

Cerys Jones

From: Matthew Phillips
Sent: 12 February 2019 14:13
To: planning_admin
Subject: FW: P/2018/0990- Five Crosses Inn

Public Protection comments

From: Nick Minshall
Sent: 08 February 2019 15:32
To: Matthew Phillips
Subject: RE: P/2018/0990- Five Crosses Inn

Hello Matthew

I've read through the revised report and the assertions put forward with regard to my original comments.

I do still have concerns, but it's difficult to argue against the statement in Paragraph 6.10.2 of the PBA Report, i.e. *When considering the context of the proposals it is suggested that the level of impact can be reduced to a level that is approaching 'a likely indication of having a low impact, depending on the context'*, taking into account the proposed increase in height of the fence along the north-east site boundary to 2.7m, the Service and Delivery Management Plan detailed in Paragraph 6.8.12, and that the Report calculations are based on a worst case scenario.

However, I can't see any details of the construction material specifications for the proposed 2.7m fence to achieve the Acoustic Screening reductions referred to in the Table at Appendix D.
The applicant should be asked to provide this information.

To summarise, I would recommend that the proposed Service and Delivery Management Plan actions and the 2.7m high acoustic fence should be required by condition in any permission that may be granted.

Regards Nick

From: Matthew Phillips
Sent: 05 February 2019 12:32
To: Nick Minshall
Subject: FW: P/2018/0990- Five Crosses Inn

Nick,

I haven't reviewed it! Have you had chance to have a look?

Matthew

From: Jonathan Martin [mailto:jmartin@qaplanning.co.uk]
Sent: 05 February 2019 12:09
To: Matthew Phillips

Cc: Nick Minshall; Tom Hallett
Subject: RE: P/2018/0990- Five Crosses Inn

Good Afternoon Matthew/Nick,

Have you had a chance to review the further information that has been provided for this application?

Kind Regards,

Jonathan Martin
Planner

Q+A Planning Ltd

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From: Jonathan Martin
Sent: 25 January 2019 10:54
To: 'Matthew Phillips' <Matthew.Phillips@wrexham.gov.uk>
Cc: 'Nick Minshall' <Nick.Minshall@wrexham.gov.uk>; Tom Hallett <thallett@qaplanning.co.uk>
Subject: RE: P/2018/0990- Five Crosses Inn

Matthew/Nick,

Furthermore, PBA have reviewed the comments of the Environmental Health Officer and would make the following comments in response (comments are outlined in red below).

"I carried out a 15-minute noise measurement in the car park of the Five Crosses Inn on Friday 14th December 2018, from 07.00 to 07.15 hours. The weather was cold and dry with no significant wind. The L90 was 45.0 and the Leq 57.0. The dominant noise was road traffic on the adjacent Ruthin Rd. These results are lower than the results obtained during the PBA noise assessment on Monday 4th December 2017 which were L90 48 and Leq 61. However, I appreciate that the report's calculations are based on background noise levels measured on Saturday 2nd December 2017 from 07.00 to 07.30 hours, i.e. an L90 of 41 and an Leq of 54, to represent a worst case scenario".

The background noise levels used within the assessment are based on levels obtained on Saturday 2nd December 2017. This was so that a worst-case based assessment could be undertaken, using levels obtained during a weekend period where existing on-site sound levels can be expected to be lower than during the week. Measurements were also undertaken on Monday 4th December 2017 for comparative purposes.

Measurements were taken by the EHO at the site on Friday 14th December 2018 and comments that these are lower than those obtained by the survey undertaken by PBA on Monday 4th December 2017. As the measurements were obtained during different periods during the week, it is considered that the results obtained are not directly comparable, as traffic conditions are likely to differ. However, it is recognised by the EHO that the results obtained on Saturday 2nd December 2017 have been used within the assessment and acknowledges the rationale behind this.

"The RBA report identifies the nearest noise sensitive receptor as being the "Ground floor of the residential premise overlooking the approved development at 16-17 Gwernygaseg Road, approximately 7 m to the east of the proposed service yard area". It should be noted, however, that between 07.00 to 07.30 hours it is the occupants of the first floor bedrooms of 16-17 and 14-15 Gwernygaseg Road who are most likely to be disturbed by delivery activities, as the bedrooms directly overlook the delivery area".

An assessment at ground floor level was undertaken as, generally, the occupation of living room and ground floor spaces is likely to best represent the use of the dwelling during the daytime period. However, in order to address the

comments of the EHO, the delivery noise impact assessment report has been revised to consider the impact at the first floor level of the nearest residential premise.

“For the purposes of the calculations an average L90 level for the period from 07.00 hours to 08.00 has been used, raising the L90 to 42. I don’t consider this to be appropriate as the time period in question is 07.00 to 07.30 hours and the measured level was 41”.

