

MEMORANDUM



From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2019/0598

Date: 06-09-2019

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2019/0598, EAST OF THE FIRE STATION LAND AT GUTTER HILL JOHNSTOWN WREXHAM

PROPOSED COMMERCIAL / INDUSTRIAL DEVELOPMENT FOR B1 AND B8 USE

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.

A22N - Construction Noise

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. Failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Environment and Planning Department on 01978 292040.

ZP01B - Contaminated Land - Phased Investigation

It is noted that the proposed development is within the vicinity of historical industrial works known as Gittins Yard and Aberderfyn Works. In light of the above comments it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following conditions and note to applicant be applied to any future consent that may be granted.

Conditions

No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

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.

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.

ZP05 - NOISE GENERATION - BS4142 REQUIRED

The following noise condition should be applied to each individual unit:

The rating level of any noise generated by reason of this 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.

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.

ZP02A - Verification Report - Contaminated Land

Each part of the site subject to the remediation under the scheme(s) approved as part of condition @@ shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

A11NA - SITE CONTAMINATION

Further advice on compliance with condition no. @@ may be obtained by contacting the Council's Environmental Protection Team on 01978 298989 or contaminatedland@wrexham.gov.uk. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Environmental Protection Team prior to commencement of works on site.

Environmental Protection - No Comments

For B8 usage the noise mitigation measures detailed in the Conclusions and Recommendations Sections of the A B Acoustics Noise Report should be required by condition in any permission that may be granted.

.....

Head of Planning and Environment