

MEMORANDUM



From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2020/0561

Date: 16-10-2020

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2020/0561, DISUSED ACCESS ROAD OAKFIELD COURT NEW BROUGHTON WREXHAM

**CAIS AMLINELLLOL (GYDA"R HOLL FATERION WEDI"U CADW) AR GYFER CODI UN ANNEDD AC UNED STORIO /
OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLING AND A
STORAGE UNIT**

A25N - DUST MANAGEMENT ADVICE (SCHEME NOT REQUIRED BY CONDITION)

The Applicant is advised that under the Environmental Protection Act 1990, 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 Planning & Regulatory Department on 01978 292 040 for further advice and information.

ZP05 - NOISE GENERATION - BS4142 REQUIRED

The preapplication makes reference to a commercial unit with associated storage without providing any details as to the intended use of this part of the proposal. In the event that it is intended for a commercial operation:

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.

A22NA – CONSTRUCTION / DEMOLITION SITE 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 292 040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

A23N - BURNING OF WASTE ADVICE

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 such a 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 Planning & Regulatory Department on 01978 292 040 for further advice and information.

ZP04 - AIR HANDLING / EXTRACTION PLANT BS4142 ASSESSMENT

The preapplication makes reference to a commercial unit with associated storage without providing any details as to the intended use of this part of the proposal. In the even that it includes air handling plane I recommend the following condition:

The rating level of any noise generated by air handling plant associated with the 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.

Environmental Protection - No Comments

The preapplication makes reference to a commercial unit with associated storage without providing any details as t the intended use of this part of the proposal. In the even that it is intended for a commercial operation I recommend that hours of operation be restricted (including delivery times) so as to protect the amenity of nearby residents.

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Head of Planning and Regulatory