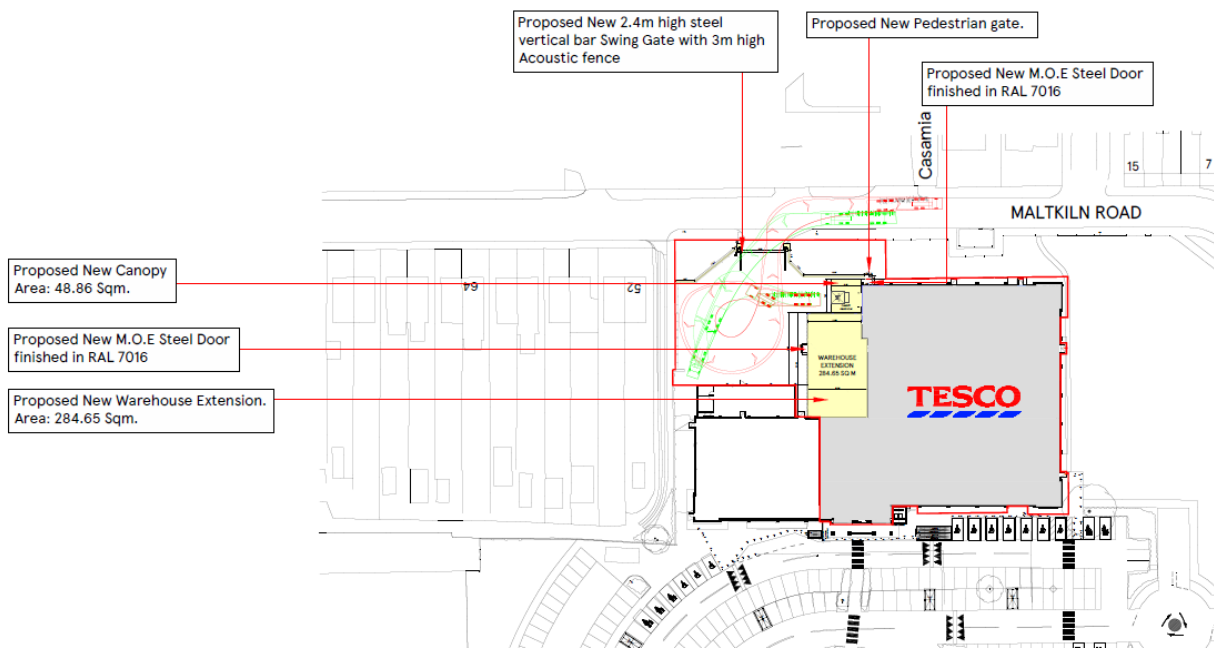
1.1. Instruction

KR Associates (UK) Ltd have been instructed by Tesco Stores Limited to produce a technical note to support the retrospective planning application as shown in drawing 02_5768_02D dated 18th October 2021 entitled “Proposed Site Plan”.

1.2. Local Authority Comments

The North Lincolnshire Council have reviewed version 1.3 of this report and made additional comments in their memo reference PLU 008002 dated 29th December 2023. A summary of the Memo along with responses is provided in Appendix A for reference. There have been some minor amendments to the reports as detailed in Appendix A.

1.3. Layout of Site



The development consists of a new warehouse extension (285 m²), a new canopy to form a covered loading bay (49 m²) and new 3m high acoustic fencing and 2.4m high gate to east of the site facing Maltkiln Road. Details

1.4. Previous Planning Application

North Lincolnshire Council granted planning permission under reference PA/2022/461 on 30th September 2022 for the “erection of rear extension and installation of additional MOE door, re-location of AC units, erection of freestanding canopy, installation of new pedestrian gate and new vertical swing gate, and removal of existing timber fence and replacement with new acoustic fence” at the Tesco store at Maltkiln Road in Barton upon Humber. The following two conditions related to noise.

1.4.1 Condition 7 (Installed as per Acoustic Report)

The original planning application was supported by Noise Impact Assessment KR07034 version 1.2 dated 1st July 2022.

“All plant shall be installed in accordance with technical specifications KR Associates Noise Impact Assessment, dated 1 July 2022, referenced KR07034 Version 1.2 and maintained thereafter.”

