

**REPORT OF THE CHIEF OFFICER PLANNING AND REGULATORY**  
**2<sup>nd</sup> DECEMBER 2019**

**APPLICATION NO:**  
P/2019 /0083

**LOCATION:**  
MAGELLAN AEROSPACE RACKERY  
LANE LLAY WREXHAM  
LL12 0NT

**DATE RECEIVED:**  
05/02/2019

**COMMUNITY:**  
Llay

**DESCRIPTION:**  
CONSTRUCTION OF 4 NO.  
CHIMNEYS REQUIRED IN  
ASSOCIATION WITH INTERNAL AIR  
HANDLING UNITS

**CASE OFFICER:**  
PF

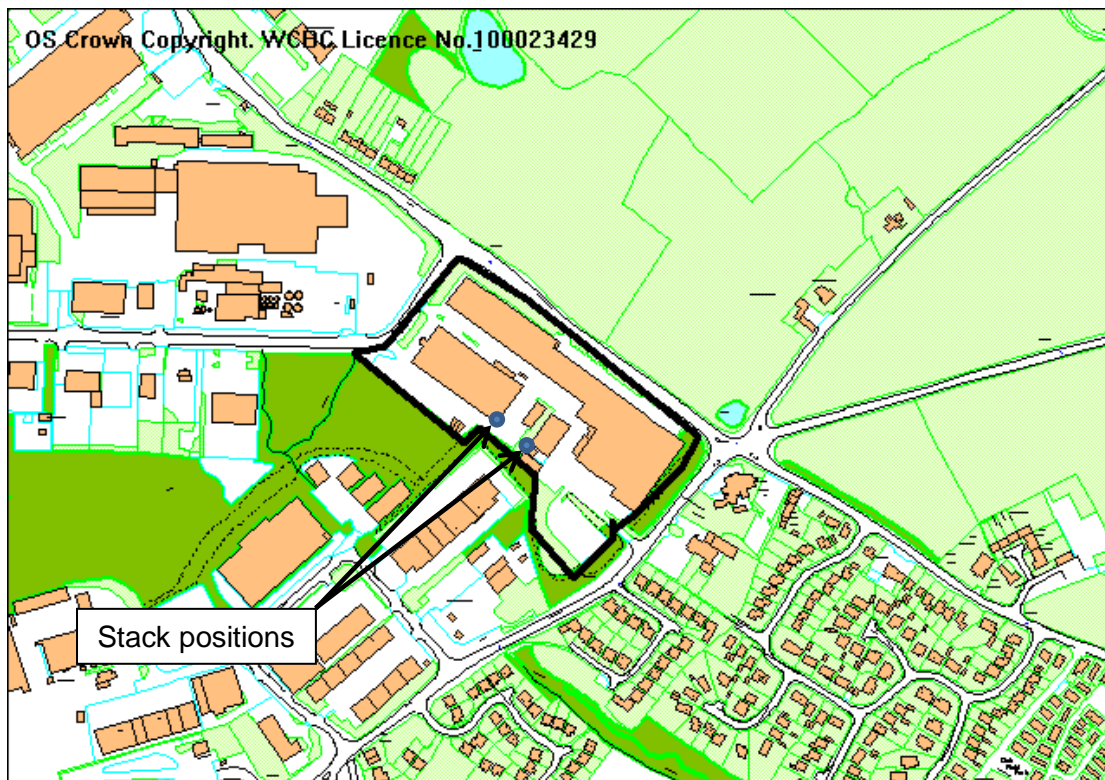
**WARD:**  
Llay

**AGENT NAME:**  
DATRYS  
MR THOMAS DOVE

**APPLICANT(S) NAME:**  
MR PATRICK GILLEN

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**THE SITE**



**PROPOSAL**

Planning permission is sought for the erection of 4 no. chimney stacks for air handling equipment associated with an internal factory process. The application is now being considered partly in retrospect.

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## **HISTORY**

CB00383 Extensions to existing factory. Granted 28.08.1996.  
CB02420 New factory building, offices and car parking facilities  
(In Retrospect). Granted 12.04.1999  
P/2003/0119 Extension to existing factory. Granted 12.03.2003  
P/2010/0440 Extension to existing factory. Granted 03.06.2010  
P/2010/1066 Extensions to existing factory. Granted 07.02.2011  
P/2013/0273 Extension to existing factory. Granted 01.07.2013  
P/2018/0152 Install ventilation and extraction ducting / stack, replace roller  
shutter door with cladding where ducting exits building  
(In Retrospect). Granted 09.04.2018

## **PLANNING POLICY**

The site is located inside the Llay settlement limit. Polices PS2 and GDP1 are relevant.

## **CONSULTATIONS**

Community Council:	Extension of time to make comments requested but no further comments were received.
Local Member:	Notified 08.02.2019
Site notice:	Expired 19.03.2019
Highways:	No recommendations.
Public Protection:	Consideration has been given to the applicant's noise assessment. The testing of the completed system is acceptable and compliance with standard noise level condition can be achieved.
Natural Resources Wales:	No objection.
Neighbouring occupiers:	16 neighbouring occupiers notified. One response received raising the following concerns: <ul style="list-style-type: none"><li>• There is insufficient information to demonstrate noise and emission impact from the proposed chimneys - this may impact workers or customers of the adjoining garden centre thus impacting upon the viability of the site;</li><li>• There is nothing to indicate that the noise report has been carried out by a competent person and it is brief;</li></ul>

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**SPECIAL CONSIDERATIONS**

**Policy:** The proposal forms part of an established industrial operation on an existing key industrial estate. The proposal is to install plant associated with an existing and upgraded internal process. I am satisfied that the principle of the development is acceptable in this location. The main issues for consideration are the impact of the development upon the amenity of the nearby noise sensitive properties.

**Noise:** The application was originally accompanied by a limited noise impact assessment. Public Protection initially commented that the report did not take into consideration the impact of the development upon the nearest noise sensitive properties and suggested that a standard noise condition be imposed providing protection to those properties.

As the development has now been completed, the applicant has been able to commission and submit a further noise assessment of the system in operation. This has demonstrated that the development can operate in accordance with the standard condition which seeks to protect the nearest noise sensitive properties. As a result of this, Public Protection have no objection to the proposal subject to the imposition of this condition.

**Odour:** I have no reason to believe that the proposed operation will result in changes to odour levels on or around the site that would be detrimental to the neighbouring occupiers. I am satisfied that the need for air removal stacks is for the purposes of an upgraded facility to meet new environmental and manufacturing standards. Any specific instances of increased odour, would be controllable through the statutory nuisance process under the Environmental Protection Act.

**Other matters:** The proposal forms part of an established industrial facility which has been extended and modified in the past. I am satisfied that the erection of the stack will be seen in the same context of this building and the wider industrial estate setting. Key views from The Straight Mile and Rackery Lane are unlikely to be harmed. For clarity, the stacks project approximately 3 metres above the ridge line of the building to which they relate.

**Conclusion:** I am satisfied that the applicant has provided sufficient information and justification to demonstrate that the impact of the stack installation will not be detrimental to the amenity of the nearby occupiers or that of the wider landscape character. On this basis I recommend accordingly.

**RECOMMENDATION:** That permission be GRANTED

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**CONDITION(S)**

1. The approved plans are those numbered 101 and CD 8866-05 and dated 5 February 2019.
2. 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 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial areas.

**REASON(S)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
  2. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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