

MEMORANDUM



**From: Ian Jones Public Protection
Service Manager**

**To: David Williams Planning
Control Manager**

Our Ref:

Your Ref: P/2020/0051

Date: 03-02-2020

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2020/0051, BRYMBO IRON AND STEELWORKS HERITAGE CENTRE NEW HIGH STREET BRYMBO WREXHAM

CHANGE OF USE TO D2 VISITOR AND INTERPRETATION CENTRE TO INCLUDE RENOVATION WORKS TO THE AGENTS HOUSE AND PATTERN SHOP, CREATION OF STAGE AREAS, CIDER BREWERY AND WC FACILITIES

Environmental Protection

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.

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.

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.

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 Environment and Planning Department on 01978 292040 for further advice and

information.

01 - MUSIC NOISE CONDITION

The use of the stage has not been defined in the application. I therefore recommend the inclusion of the following condition should it be determined that music will be performed there.

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 establishment should be audible within any noise sensitive premises between 23.00 and 07.00hours.

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.

.....

Head of Planning and Regulatory