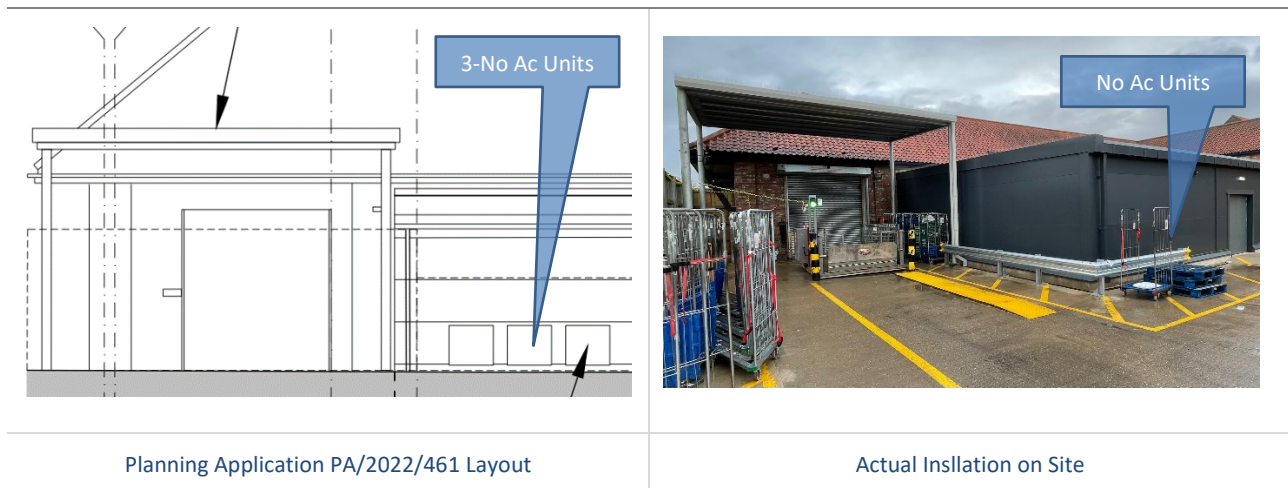
1.4.2 Condition 8 (Post Installation Report)

The following condition requires a commissioning report to ensure the installation has been undertaken as per the original noise impact assessment which needs to be submitted to the Local Authority.

“Following installation of the mitigation measures in accordance with the approved technical specification KR Associates Noise Impact Assessment, dated 1 July 2022, referenced KR07034 Version 1.2, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.”

1.4.3 Previous Technical Note

Following discussions with the Local Authority, KR Associates (UK) Ltd produced technical note KR07178 version 1.2 which detailed measurements undertaken to confirm compliance with the original noise report KR07034 v1.2. However, the completed installation did not match the original drawings. The main difference was that the refrigeration units had been moved from in front of the extension at ground floor level to the roof of the building within a recessed area.



1.5. Scope of Report

This report will detail the verification measurements made on site which show compliance with the original noise report referenced condition 7 of planning permission PA/2022/461. The report will consider the impact noise from the new warehouse extension (285 m²), a new canopy to form a covered loading bay (49 m²) and new 3m high acoustic fencing and 2.4m high gate to east of the site facing Maltkiln Road. The report will consider the noise from the deliveries and from the refrigeration units associated with the extension.

1.6. Photographs from Site



View of Mechanical Equipment on Roof



New Extension and Covered Loading Bay



View from Loading Bay Towards Residential



Residential Dwelling (Windows at Front, Side and Back)

1.7. Refrigeration Equipment

1.7.1 Levels Measured on Site

The units were cycling on and off due to the ambient temperature being relatively low during the test. The sound power level was measured from both units using a sound intensity kit in accordance with ISO 9614 – Part 2: 2009.

