wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
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MEMORANDUM

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

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

Our Ref:

Your Ref: **P/2024/1618**

Date: 17-12-2024

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2024/1618, THE COOPERATIVE, WELL STREET, CEFN MAWR, WREXHAM, LL14 3YD

CODI 8 UNED DDIWYDIANNOL YSGAFN - DOSBARTH B1 (BUSNES) A B8 (STORIO A DOSBARTHU) / ERECTION OF 5 NO LIGHT INDUSTRIAL UNITS - CLASS B1 (BUSINESS) AND B8 (STORAGE AND DISTRIBUTION)

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.

RPT1 - REPORT REVIEW

Noise Impact Report 'The Cooperative Wrexham' Ref 2218E V1 Dated 29-10-2024 by Spratt and Hamer has modeled that noise from the proposed activity will not exceed the current day time back ground noise levels at the nearest sensitive residential receptors. However, the report has made assumptions in reaching this conclusion which I recommend are conditioned on any planning permission as detailed in Chapter 10 Conclusion:

1) Operational hours be restricted to 08:00 to 18:00 across the whole site (The report has stated 07:00 as the start time, however, the application has stated 08:00) Monday to Saturday.

2) Deliveries shall be restricted to 08:00 to 18:00 Monday to Saturday

3) Reversing alarms on forklift trucks shall be broadband (white noise) on externally used forklift trucks.

The report identified the background noise level as 44 dB. I therefore I recommend the following noise level restriction:

The rating level of any noise generated by reason of this development shall not exceed 44dB LAeq at any time. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

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.

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Head of Service Public Protection