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COUNTY BOROUGH COUNCIL
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MEMORANDUM

From: **Ian Jones**
Head of Service Public Protection

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

Our Ref:

Your Ref: **P/2025/0879**

Date: 12-12-2025

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1996

Re: P/2025/0879, RUABON RAILWAY STATION, STATION ROAD, RUABON, WREXHAM, LL14 6DL

NEWID DEFNYDD O SWYDDFA (DOSBARTH B1) I ANNEDD (DOSBARTH C3) A CODI WAL FFIN / CHANGE OF USE FROM OFFICE (CLASS B1) TO DWELLING (CLASS C3) AND ERECTION OF BOUNDARY WALL

RPT1 - REPORT REVIEW

The noise report accompanying this application (Environmental Noise Survey dated 5th November 2025 by noise.co.uk Ltd, Ref 23299-1 (R2)) has considered the noise environment at the proposal and carried out monitoring from the 3rd of October to the 7th October 2025 on both sides of the proposed development (i.e. the station side and the roadside). The report has considered the results in the context of Technical Advice Note (TAN) 11 where they fell within Noise Exposure Categories (NEC) B & C which are defined in the note as:

NEC B - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.

NEC C - Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

Furthermore, the comment is made than in the case of two of the three monitoring positions the maximum nighttime noise levels exceeded 82dB several times which is discussed in the TEN:

Night-time noise levels (2300-0700): sites where individual noise events regularly exceed 82dBLAmax (S time weighting) several times in any hour should be treated as being in NEC C, regardless of the LAeq,8H (except where the LAeq,8H already puts the site in NEC D).

The monitoring position where 82dB was not exceeded is the western side facing the road and so the least exposed to noise.

The report has also considered the noise levels in the context of BS8233 (Guidance on sound insulation and noise reduction for buildings) which details the noise levels that should be achieved in the habitable rooms and external amenity area. A recommendation has been provided for a glazing standard, separate for both sides of the proposal as well as a ventilation standard. Though this is caveat in that a professional opinion will be required to confirm compliance with Approved Document F. The recommended glazing and ventilation should achieve the internal noise levels required by BS8233.

However, it should be noted that there are, as quoted in the report Night-time LAFMAX exceeds 82dB several times. The plans show that one of the proposed bedrooms is located so that the rooms windows include facing the platform. It is likely that even with the proposed glazing and ventilation standards that these regular individual noise events can cause sleep disturbance. Which is acknowledged in BS8233. The world health organisation recommends that individual noise levels should not exceed 45 dB LAmax fast. The report has provided charts of the results of the three noise monitoring locations which suggest that this value will be exceeded several times with the proposed mitigation.

The report has also considered the noise levels in the proposed external amenity area and concluded that the recommended 50 dB or even the upper limit of 55dB will not be met. The report has correctly identified that these levels are desirable and if they cannot be met the lowest possible level should be achieved in areas where the development is considered **desirable.** The report has explained that no additional mitigation is being considered beyond that provided by the station building itself. As a consequence, the modeled levels are from 57.4 to 58.4 dB. As commented in the report there would be any expected notable difference detectable by the human ear between 55 and 58dB. However, no such caveat is given in BS8233.

Commentary:

The original planning application was refused based on disturbance from environmental noise (see P/2022/0459). The noise report that accompanied that application demonstrated that the proposed site fell within Noise Exposure Category (NEC) C of Technical Advice Note (TAN) 11. The noise report accompanying this application has confirmed the area is still within NEC C.

This is not refuted though the core caveat for NEC C has still not been addressed, namely a reason to permit the development such as to justify allowing a residential development in an environment where the recorded sound pressure levels would normally result in refusal.

The planning inspector supported the decision to recommend refusal for reasons detailed in the appeal decision.

This section's opinion remains unchanged in that our recommendation is for refusal.

However, if the Planning Department is satisfied that there are sufficient reasons to justify the development, given both the afore mention NEC C designation and the caveat in BS8233 to permit exceeding the external amenity guideline value. i.e. a desirable development area. I recommend a condition requiring a contractor be engaged to carry out testing of the installed acoustic attenuation works to demonstrate compliance with the standard and that occupation be prevented until the standard is met. I recommend that this specialist be advised to contact the Environmental Health and Housing Standards team to agree a scope of works prior to carrying out any assessment.

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.

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.

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Head of Service Public Protection