Sound Power Levels ISO 9614 – Part 2: 2009	(A)	Octave Band Centre Frequency (Hz)							
		63	125	250	500	1K	2K	4K	8K
Hubbard Medium Temp Condensing Unit	71	73	78	71	69	65	59	58	54
Hubbard Low Temp Condensing Unit	71	71	76	74	68	64	57	56	52

Sound Power Levels (dB) Reference 1×10^{-12} watts – Uncertainty ± 2.0 dB (95% Confidence, $k=2$)

1.7.2 Manufacturers Data

The following is the manufacturers data for the Hubbard HZS high and low temperature Zenith scroll refrigeration compressor units.

Source	Description of Source	Sound Pressure at 10m – Annex C 13487: 2003		
		07:00 – 19:00	19:00 – 23:00	23:00 – 07:00
Source 1	Hubbard HZB58 Medium Temperature Condensing Unit	L _{p(10)} 41 dB	L _{p(10)} 41 dB	L _{p(10)} 41 dB
Source 2	Hubbard HZF18 Low Temperature Condensing Unit	L _{p(10)} 38 dB	L _{p(10)} 38 dB	L _{p(10)} 38 dB

Both units measure around 1.34m wide x 0.55m deep x 0.99m high and so have a 10m parallelepiped measurement surface of around 1,360 m². Therefore, the sound power levels can be calculated by adding 31 dB to the sound pressure level at 10m.

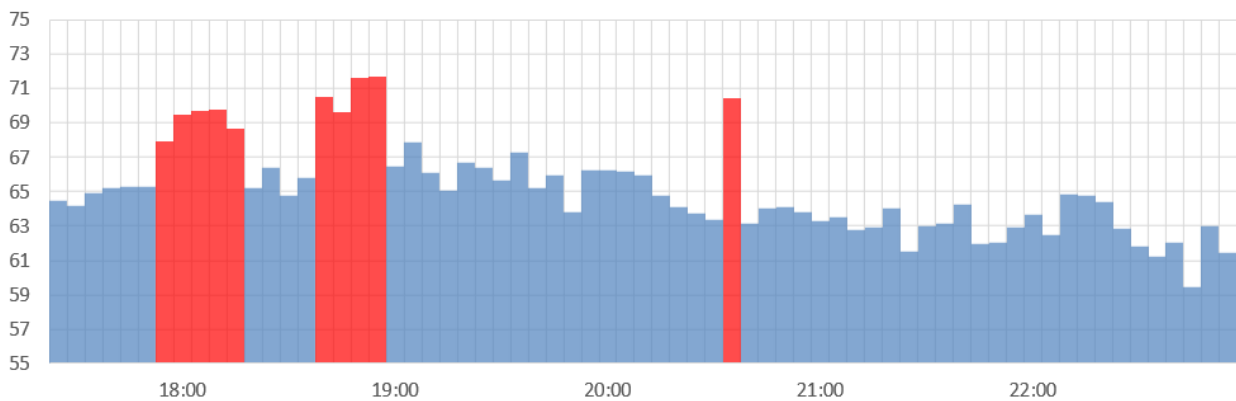
1.7.3 Comparison

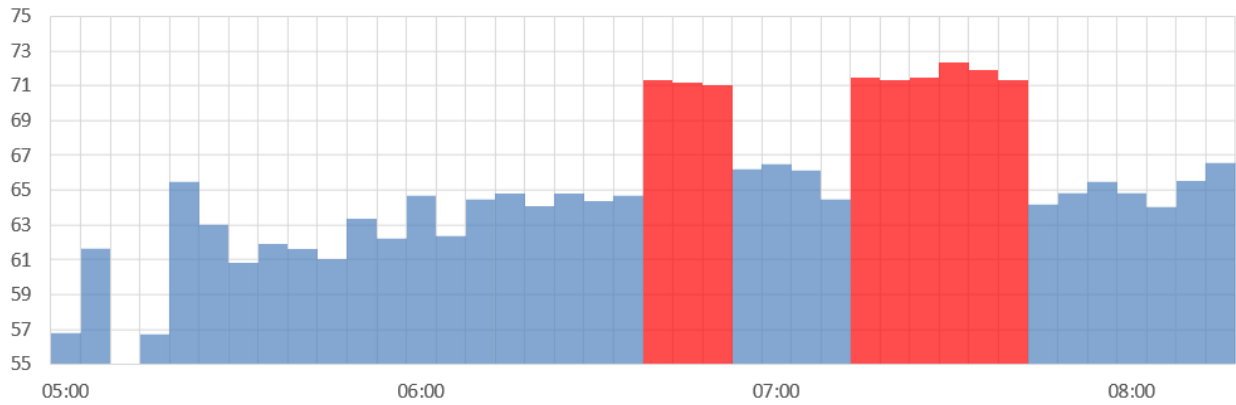
The measurements on site indicate the units were producing noise emissions which were in compliance with the original manufacturers sound power levels.

