

MEMORANDUM



From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2020/0007

Date: 29-01-2020

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2020/0007, CHAPTER COURT BETWEEN ARGYLE STREET HOPE STREET QUEEN STREET AND RHOSDDU ROAD

CHANGE OF USE TO MIXED USE DEVELOPMENT (CLASSES A1, A2, A3, D1, D2 AND B1), DEMOLITION AND RELOCATION OF ELECTRICAL SUB-STATION, PROVISION OF EXTERNAL ENTERTAINMENT AREAS AT GROUND FLOOR LEVEL AND EXTERNAL BREAKOUT AREAS AT FIRST FLOOR LEVEL, AND CONSTRUCTION OF NEW ACCESS ARRANGEMENTS

Environmental Protection

ZP03 - (ODOUR) KITCHEN EXTRACTION DETAILS REQUIRED

No part of the premises shall be used for a purpose falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, re-enacting that Order with or without modification), until an extraction system, which contains a functioning fumes / odour filtration mechanism has been installed in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority. The equipment installed shall thereafter be permanently retained and operated and maintained in accordance with the manufacturer's instructions.

ZP04 - AIR HANDLING / EXTRACTION PLANT BS4142 ASSESSMENT

The rating level of any noise generated by air handling plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) 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.

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 Environment and Planning Department on 01978 292040 for further advice and information.

ZP06 - PROTECTION OF AMENITY FROM NUISANCE

All works in relation to the implementation of this permission, including deliveries to and/or leaving the site, shall 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.

01 - MUSIC NOISE CONDITION

MUSIC NOISE CONDITION

OPERATIONAL PHASE

This development and change of use has the potential to cause disturbance to near by residential properties by way of noise. A noise restriction should therefore be included in any permission that may be granted. I would recommend that the following condition should be incorporated into any planning condition that may be granted:

CONDITION:

No part of the development shall commence until a scheme of noise insulation and attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The measures as are approved shall be fully implemented in strict accordance with the scheme prior to first use of the development and shall thereafter be retained as such.

The scheme shall have regard to the following:

1. The noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured 1 metre from any facade of any noise sensitive premises over any 5 minute period with entertainment taking place shall not increase by more than 3dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place.
2. The unweighted equivalent noise level (Leq) in the 63Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any 5 minute period with entertainment taking place, shall show NO increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.
3. No sound emanating from the establishments should be audible within any noise sensitive premises between 23.00 and 07.00 hours.

ADVICE TO APPLICANT:

The applicant should seek advice from a suitably qualified and competent acoustic consultant with regard to achieving the requirements of this condition.

ZP07 - TAN11 NOISE SURVEY REQUIRED (TO BE SUBMITTED)

Given that the stage / television area is not enclosed, it is likely that the residential properties at 35 Hope Street that overlook the proposed development will be subject to noise nuisance. The submission of a noise survey is therefore required prior to determination of this application.

The noise survey shall determine noise levels for both day and night, and provide a detailed report of the survey findings together with a detailed scheme of noise attenuation and / or noise insulation measures, having regard to Planning Guidance (Wales), Technical Advice Note (TAN) 11 – Noise.

In the absence of this report, I recommend that planning permission is refused.

A24N - DUST MANAGEMENT SCHEME (SCHEME REQUIRED BY CONDITION)

The dust management proposals outlined in the document "Dust Management Report Ref AS-19-1170-RPT-01 Rev 0" by Richard Andrews Architects dated 14 October 2019 are accepted and I recommend the inclusion of a planning permission implementing the requirements of sections:

4.0 Construction Dust Mitigation Measures

5.0 Construction Dust Monitoring Strategy

A21N - EPA 1990 NOISE NUISANCE ADVICE

The applicant is advised that compliance with condition no. @@ does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

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Head of Planning and Regulatory