The typical background sound level during the one-hour period was used in accordance with the reference time interval guidance outlined within BS4142:2014. However, the delivery noise impact assessment report has been revised to reflect the typical background sound level measured during the extended delivery hours period (07:00 – 07:30 hours).

Paragraph 6.8.6 of the PBA noise report states “It should be noted that Planning Condition 14 imposed on the development relates to noise emissions from air handling plant at the approve store. The condition states that the rating level of plant should not exceed the background sound level by more than +5 dBA at any time, when determined at the nearest noise sensitive receptor in accordance with BS4142:2014. It can therefore be inferred that a commercial sound source that is 5 dBA above the background sound climate is likely to be considered an acceptable exceedance by the Local Authority”.

Noise sources associated with lorry deliveries exhibit tonal, impulsive or intermittent characteristics. Whilst corrections for these types of noises have been incorporated into the calculations, the disturbance factor from these types of noise is much greater than for continuous air handling plant type noise”.

Whilst noise sources associated with deliveries have the potential to emit noise that is tonal, impulsive and/or intermittent in nature, the same can also be said for potential items of plant installed at the store. It should also be noted that noise from delivery activities are likely to be shorter in duration and are more likely to occur as infrequent and individual noise events, as opposed to noise levels from the operation of plant that is likely to occur for a more sustained period of time.

Furthermore, BS4142:2014 makes no reference to a ‘disturbance factor’ or similar quantity. However, as acknowledged by the EHO, impulsive, tonal and intermittency characteristics have been applied.

“Section 6.9 of the noise report discusses the uncertainty of the source data used for the assessment and acknowledges that the actual noise from deliveries will vary depending upon the exact delivery process (for example the type of HGV used).”

The uncertainty of the source data used within the assessment has been considered, in line with guidance outlined within BS4142:2014. However, the source data used has been taken from measurements undertaken by PBA of a delivery to a similar Co-Op convenience store and is considered to be an accurate representation of the noise level associated with future deliveries to the store. As discussed within the report, the actual level of noise from deliveries may vary, depending upon the comparison between the delivery process and activities assumed and the actual on-site delivery process. This may result in a decrease to the level of noise likely at the nearest residential premise and may therefore result in a lower indication of impact. In initially approving the development this was on the basis of HGV tracking of a 10m rigid delivery vehicle, the ability of the store to receive deliveries from vehicles larger than this would not be permitted under the terms of the Service Delivery Management Plan.

Jonathan Martin

Planner

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From: Jonathan Martin

Sent: 25 January 2019 10:50

To: 'Matthew Phillips' <Matthew.Phillips@wrexham.gov.uk>

Cc: Nick Minshall <Nick.Minshall@wrexham.gov.uk>; Tom Hallett <thallett@qaplanning.co.uk>

Subject: RE: P/2018/0990- Five Crosses Inn

Good Morning Matthew/Nick,

Please find attached the revised noise impact assessment to reflect the comments made by the Environmental Health Officer at Wrexham Council and as per our previous discussions. Furthermore, PBA have reviewed the comments of the Environmental Health Officer and would make the following comments in response (comments are outlined in red below).

The report has recommended a number of additional changes/mitigation measures which will help further reduce perceived impact on neighbouring properties. For example, a 2.7 m high acoustic fence is proposed along the site boundary, around the plant, bins and cage area. A 1.2m fence has been approved with the host permission and this application seeks to increase it by 1.5m. The applicant would be agreeable to this being secured by way of a condition, in the same way that the Service Delivery Management Plan is to be secured. Moreover, the implementation of the mitigation measures outlined in the report have been applied to a recommendation for approval for a similar application within the Local Authority area which suggests that these can be considered appropriate in order to mitigate potential impact.

The technical assessment indicates that when considering the context of the proposals, the level of impact at 'Receptor 1' will be reduced to a level that is 'a likely indication of having a low impact'. The assessment of delivery noise concludes that with the use of appropriate mitigation measures and consideration of the context outlined within this report, deliveries to the store during the proposed extended delivery periods are likely to be acceptable, and therefore supports the application to vary Planning Condition 20.

As you'll be aware, the Government's PPG advises that, in determining noise impact, decision takers should consider whether or not a significant adverse effect or an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. To assist such an assessment the PPG sets out a noise exposure hierarchy. Situations where there would be an observed adverse effect should be mitigated. At the time of the noise assessment, the prevailing noise environment that exists for residential properties within proximity to the application site is heavily influenced by traffic noise from Ruthin Road and Minera Hall Road. When taking account of the presence of the A525 and adjacent Five Crosses Industrial Estate, it is reasonable that there would be significant levels of traffic noise for much of the day, including early mornings.