1.8. Delivery Noise Levels

1.8.1 Measured Noise Levels on Site

A noise meter was positioned adjacent to the delivery bay which captured two deliveries to the site. This position was located 3m from the back of the truck and enabled a check to be made as to the sound power level of the overall delivery used within the noise report which supported the original planning application.





Overall, the delivery created a sound power level of $L_{w(A)}$ 75 dB(A) at the loading bay.

1.8.2 Original Delivery Noise Levels

The original report used the following sound power levels.

Day Time (07:00 to 19:00)		Source
Ref	Description	L_w
1	40' Delivery Vehicle	63 dB
3	Noise From Loading Bay	73 dB

1.8.3 Comparison

The measurements on site indicate the noise produced by the deliveries were in compliance with data used in the original noise report.

1.9. Calculation at Assessment Position

The following are the calculated noise levels at the measurement position according to the sound power levels established by the measurement of the units on site.

1.9.1 Day Time (05:00 to 22:00)

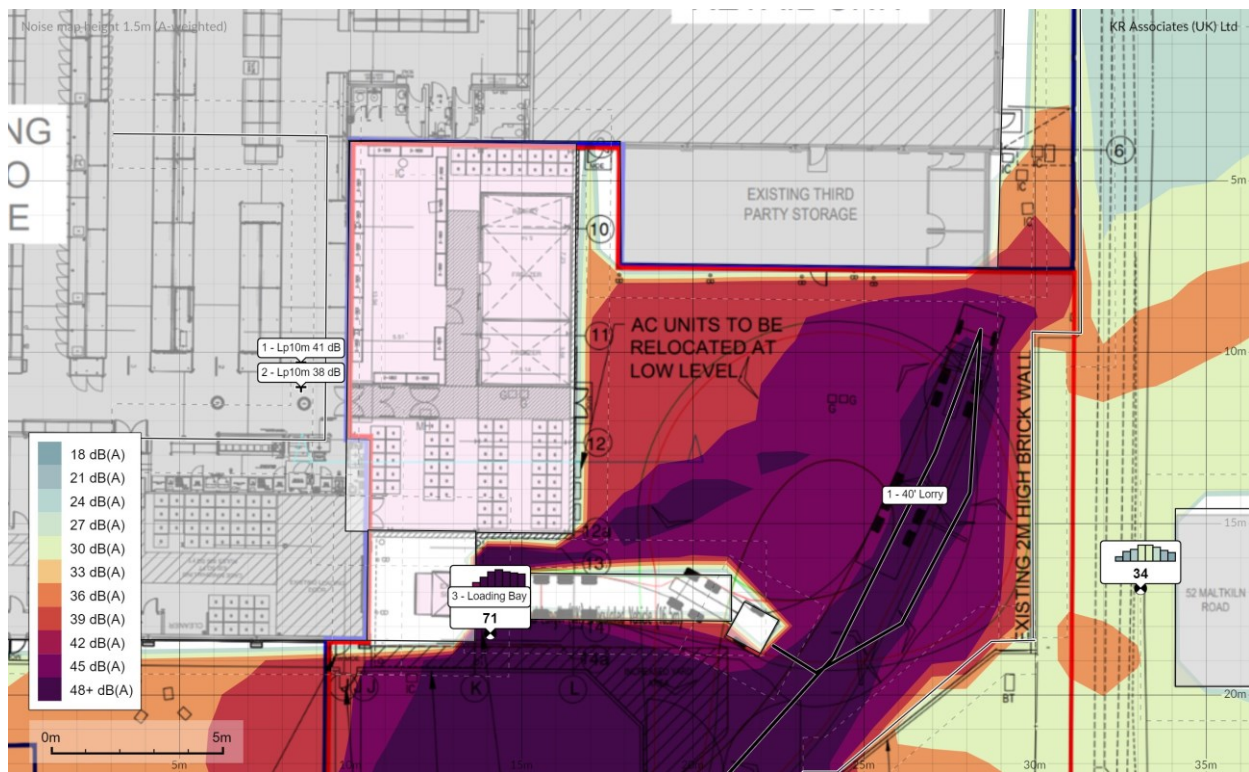
Day Time (05:00 to 23:00)		Source	ISO 9613 – Part 2: 1996 Corrections					Assessment
Ref	Description	L_w	D_c	A_{div}	A_{gr}	A_{atm}	A_{bar}	L_p
1	Hubbard Condensing Unit (Medium Temperature)	71 dB	+3 dB	-46 dB	+3 dB	-0 dB	-12 dB	19 dB
2	Hubbard Condensing Unit (Low Temperature)	71 dB	+3 dB	-46 dB	+3 dB	-0 dB	-12 dB	19 dB
3	Deliveries	75 dB	+3 dB	-44 dB	+0 dB	-0 dB	-0 dB	34 dB
Total Sound Pressure Level 1m from nearest Noise Sensitive Property								34 dB

