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COUNTY BOROUGH COUNCIL
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MEMORANDUM

From: **Roger Mapleson**
Head of Service Public Protection

To: **Matthew Phillips**
Head of Service Planning Development

Our Ref:

Your Ref: **P/2026/0592**

Date: 28-10-2026

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2026/0592, LONDON HOUSE, WELL STREET, CEFN MAWR, WREXHAM, LL14 3AE

NEWID DEFNYDD ADEILADAU O DDOSBARTH A1 (SIOP) I DDOSBARTH C3 (ANNEDD) I GREU 3 FFLATIAU / CHANGE OF USE OF BUILDINGS FROM CLASS A1 (SHOP) TO CLASS C3 (DWELLINGS) TO FORM 3 APARTMENTS

RPT 2 - REPORT REQUIRED

(WCBC 53)

The proposed development represents the introduction of noise-sensitive residential accommodation within an established mixed-use area where existing commercial activities are operating in close proximity to the site. Insufficient information has been submitted to demonstrate that future occupiers would be afforded an acceptable standard of residential amenity in respect of noise, or that existing neighbouring businesses would not be adversely affected by the introduction of new sensitive receptors.

The Local Planning Authority should have regard to the Agent of Change principle, whereby responsibility for mitigating the effects of existing noise-generating activities falls upon the incoming development rather than established businesses.

Accordingly, Public Protection recommends that the applicant submit a Noise Impact Assessment, prepared by a suitably qualified acoustic consultant, prior to determination of the application.
The assessment should identify and assess all relevant noise sources affecting the site, include representative daytime and night-time monitoring, assess the proposed development against recognised guidance including BS 8233:2014, and specify any mitigation measures necessary to achieve acceptable internal and external noise levels for future residents.

In the absence of a satisfactory Noise Impact Assessment, Public Protection is unable to conclude that the proposed development would provide an acceptable living environment for future occupants or comply with the objectives of TAN 11 in relation to noise-sensitive development.

INF23 - BURNING OF WASTE

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 the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

INF24 - DUST MANAGEMENT (SCHEME NOT REQUIRED BY CONDITION)

The Applicant is advised that under the 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 Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

INF22 – MINOR DEMOLITION CONSTRUCTION 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 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

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Head of Service Public Protection