

MEMORANDUM



From: Ian Jones Public Protection
Service Manager

To: David Williams Planning
Control Manager

Our Ref:

Your Ref: P/2019/0144

Date: 06-03-2019

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2019/0144, 86 ERDDIG ROAD WREXHAM LL13 7DP

VARIATION OF CONDITION NO. 1 IMPOSED UNDER APPEAL DECISION REF: APP/H6955/A/17/3166742 (PLANNING REF: P/2016/0783) TO CHANGE OCCUPATION FROM 8 NO. RESIDENTS IN 8 NO. SINGLE BEDROOMS TO ALLOW THE PROPERTY TO BE LET AS 7 NO. DOUBLE BEDROOMS (MAXIMUM NO OF 14 RESIDENTS)

Contaminated Land

No Comments

Environmental Protection

ZP06 - PROTECTION OF AMENITY FROM NUISANCE

It is not clear from the application whether any construction works will be needed as part of the development. Should this turn out to be the case and given the proximity of nearby residences I recommend the inclusion of the following condition.

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.

A22N - Construction Noise

It is not clear from the application whether any construction works will be needed as part of the development. Should this turn out to be the case and given the proximity of nearby residences I recommend the inclusion of the following condition.

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.

A23N - BURNING OF WASTE ADVICE

It is not clear from the application whether any construction works will be needed as part of the development. Should this turn out to be the case and given the proximity of nearby residences I recommend the inclusion of the following condition.

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)

It is not clear from the application whether any construction works will be needed as part of the development. Should this turn out to be the case and given the proximity of nearby residences I recommend the inclusion of the following 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.

A21N - EPA 1990 NOISE NUISANCE ADVICE

It is not clear from the application whether any construction works will be needed as part of the development. Should this turn out to be the case and given the proximity of nearby residences I recommend the inclusion of the following condition.

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.

Housing Standards

Housing Standards would have no objections to this planning application provided the owner ensures he/she make an application for a variation of the current HMO licence prior to the property becoming occupied by additional residents.

The owner must also ensure that they comply with the Rent Smart Wales Scheme being registered and/or licensed as necessary. Further information on Rent Smart Wales is available at <https://www.rentsmart.gov.wales/en/>

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Head of Planning and Environment