1.9.2 Night Time (22:00 to 05:00)

Day Time (05:00 to 23:00)		Source	ISO 9613 – Part 2: 1996 Corrections					Assessment
Ref	Description	L_w	D_c	A_{div}	A_{gr}	A_{atm}	A_{bar}	L_p
1	Hubbard Condensing Unit (Medium Temperature)	71 dB	+3 dB	-46 dB	+3 dB	-0 dB	-12 dB	19 dB
2	Hubbard Condensing Unit (Low Temperature)	71 dB	+3 dB	-46 dB	+3 dB	-0 dB	-12 dB	19 dB
Total Sound Pressure Level 1m from nearest Noise Sensitive Property								22 dB

1.9.3 3D Noise Map

The following 3D noise map was created using the sound power levels established by the measurements on site to provide a verification of the calculations within the day time detailed within section 1.7.1 above.



It can be seen that the calculations are accurate and that the noise from the deliveries and plant associated with the proposed extension and delivery bay canopy are accurate.

1.10. Discussion of Results

The following shows the difference between the noise levels measured on site and the original assessment undertaken within report reference KR07034 version 1.2 dated 7th July 2022.

Day Time (05:00 – 19:00)		Evening (19:00 – 22:00)		Night Time (22:00 – 05:00)	
Original, $L_{Aeq,t}$	33 dB	Original, $L_{Aeq,t}$	33 dB	Original, $L_{Aeq,t}$	21 dB
Measured, $L_{Aeq,t}$	34 dB	Measured, $L_{Aeq,t}$	34 dB	Measured, $L_{Aeq,t}$	22 dB

1.11. Conclusion

Moving the refrigeration units associated with the extension into the recessed roof adjacent to the loading bay has reduced the overall impact on the residential dwelling. A measurement of the delivery noise within the loading bay has indicated a very similar level to the levels used within the original report. Overall, the noise emissions measured on site comply with the calculations contained within the original report KR07034 version 1.2 dated 7th July 2022.

1.12. Discussion of Results

1.12.1 Original Store

The Tesco stores has been operating lawfully from the site for a number of years. Since the pandemic there has been a need for additional refrigeration storage on site. The installation of two temporary generators resulted in complaints from the Local residents and despite the installation of temporary acoustic screening, a more permanent solution was sort. Planning permission PA/2022/461 introduced a new internal chilled and frozen storage with the associated external refrigeration units and a covered loading bay at the rear of the site. The purpose of the new loading bay was to reduce the noise once the delivery lorries were parked up and unloading their goods. The movement of lorries within the service yard has remained unchanged. The current retrospective planning application is designed to cover the installation on site with the refrigeration units on the roof of the building.

