



MEMORANDUM

From: Ian Jones

**Head of Service Public Protection
Service Planning Development**

Our Ref:

Date: 06-09-2023

To: Matthew Phillips

Head of

Your Ref: P/2023/0497

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2023/0497, LAND NORTH OF BRYN LANE WREXHAM INDUSTRIAL ESTATE WREXHAM

HYBRID APPLICATION SEEKING: FULL PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS, THE ERECTION OF BUILDINGS FOR CLASS B1, B2 AND B8 USE AND FORMATION OF VEHICULAR ACCESS; AND OUTLINE PLANNING PERMISSION FOR THE ERECTION OF BUILDINGS FOR CLASS B1, B2 AND B8 USE AND RETAIL, DRIVE THRU, HOTEL AND PETROL FILLING STATION (CLASSES A1, A3, C1 AND SUI GENERIS AND ASSOCIATED INFRASTRUCTURE (ALL MATTERS RESERVED). CAIS HYBRID YN CEISIO: CANIATAD CYNLLUNIO LLAWN AR GYFER DYMCHWEL ADEILADAU PRESENNOL, CODI ADEILADAU AR GYFER DEFNYDD DOSBARTH B1, B2 A B8 A FFURFIO MYNEDIAD I GERBYDAU; A CANIATAD CYNLLUNIO AMLINELLOL AR GYFER CODI ADEILADAU AR GYFER DEFNYDD DOSBARTH B1, B2 A B8 A MANWERTHU, GYRRU DRWODD, GWESTY A GORSAF BETROL (DOSBARTHADAU A1, A3, C1 A SUI GENERIS AC ISADEILEDD CYSYLLTIEDIG (GYDA PHOB MATER WEDI'U CADW YN OL).

A23N - 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

1) Air quality report Appendix 10.1 Air Quality Impact Assessment considers the impact of construction dust, road vehicle exhaust emissions.

a) For construction the report suggests that with appropriate controls the predicted air quality impacts from fugitive dust will be not significant. I therefore recommend a condition on any planning permission requiring a dust management plan be submitted and approved prior to any works taking place:

No part of the development shall commence until an appropriate Dust Management Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The dust mitigation measures as are approved shall be fully implemented for the entire duration of the construction phase.

b) For traffic, from both demolition/construction and completed development, modelling has shown that there will be a negligible increase in levels of NO₂, PM₁₀ and PM_{2.5}. The conclusions of this report are accepted.

2) Noise report Appendix 10.1 Demolition and Construction Noise Assessment has considered the impact of construction activities and vehicles on existing receptors and whereas the noise levels are predicted to be below noise standards and at worst vibration is predicted to be just perceptible, the report has recommended mitigation to control any potential adverse impact and that such be required as part of a Construction Environmental Management Plan (CEMP) to be secured by condition. I recommend that such a CEMP be required by condition and would further advise the applicant to consider a letter drop to identified neighbouring properties to inform them of the plans and likely timescales.

3) Noise Report Appendix 10.2 Completed Development Stage Noise Assessment has concluded that there is likely to be a significant adverse impact and existing neighbouring residential properties from noise from operational activities, including use of the carpark and HGV movements, during both daytime and nighttime. Furthermore this report states that it is an outline application and that mitigation would need to be proposed as part of the reserved matter stage. I therefore recommend that such be required on the applicant by condition:

No part of the development shall commence until a noise survey has been carried out, and a detailed report of the survey findings has been submitted to, and approved in writing by, the Local Planning Authority. The noise survey shall determine noise levels for both Day (07:00 – 23:00 hours) and Night (23:00 – 07:00 hours), having regard to Planning Policy Wales (PPW) Guidance, Technical Advice Note (TAN) 11 – Noise. The report of the noise survey findings shall include:

a) Noise levels arising from day / night time activities in the vicinity of the proposed development site and the impact upon the existing or proposed accommodation, and

b) A detailed scheme of noise insulation and / or attenuation measures so designed to safeguard the amenity of the existing or proposed occupants hereby approved.

The measures as are approved shall be fully implemented and maintained for the life of the development.

The report then discusses building services plant and recommends that the noise levels should be set to existing background noise levels to be achieved at sensitive receptors.

In both the above cases I recommend the following condition:

The rating level of any noise generated by reason of this development shall not exceed the pre-existing background level 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.

The report then discusses noise disturbance for guests at the proposed hotel and confirms mitigation will be required. The report suggests that non-openable windows with mechanical ventilation as an option. I recommend that specific details along with confirmation that any mitigation will meet applicable standards be required from the applicant for the reserved matters stage.

ZP15 -EXTERNAL LIGHTING

No part of the development shall commence until a scheme of external lighting has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall have regard to best practice guidance provided by the Institution of Lighting Professionals ([https://www.theilp.org.uk/resources/free-resources/ilp-guidance notes/](https://www.theilp.org.uk/resources/free-resources/ilp-guidance%20notes/)). The external lighting scheme as required must include the following:

- a) Location and height of proposed lighting,
- b) An Isolux diagram for the proposed lighting scheme to a distance that includes sensitive premises, and
- c) Design of columns and any proposed hoods.

The lighting shall be installed in strict accordance with the scheme as is approved prior to first use of the development, and shall thereafter be permanently retained in a fully operational condition.

A22NA – 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.

A28N - 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.

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Head of Service Public Protection