Taking account of the context of the site and its surroundings, together with the intervening presence of traffic noise and the internal living environment of neighbouring properties the extent of the change would not be such that it would affect the health or quality of life of residents. The noise would be at times when a noise free environment would not be experienced (i.e. 22.00 – 07.00), could not reasonably be expected and when it would not unduly disturb the sleep of occupiers of neighbouring properties. In addition, the extant planning permission imposes a restriction on the opening hours of the convenience store (07.00 – 23.00) and therefore additional noise generation above existing measured background levels will likely take place in the mornings, during the day and into the evenings associated with customers and vehicles. The fallback positions of noise arising from the implementation of the planning permission, coupled with the continued trading of the public house which experiences its own comings and goings, must be attributed significant weight in the planning balance.

It must also be noted that the additional 30 minute window being applied for should not be taken to assume that all morning deliveries Monday to Saturday will routinely take place during this 07.00 – 07.30 window. Rather, they are more likely to occur infrequently when the store operator has the flexibility in deliveries dependent on road traffic and other operational conditions. This will ensure that vehicles are able to make their deliveries upon arriving to site in an efficient and effective manner, rather than having to park on-street (in the nearby vicinity) and wait for the allotted window.

Finally, it should be noted that Planning Condition 14 imposed on the development relates to noise emissions from air handling plant at the approved store. The condition states that the rating level of plant should not exceed the background sound level by more than +5 dBA at any time, when determined at the nearest noise sensitive receptor in accordance with BS4142:2014. It can therefore be inferred that a commercial sound source that is 5 dBA above the background sound climate is considered to be an acceptable exceedance by the Local Authority.

I trust this is useful, however please let me know if you have any further questions.

Kind Regards,

Jonathan Martin

Planner

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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>

Sent: 09 January 2019 09:01

To: Jonathan Martin <jmartin@gaplanning.co.uk>

Cc: Nick Minshall <Nick.Minshall@wrexham.gov.uk>

Subject: RE: P/2018/0990- Five Crosses Inn

Jonathan,

Happy New Year to you.

No problem. I will need probably need to agree an extension of time for the application with you – I have received a couple of objections to the application which would necessitate a committee decision were we minded to support the application following the submission of the additional information. I will send this through separately. I will also need to make a similar request for the Marford site also due to objections being received. I will be aiming to send the latter to the February planning committee. I think we would be aiming for March for the Five Crosses site.

Regards

Matthew Phillips

Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Jonathan Martin [<mailto:jmartin@gaplanning.co.uk>]

Sent: 07 January 2019 16:12

To: Matthew Phillips

Cc: Nick Minshall

Subject: RE: P/2018/0990- Five Crosses Inn

Good Afternoon Matthew,

I hope you had an enjoyable Christmas break.

I am just letting you know that we have instructed PBA to update their report and they will be providing a response to the comments raised by Nick.

Kind Regards,

Jonathan Martin

Planner

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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>

Sent: 14 December 2018 15:08

To: Jonathan Martin <jmartin@qaplanning.co.uk>

Cc: Nick Minshall <Nick.Minshall@wrexham.gov.uk>

Subject: RE: P/2018/0990- Five Crosses Inn

Jonathan

I will be taking Nick's advice into account.

Whilst I appreciate why the changes have been requested your approach seems to be one of complete disregard for the neighbours. The suggestion that varying the condition does not mean deliveries will be arriving at 7am quite frankly seems incredible. Varying the condition allows for deliveries to arrive at that time therefore the applicants must expect that they will do so – otherwise there would be no point in applying in the first place.

Regards

Matthew Phillips

Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Jonathan Martin [<mailto:jmartin@qaplanning.co.uk>]

Sent: 14 December 2018 11:41

To: Matthew Phillips

Subject: RE: P/2018/0990- Five Crosses Inn

Thank you very much Matthew. I will pass onto the noise consultant for review.

However, the extended delivery time is critical to allow for floating within the logistics system to account for and accommodate road conditions such as traffic, road works, accident and adverse weather conditions. Being able to respond to live conditions as they develop is an essential part of the Food Primary Logistics Service which helps:

- Improve fleet operational efficiency;
- Reduce fuel consumption;
- Improve retail stock availability;
- Reduce congestion;
- Improve road safety;

- Improve air quality; and
- Reduce carbon emissions.

The supporting letter makes it clear that a 7.00am delivery time is necessary for the success of the business. **However, this does not mean that deliveries will be arriving at the store at 7.00am Monday-Saturday** but it allows for a fluid approach to deliveries to ensure they can respond to live conditions as well as other business needs.

Do you consider this to be an acceptable approach or will your decision depend on the view of the EHO?