1.12.2 Mechanical Equipment

During the recent works the refrigeration units associated with the new internal chilled and frozen cold rooms was positioned on the roof of the existing store behind the mansard roof. This significantly reduced the impact of these units on the residential dwellings below the levels detailed within the original Noise Impact Assessment which supported the original application. The relevels from the mechanical equipment results in a noise level at the nearest residential façade of $L_{Aeq, 15 \text{ min}}$ 22 dB. .

1.12.3 Delivery Noise

Measurements were undertaken of the delivery noise at the site and the recorded noise levels were only 1 dB over the levels predicted within the original noise impact assessment. Between the hours of 05:00 to 07:00 identified as sensitive by the Local Authority, the resultant noise levels are dominated by the noise from deliveries i.e., $L_{Aeq, 15\text{min}}$ 34 dB.

1.12.4 Purpose of Current Application

The current retrospective planning application will allow Tesco store to increase its internal capacity from chilled and frozen stock which has removed the need for any external refrigerant containers. The proposal has not changed the impact of delivery vehicles manoeuvring within the service yard but has reduced the noise levels from the unloading and loading of goods with a new enclosed delivery dock.

Therefore, it is considered that the current proposal has been effective in reducing the noise levels at the nearest residential dwellings, especially between 05:00 to 07:00 to the lowest practical levels. Furthermore, the application has no restricted the deliveries in the morning to 05:00 to 07:00 whereas prior to the application, Tesco could have delivered at any time between 23:00 and 07:00 hours.

2. Appendix A – Memo from North Lincolnshire Council (29/12/23)...

2.1. Planning Application

The current planning application reference PS/2023/1895 being considered by North Lincolnshire Council is for the following retrospective application.

“Erection of rear extension and installation of additional MOE door to existing retail store; re-location of AC units; erection of freestanding canopy; installation of new pedestrian gate and new vertical swing gate; and removal of existing timber fence and replacement with new acoustic fence.”

2.2. Service Yard

The service yard at the rear of the Tesco Store is shared with the adjoining retail unit which is currently operated by the Original Factory Shop (Barton). This service yard prior to this current application has operated without any planning restrictions for at least the last 20-years. The following extract from 2003 shows the view on Google Earth of the service yard.



The use of the service yard has not changed with the extension to the building insofar as the early morning deliveries. Tesco are currently permitted to deliver to the service yard 24-hours per day without any planning restrictions. Furthermore, it is understood that during the last 20-years North Lincolnshire Council have not served an Abatement Notice under the Environmental Protection Act 1990 (as amended) on either Tesco or the operator of the adjacent retail unit. Therefore, it can be assumed that as North Lincolnshire Council would have a legal obligation to serve an Abatement Notice if a Statutory Noise Nuisance had existed, then for the last 20-years the operation of vehicles in the service yard delivering to either retail units have not caused a Statutory Noise Nuisance.

2.3. Original Recommended Conditions for Application PA/2022/461

The Local Authority originally recommended an almost identical application for approval under reference PA/2022/461 and proposed the following conditions.

“3. The acoustic fence as detailed in the Proposed Boundary Treatment Details, Dated Dec 21, drawing number A006 Revision P01, shall be installed prior to commencement of the use of the service yard and shall be maintained thereafter.

4. No deliveries shall be made to the Tesco service yard between the hours of 11pm and 5am on each day of the week.

5. Between the hours of 5am and 7am:

No goods pallets or roll cages shall be moved around the open areas within the yard.

No tonal reversing beepers shall be used.

No external tannoy or speaker systems shall be used.

6. Prior to the use of the service yard, Tesco Stores Limited shall submit to the local authority for approval a Delivery Service Management Plan as detailed in section 7.6.2 of the KR Associates Noise Impact Assessment, dated 1 July 2022, referenced KR07034 Version 1.2. Deliveries shall be carried out in accordance with the approved Delivery Service Management Plan.

7. All plant shall be installed in accordance with technical specifications KR Associates Noise Impact Assessment, dated 1 July 2022, referenced KR07034 Version 1.2 and maintained thereafter.

8. Following installation of the mitigation measures in accordance with the approved technical specification KR Associates Noise Impact Assessment, dated 1 July 2022, referenced KR07034 Version 1.2, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.”

