MEMORANDUM

From: **Ian Jones**
Head of Service Public Protection

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

Our Ref:

Your Ref: **P/2024/1567**

Date: 21-11-2024

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2024/1567, DICKENS GARAGE, CROESFOEL INDUSTRIAL ESTATE, RHOSTYLLEN, WREXHAM, LL14 4EJ

NEWID DEFNYDD TIR AC ADEILADAU O SUI GENERIS (SIOP GWERTHU CEIR) I DDOSBARTH B8/SUI GENERIS (MASNACHWR ADEILADU) YN CYNNWYS ARDDANGOSFA TU ALLAN A RHESELI STORIO A CHODI 1 ADEILAD/CHANGE OF USE OF LAND AND BUILDINGS FROM SUI GENERIS (CAR DEALERSHIP) TO CLASS B8/SUI GENERIS (BUILDERS MERCHANT) INCLUDING OUTSIDE DISPLAY AND STORAGE RACKING AND ERECTION OF 1 NO BUILDING

INF26 - ILLUMINATION / LIGHTING Lighting has the potential for classification as a statutory nuisance under the Environment Protection Act 1990. If lighting is found to be causing a nuisance than an Abatement Notice may be served, and the applicant is advised to consider this when designing the installation of any lighting. 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.

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.

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.

RPT1 - REPORT REVIEW

Report '784-B059716 Noise Assessment Travis Perkins October 2024' by Tetra Tech has modelled the impact of noise on neighbouring residential receptors. The report identified that residential receptors to the south of the proposal will experience adverse impact from a combination of plant noise and HGV/racking activity. The report has recomended a 1.8 metre barrier along the affect part of the southern boundary. The report states (paragraph 6.1) that a contour plot with the proposed barrier is shown, this appears to be missing from the report. Furthermore no details of the materials, density or noise attenuation levels provided by the barrier have been provided and I recommend that these be requested from the applicant.

As the noise assessment has been completed based on expected operational (weekdays – 07:00-18:00, Saturdays – 08:00-12:00) I recommend these be conditioned on any plannig permission.

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Head of Service Public Protection