MEMORANDUM

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COUNTY BOROUGH COUNCIL
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From: **Ian Jones**
Head of Service Public Protection

To: **Matthew Phillips**
Head of Service Planning Development

Our Ref:

Your Ref: **P/2024/1020**

Date: 21-11-2024

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2024/1020, 1 SALOP ROAD, WREXHAM, LL13 7AF

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RPT1 - REPORT REVIEW

Report 'Former Wrexham Musical Theatre, 1 Salop Road,Wrexham LL13 7AF Noise impact assessment for Carbana Ltd Has modelled the impact from the proposed activities on neighboring properties. The report has stated that operation hours vary by both day and activity (car wash and vacuum as well as tyre fitting). The report has modelled that there will be an increase over the recorded background levels at neighbouring residential receptors with the increase being +5dB at the properties to the east of the proposal;.

The relevant British Standard (BS4142) states that +5dB over background is:

Likely to be an indication of adverse impact depending upon context.

The report has sated the following as justification:

Based on the above, the difference between the rating level and the background sound level is expected to be +5 dB at most. In some circumstances, this would indicate an adverse impact; however, given that the site is within a busy town centre location with significant road traffic noise, the sounds introduced are likely to be similar in character to those within the context of the existing site. We therefore expect the likelihood of adverse impact to be low, and thus see no reason to refuse planning permission on noise grounds, provided a good acoustic design process is followed.

However the background levels were discussed in the report and are inclusive of the majority of noise from the roads. It is also not unreasonable to assume that the noises associated with the proposal and in particular

from the pressurised car washers will be distinctive. It is also the recommendation of this section that newly introduced commercial or industrial process should not exceed the background noise levels at residential receptors. The report has monitored the background noise levels at the residential receptors to be 50dB L90 during the proposed hours of operation and I recommend that this be included as a limit on any planning permission:

The noise levels as assessed in accordance with BS4142:2014+A1:2019 shall not exceed 50dB LAeq at any neighbouring residential receptor.

It has been bought to my attention that there is an existing planning permission (P/2022/0306) for a similar activity at this site. Whereas no noise report accompanied that application a site map was provided that shows the equipment and plant closer to residential receptors. Which is likely to have led to a detrimental impact from noise.

INF22 – MINOR DEMOLITION CONSTRUCTION NOISE

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

INF23 - BURNING OF WASTE

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;

- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;

- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

INF24 - DUST MANAGEMENT (SCHEME NOT REQUIRED BY CONDITION)

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

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Head of Service Public Protection