2.4. Scope of Application

The previous application PA/2022/461 and the current application were for an extension to the warehouse which has no material impact on the established use of the servicing yard. Tesco and the adjoining retail unit have used the servicing yard unrestricted for at least the last 20-years. As far as KR Associates (UK) Ltd are aware North Lincolnshire Council have not in the last 20-years been served with an Abatement Notice under the Environmental Protection Act 1990 (As amended) for the use of the service yard by vehicles delivering to either retail unit. It is therefore reasonable to assume that the noise emissions from the vehicles delivering to both retail stores has been acceptable and did not cause a statutory noise nuisance or effect the residents reasonable use of their property in any form.

2.5. Current Recommendation

It is currently the Local Authorities position that the mechanical equipment and deliveries associated with the extension between 07:00 and 23:00 hours will comply with the Local Development Plan and all other relevant material considerations. On that basis they have recommended the following conditions which align with the original conditions apart from some minor changes to the wording. For reference I have used the same paragraph numbers as the original conditions.

“3. The acoustic fence as detailed in the Proposed Boundary Treatment Details_ARCH, Dated 10 October 2023, Drawing No 03_5768_02D, shall be installed prior to the commencement of the service yard and shall be maintained thereafter.

4 / 5 No deliveries shall be made to the Tesco service yard between the hours of 11pm and 5am each day of the week Between the hours of 5am and 7am:

No goods pallets or roll cages shall be moved around the open areas within the yard.

No tonal reversing beepers shall be used.

No external tannoy or speaker systems shall be used.

6. Deliveries shall be carried out in accordance with the document Delivery Service Management Plan, Dated March 2023, Ref: R00602. There shall be no deviation from the management plan without prior approval from the Local Planning Authority.”

The Local Authority acknowledged that the refrigeration units associated with the extension have now been moved from the side of the extension to the roof of the building and therefore appear to not have considered it necessary to provide a condition similar to the recommended condition 7 on the previous planning application.

2.6. Condition 8

KR Associates (UK) Ltd previously submitted version 1.2 of this report which was designed to provide the information previously recommended within the proposed condition 8 for the application PA/2022/461 which was not determined. However, in reviewing the information for the current application they have deemed the information to not be satisfactory and the use of the service yard between 05:00 and 07:00 to be unacceptable.

2.7. Determination of the Current Application PA/2023/1895

North Lincolnshire Council will need to determine the current application in line with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990. This requires the planning application to be determined in line with the Local Development Plan *“unless material considerations indicate otherwise”*. The following section will only consider the impact of deliveries between 05:00 and 07:00 as both North Lincolnshire Council and KR Associates (UK) Ltd agreed the plant and use of the delivery yard between 07:00 and 23:00 in terms of noise is acceptable.

2.8. Current Use of Service Yard

The starting position is that for at least the last 20-years Tesco Stores Ltd have lawfully delivered to the store using the service yard without causing a Statutory Noise Nuisance. The continued use of the service yard 24-hours per day without the current extension is beyond the planning control of North Lincolnshire Council. It should be noted that the only reason that this could be curtailed is if North Lincolnshire Council were satisfied that the resultant noise levels constituted a Statutory Noise Nuisance and served an Abatement Notice on Tesco Stores Ltd which required deliveries to stop or only be undertaken during normal hours. However, even in this scenario Tesco Stores Ltd would have a strong case for continued deliveries and the Local Authority would have to convince a court that restricting the delivery hours by a summary conviction for breaching the terms of the Abatement Notice was necessary, reasonable and proportionate. Notwithstanding the strong legal position to continue the use of the service yard without restriction they are keen to work with the Local Authority to secure the planning permission for the extension and where reasonable voluntarily restrict their use of the service yard. They have therefore agreed to only use the service yard to receive deliveries between the hours of 05:00 and 23:00. This position is based on the following information.

2.9. Background Noise Levels

Previous measurements at the site have identified the following are the lowest 15-minute background noise levels that are likely to exist in each hour between 04:00 and 08:00 hours.

