wrexham
COUNTY BOROUGH COUNCIL
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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/2025/0417**

Date: 18-06-2025

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2025/0417, LAND ADJACENT TO SYCAMORE HOUSE, WREXHAM ROAD - A534, HOLT, WREXHAM, LL13 9YU

OUTLINE APPLICATION FOR ERECTION OF UP TO 39 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) / OUTLINE APPLICATION FOR ERECTION OF UP TO 39 DWELLINGS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED)

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.

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

Report 'Air Quality Assessment, Wrexham Road, Holt', Reference: 5784r1 Date: 12th August 2022. has considered the air quality during the construction and operation phases:

Construction: The report has followed the guidance to determine that there is likely to be some impact from construction and demolition dust on nearby receptors without mitigation. The report then confirms that the mitigation recommended by the institute of air quality management have been incorporated into a site plan (table 18). These conclusions are accepted and I recommend that these be required by condition on any planning permission.

Operational: The report has modelled the impact of the pollutants associated with traffic on the future residents of the proposal and demonstrated that the predicted levels fall well short of the regulatory limits in each case. These findings are accepted and therefore this section has no objection to this proposal on the basis of air quality.

Report: 'Noise Constraints Assessment, Wrexham Road, Holt' Reference: 50-256-R1-3. Date: June 2022 by E3P has identified road traffic from the A534 as the principle noise source that could impact the proposal.

The report has concluded that the site falls within Noise Exposure Categories (NEC) B & C both during the day and night of Technical Advice Note (TAN) 11. These are defined as:

NEC B = Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.

NEC C = Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

The properties closest to the A534 are those that are within NEC C. It will therefore be a matter for Planning to decide whether to support this application in its current design.

The report has also considered the internal noise levels of the properties in accordance with BS8233 and determined that the properties adjacent to the A534 will exceed the permissible levels and as such mitigation is required, but has confirmed that due to the outline nature of this application a detailed assessment is not possible. However, it has confirmed that standard double glazing will be insufficient. The report has modeled that with openable windows the limits in BS8233 will not be met on at least one façade during the day and or night of each plot and as such has advised that a whole dwelling ventilation system will be required. In the event that this outline application is approved I recommend that details of how the internal noise levels will be achieved in accordance with BS8233 accompany any full planning application. I would also recommend that the advice of building control be sought in relation to overheating for any proposed ventilation systems.

BS8233 also provides a standard for external amenity areas of 50 dB. This limit can be raised to 55 dB but would require justification as the why the lower limit cannot be achieved as has been correctly stated in the report. Any full planning application should confirm how this limit will be met with mitigation being required along the A534.

Due to the outline nature of this application and therefore the limited mitigation details this section is unable to say that if this outline application be approved whether mitigation will provide acceptable levels of noise mitigation.

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Head of Service Public Protection