Kind Regards,

Jonathan Martin
Planner

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From: Matthew Phillips <Matthew.Phillips@wrexham.gov.uk>
Sent: 14 December 2018 11:20
To: Jonathan Martin <jmartin@qaplanning.co.uk>
Subject: FW: P/2018/0990- Five Crosses Inn

Jonathan,

Please see below from Nick Minshall.

Regards

Matthew Phillips
Planning Control Lead/Arweinydd Rheoli Cynllunio
Environment and Planning/Amgylchedd a Chynllunio
Wrexham County Borough Council/Cyngor Bwrdeistref Sirol Wrecsam
Telephone/Ffôn: 01978 298780

From: Nick Minshall
Sent: 14 December 2018 11:02
To: Matthew Phillips
Subject: RE: P/2018/0990- Five Crosses Inn

Hello Matthew

Further to Jonathan Martin's comments in the email below I would respond as follows:

The PP officer did review the PBA noise assessment before commenting.

I carried out a 15-minute noise measurement in the car park of the Five Crosses Inn on Friday 14th December 2018, from 07.00 to 07.15 hours. The weather was cold and dry with no significant wind. The L90 was 45.0 and the Leq 57.0. The dominant noise was road traffic on the adjacent Ruthin Rd.

These results are lower than the results obtained during the PBA noise assessment on Monday 4th December 2017 which were L90 48 and Leq 61.

However, I appreciate that the report's calculations are based on background noise levels measured on Saturday 2nd December 2017 from 07.00 to 07.30 hours, i.e. an L90 of 41 and an Leq of 54, to represent a worst case scenario.

The RBA report identifies the nearest noise sensitive receptor as being the "Ground floor of the residential premise overlooking the approved development at 16-17 Gwernygaseg Road, approximately 7 m to the east of the proposed service yard area". It should be noted, however, that between 07.00 to 07.30 hours it is the occupants of the first floor bedrooms of 16-17 and 14-15 Gwernygaseg Road who are most likely to be disturbed by delivery activities, as the bedrooms directly overlook the delivery area.

For the purposes of the calculations an average L90 level for the period from 07.00 hours to 08.00 has been used, raising the L90 to 42. I don't consider this to be appropriate as the time period in question is 07.00 to 07.30 hours and the measured level was 41.

Paragraph 6.8.6 of the PBA noise report states *"It should be noted that Planning Condition 14 imposed on the development relates to noise emissions from air handling plant at the approve store. The condition states that the rating level of plant should not exceed the background sound level by more than +5 dBA at any time, when determined at the nearest noise sensitive receptor in accordance with BS4142:2014. It can therefore be inferred that a commercial sound source that is 5 dBA above the background sound climate is likely to be considered an acceptable exceedance by the Local Authority"*.

Noise sources associated with lorry deliveries exhibit tonal, impulsive or intermittent characteristics. Whilst corrections for these types of noises have been incorporated into the calculations, the disturbance factor from these types of noise is much greater than for continuous air handling plant type noise.

Section 6.9 of the noise report discusses the uncertainty of the source data used for the assessment and acknowledges that the actual noise from deliveries will vary depending upon the exact delivery process (for example the type of HGV used).

To summarise, I think there is a high probability that the occupants of the first floor bedrooms will have their amenity adversely affected by deliveries before 07.30 hours.

If you would like to discuss any of the matters raised above, please give me a call.

Regards Nick

From: Matthew Phillips
Sent: 11 December 2018 08:34
To: Nick Minshall
Subject: FW: P/2018/0990- Five Crosses Inn

Nick,

See below. Can I have a comment in the penultimate paragraph please?

Thanks

Matthew

From: Jonathan Martin [<mailto:jmartin@gaplanning.co.uk>]
Sent: 10 December 2018 16:29

To: Matthew Phillips
Subject: P/2018/0990- Five Crosses Inn

Good Afternoon Matthew,

We have looked at the consultee comments that have been uploaded online. The highways team have no further comments but I would like your opinion on the Public Protection comment.

The PP officer has argued that the development is not yet operational and therefore it is considered to be inappropriate to relax any restriction on delivery times. However, we would very much disagree with this view. The development not being operational should not impact on the technical details of this application nor of any planning application for that matter. The majority of planning applications across Wales and England seek development on land which is not yet operational, eg on land that is vacant, green belt, brownfield etc. The majority of planning applications are for proposed uses and therefore they are not operational.

The Co-op are seeking to extend the delivery times at a number of stores and in particular you will be aware of the application for the same proposal at the Red Lion.

With regards to the second half of the consultee comment we believe the submitted Noise Assessment does demonstrate that the proposed delivery times would not have a negative effect on the local amenity. Can you confirm if the PP officer has reviewed this document before making a comment?

Please let me know your thoughts on the information above.

Kind Regards,

Jonathan Martin
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