



THE TOWN AND COUNTRY PLANNING ACT 1990 (as Amended)

SECTION 78 APPEAL STATEMENT

WRITTEN REPRESENTATIONS

Condition 32

Unit 10, Land at Headley Road East, Woodley, RG5 4SN

Appellant: Goya Developments Ltd

LPA: Wokingham Borough Council

App Refs: 250823, APP/X0360/W/22/3306963

Date: October 2025

PRC Ref: 11359

Appeal Statement: Land Parcel at 476908, 173057
Unit 10, Headley Road East, Woodley



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1 Introduction

- 1.1 This Appeal Statement is submitted on behalf of Goya Developments Ltd (the Appellant) appealing Wokingham Borough Council decision to impose a planning condition (no.32) restricting the hours of operation at Unit 10 at Headley Road East, Wokingham.
- 1.2 This statement has been prepared by Chris Malone, Planning Consultant at PRC Architecture & Planning Ltd.
- 1.3 The appeal is for the following:
- i. Removal of Condition 32 from consent 250823 (granted at appeal, ref:APP/X0360/W/22/3306963 and as varied by Section 73 of Town and Country Planning Act 1990 (as amended) planning permission 242532.
- 1.4 This statement should be read alongside the following specialist statement:
- ACCON UK Expert Witness Statement for Noise (Ref.No.A5562/N/02 dated 13.10.2025).

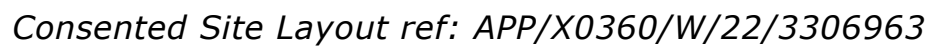
The Site & Surroundings

- 1.5 The site originally consented under appeal ref:APP/X0360/W/22/3306963, occupies 3.06ha of Brownfield land located south of Headley Road East and a plot of land south of Viscount Way (Units 9 and 10). It is at the southeastern side of the Headley Road East Industrial Estate. The site was previously occupied by Arlington Automotive and lies within the allocated and long-established Core Employment Area.

- 1.6 The industrial estate to the north of Headley Road East contains various industrial production, storage and retail businesses. Adjacent to the main site are the Gemini Road residential properties and to the west of the southern part of the site are Lilly May Court and Bakers Place residential properties.
- 1.7 Immediately to the west of the site are Travis Perkins and Delivered, with further industrial properties beyond these. There are no hours of operation or delivery restrictions attributed to these industrial units.
- 1.8 The consented appeal scheme proposed the demolition of existing buildings and redevelopment of the site for commercial development providing 10 units of flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, and landscape planting.
- 1.9 The site is accessed by Headley Road East to the north. The units on Viscount Way to the south (Units 9 and 10) are accessed through the main site with restrictions on vehicle movements (including Condition 10) from the appeal site using Viscount Way to and from the east (these restrictions do not apply to the industrial units to the west of the site). Immediately abutting the southern boundary of Units 9 and 10 are woodland trees and Vauxhall Park.

Consented Site Layout

- 1.10 The layout following is the final consented layout approved under appeal ref: APP/X0360/W/22/3306963 (also refer to Appendix 12):



2 Planning History

2.1 The planning history of the site is set out as follows:

2.2 The original application on the site was refused and subsequently approved at appeal as outlined below:

213106 - Full planning application for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings. – Application refused 10th June 2022.

APP/X0360/W/22/3306963 - The development proposed is the demolition of existing buildings and redevelopment of the site for commercial development for flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, and landscape planting. - Appeal allowed 22nd December 2023 (refer to Appeal Decision Appendix 1).

242532 - Application to vary condition 15 of planning consent 213106 (granted at appeal, ref:APP/X0360/W/22/3306963), for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings. Condition 15 refers to BREEAM details, and variation is to change the trigger for the condition to within 6 months of occupation. – Application permitted 28th November 2024 (refer to Decision Notice Appendix 3).

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250823 - Application to vary condition 32 of planning consent 213106 (granted at appeal, ref: APP/X0360/W/22/3306963), as varied by Section 73 of Town and Country Planning Act 1990 (as amended) planning permission 242532, for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings. Condition 32 refers to the timing of deliveries at units 9 and 10 and the proposal is to vary the condition to lift the restriction in respect of Unit 9 only. – Application permitted 9th May 2025 insofar as it removed the restriction for Unit 9 only (refer to Decision Notice Appendix 2).

