

From: Gerry Kellett
Sent: 12 April 2024 10:38
To: Gwyn Humphreys
Cc: Ian Stone; Bob Locker
Subject: Re: P/2023/0846 - Chapter Court, Wrexham

Thank you for your response this afternoon.

I cannot understand why you *'query whether Real Planning's Cover Letter would alter the comments of the Contaminated Land and Public Protection Officers'*. See my response to this matter below.

This is the very reason I have continually asked for a meeting to discuss these responses - to ensure that you have the required information to consider the proposal favourably and that my clients do not have any time-consuming 'pre-commencement' conditions.

Unfortunately, the delay in dealing with this application has now meant that the aim of my clients, and that of the Authority, to be open for the Summer, has been missed.

I have already explained that all these issues were dealt with by Sharon Holman through the determination of the earlier application and whom I met to discuss this current application prior to submission. For clarity and completeness, it was agreed to submit the original supporting professional documents and I would be grateful if you would consider the following:

Contaminated Land response [dated 18/12/2023]

Re Electrical sub-station, the Officer states:

*"Further to previous discussions on this matter in relation to P/2020/0007 and P/2021/0076, **if** the proposed development involves demolishing and re-locating the electrical sub-station it will be necessary to condition any future consent to ensure that any potential contamination issues are adequately dealt with."*

It continues to suggest 'pre-commencement' conditions in relation but they are only required if the electrical sub-station is to be demolished, which it is not.

Real Planning's Covering Letter clearly states:

*"You will see below that the proposed changes to the Courtyard area are relatively minor although there is **one major difference in that there is now no demolition and relocation of the electrical sub-station.**"*

Public Protection response [dated 21/12/2023]

Dust Management

The response recommends a 'pre-commencement' condition seeking the submission of a Dust Management Scheme **but does not appreciate that a Dust Management Report was submitted with the application.** Not only that, the Officer seems unaware of the existing permission, which, in recognition of the same submitted Dust Management Report, has a 'compliance' condition as follows:

Condition 10 *The dust mitigation measures contained within the Dust Management Report Ref: AS-19-1170-RPT-01 Rev 0, dated 14/10/2019, approved as part of this application shall be fully implemented for the entire duration of the construction phase.*

Noise

The Officer refers to the close permitted residential properties on Hope Street and that noise will be a significant planning consideration. That was certainly the case when considering the initial, now permitted, proposal. The subsequent discussions with the then Case Officer [Sharon Holman] in liaison with Public Protection resulted a two 'compliant' conditions, as follows:

Condition 5 *The rating level of any noise generated by air handling plant associated with the development shall not exceed:*

** Daytime (07:00 to 19:00) 40 dBA LAeq at 1m from any Noise Sensitive Premises*

** Night Time (23:00 to - 07:00) 35 dBA LAeq at 1m from any Noise Sensitive Premises*

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.

Condition 6 *The rating level of any entertainment noise generated by the development shall not exceed:*

** Daytime (07:00 to 19:00) 35 dBA LAeq at 1m from any Noise Sensitive Premises*

** Daytime (07:00 to 19:00) 35 dBA LAeq at 1m from any Noise Sensitive Premises at 63 Hz*

** Night Time (23:00 to - 07:00) 20 dBA LAeq at 1m from any Noise Sensitive Premises.*

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 attachment of these two 'compliant' conditions should result in the surety required to control any noise affecting the occupiers of the above-mentioned residential properties.

As you are aware, I have been asking for clarity upon the issues raised by the Land Contamination and Public Protection Officers since my first email in January this year and since receipt of Real Planning's Covering Letter which clearly explained the detailed background to the current proposal and its relation to the earlier consent. In addition to the Covering Letter, in a number of emails I gave further detailed explanations referencing how and why both Officers have not understood the current proposal.

As you can understand we have been trying to work with you in achieving a favourable decision but also, as I referred to earlier, one that does not come with time-consuming 'pre-commencement' conditions.

Ventilation Extraction

This leads me on to the issue of Public Protection's suggestion of 'details for ventilation for the dispersal of cooking smells and the suggested 'pre-commencement' condition ZP03. Another reason why I wanted to speak to you as there are a number of ways of dealing with the issue without having the said condition relating to the whole scheme.

Presently, the proposed scheme only identifies one internal area where such a condition would be appropriate – looking at the submitted Proposed Courtyard GA Plan and the Key [06], I refer to the ‘Interior food vendor units within the previous freezer block’. We now intend changing this to the ‘sale of beverages’ only and a revised Proposed Site Plan will be with you shortly. The other suggested food vendor units are all external. Consequently, there will no longer be a need for condition ZP03.

I should be grateful for your comment upon the above at your earliest convenience, together with a list of any further concerns you may have with my client’s proposal. A meeting is still my preference negating time-consuming emails on both sides.

Kind Regards.
Gerry

Gerry Kellett MRTPI