04:00 to 05:00	40 dB LA90, 15 minutes
05:00 to 06:00	44 dB LA90, 15 minutes
06:00 to 07:00	45 dB LA90, 15 minutes
07:00 to 08:00	45 dB LA90, 15 minutes

2.10. Specific Noise Levels

The following is the 15-minute specific noise level that is likely to exist at the nearest residential façade as a result of the delivery to the Tesco Store between 05:00 and 07:00

05:00 to 07:00	34 dB LA90, 15 minutes
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2.11. Feature Correction

An initial estimate of the impact on the residents that may be inside or outside of the building can be determined by comparing the noise from the delivery that impacts the residential façade against the underlying background noise level making a correction for any features or character of the noise. The methodology is outlined within British Standard 4142: 2014 + A1: 2019. Compared with the existing ambient noise levels the following feature correction should be added to the specific noise level to obtain the rating noise level.

Engine noise has a clearly perceptible tone:	+ 4 dB.
Roll cage noise within the lorry are clearly impulsive in character	+ 6 dB.
Total Feature Correction (Subjective method BS4142: 2014 + A1: 2019)	+10 dB

2.12. Initial Assessment of Impacts

The following initial assessment indicates there will be a 'Low impact' from the resultant noise from the deliveries between 05:00 and 07:00 on residents of the nearby residential dwellings. Furthermore, the resultant noise levels are unlikely to have an adverse impact on the residents.

Calculated Specific Noise Levels of Deliveries	34 dB LAeq, 15 minutes
Feature Correction (+4 dB Tonality and +6 dB Impulsivity)	+ 10 dB
Rating Noise Level of Deliveries	44 dB LAeq, 15 minutes
Minimum 15-minute background Noise Level	44 dB LA90, 15 minutes
Initial assessment depending on the context of the site	+0 dB (Low Impact)

2.13. Internal Noise Levels with the Windows Open

British Standard 4142: 2014 + A1: 2019 provides an initial assessment of the impacts on residents who may be inside or outside of the building based on the sound that is incident on the building.

The existing residential dwellings are very unlikely to have mechanical ventilation to the habitable rooms or air conditioning and therefore are likely to need to fully open their windows to adequately control overheating during the hotter summer months. Various documents indicate that a fully open window provides an approximate attenuation from outside to inside of around 15 dB. Therefore, the following will be the likely internal noise levels from the delivery vehicles within the residents' bedrooms with the windows open to control over-heating.

Internal Noise Levels within residents' bedrooms	19 dB LAeq, 15 minutes
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2.14. Inaudibility

British Standard 389: Part 7: 2019 entitled "*Acoustics: Reference zero for the calibration of audiometric equipment. Reference threshold of hearing under free-field and diffuse-field listening conditions*" provides the threshold at which noise is likely to be inaudible for a young healthy adult.

Octave Band Centre Frequency (Hz)								Sum A	NR Curve
63	125	250	500	1K	2K	4K	8K		
45	28	17	10	8	6	5	2	21	12

Sound Pressure Levels (dB) – Reference 2×10^{-5} watts – Uncertainty of +/- 2.5 dB (95% confidence, k=2)

It should be noted that the Lmax noise levels from the deliveries will be higher than the 15-minute average noise levels and so will fall above the absolute threshold of hearing some of the time.

2.15. Internal Background Noise Levels

It should be noted that the existing lowest 15-minute ambient noise levels impacting the residential façade from the surrounding area will be around 50 dB $L_{Aeq, 15 \text{ minutes}}$. Therefore, applying the same 15 dB correction from outside to inside when the residents open their windows the internal noise level will be around 35 dB $L_{Aeq, 15 \text{ minutes}}$. Therefore, as the resultant noise level from the deliveries will be 24 dB below the background noise level it is very likely that the delivery noise will be inaudible to the residents when they open their windows. This probably explains that over the last 20-years of operations of the service yard a statutory noise nuisance has not been established.

2.16. Conclusion

The resultant noise levels from the use of the service yard associated with the proposed extension will comply with the Local Development Plan and all other relevant material considerations. As Tesco have operated delivery vehicles within the service yard for the last 20-years without any substantiated complaints, there are no material considerations that indicate the extension will not result in noise emissions that are compliant with the Local Development Plan.

END OF REPORT (1st and last page not numbered)

KR Associates (UK) Ltd

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