3 Background Specific to the Hours of Operation and Associated Conditions

- 3.1 The appeal decision (refer to Appendix 1) included Condition 32 which stated:

"No deliveries shall be accepted or dispatched from Units 9 and 10 between 2300hrs and 0700hrs the following day."

- 3.2 The S73 application (ref: 250823) was submitted to remove Condition 32. The application included a Noise Impact Assessment Technical Note produced by ACCON Environmental Consultants UK (ACCON)(refer to Appendix 4). As part of the assessment, ACCON undertook a 24-hour noise measurement study in May 2024 and recorded traffic counts for an 18-day period to determine the existing ambient and background noise levels during the proposed extended operational hours. The assessment concluded that there would be 'no observed adverse effects' arising from the additional HGV movements expected and that therefore in line with the Noise Policy Statement for England the condition could be removed.
- 3.3 The S73 application received comments from WBC Environmental Health Officer (EHO) on 16th August 2024 (refer to Appendix 7) requesting further information. In response to these comments ACCON prepared a further Technical Note that was submitted to the Case Officer on 10th September 2024 (refer to Appendix 5).
- 3.4 In response to ACCON's second Technical Note the EHO raised further concerns regarding the proximity of the proposed units to Lilly May Court and the degree of uncertainty/ variety between predicted noise

levels and actual noise levels, siting concern for potential disturbed sleep of nearby residents and compliance of policy CC06 of the Wokingham Borough Managing Development Delivery Document (Local Plan) 2014 (refer to Appendix 8).

- 3.5 ACCON subsequently reviewed the EHOs concerns and provided a further response via email including further assessment of the measured and predicted noise levels from deliveries (refer to Appendix 9). The data showed that potential noise from deliveries would not result in noise disturbance to residents of Lilly May Court and that noise levels in bedrooms within bedrooms would be significantly below the night-time guideline level and therefore highly unlikely to result in sleep disturbance. ACCON concluded that the removal of the condition would be entirely in line with the Local Plan Policy CC06.
- 3.6 The EHO then suggested a meeting between the Council and ACCON to discuss their concerns. The meeting took place on 23rd October 2024 (refer to post meeting summary email exchange Appendix 10). The meeting concluded that the EHO agreed that the approach taken by ACCON was robust and that the analysis of predicted noise levels aligned with accepted British standards but there were still concerns about how the speculative units would be used in practice.
- 3.7 The EHO subsequently agreed that the operational restriction could be removed for Unit 9 only on the condition that an acceptable Noise Management Plan was submitted. An Operational Noise Management Plan was submitted on 28th November 2024 (refer to Appendix 6).
- 3.8 Further comments were received from the EHO requesting that a quiet closing mechanism be added to the manual entrance gate of Unit 9

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(refer to Appendix 11). This was responded to via the inclusion of a rubber block to the gate leaf which was accepted by the EHO.

- 3.9 The S73 application was discharged on 9th May 2025 with amended wording to remove the timings of delivery restriction in respect to Unit 9 only (Refer to Appendix 2 for Decision notice).

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4 Appeal Proposal

- 4.1 The appeal therefore seeks removal of Condition 32 lifting the delivery timing restrictions to Unit 10 as it is considered unnecessary, in the light of the information prepared by ACCON for the previous submissions and for this appeal (discussed in the Statement of Case section following).

5 Statement of Case

- 5.1 As the Inspector is aware, Paragraph 58 of the National Planning Policy Framework 2024 makes clear that planning conditions should only be sought where it meets all three of the following tests:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
- 5.2 The grounds for appeal that the appellant considers applies is that the condition imposed is not necessary (a) and therefore fails to meet all the three tests.
- 5.3 The Council's EHO, following the lengthy discussions undertaken and having reviewed ACCONs previous submissions, continued to raise concerns regarding the potential noise impacts from operations of Unit 10 on the nearest noise receptors at Lilly May Court.
- 5.4 ACCON's initial Noise Impact Assessment Technical Note (refer to Appendix 4) concluded that the predicted noise levels from delivery noise associated with Units 9 and 10 would be below the measured existing background noise level at Lilly May Court during the night-time period.
- 5.5 Furthermore, the report demonstrated that Viscount Way is already used by a high number of HGVs during the nighttime period not associated with Units 9 and 10 but the adjacent site accessed off West

Road that adjoins Viscount Way. There are no hours of use/ delivery restrictions or restrictions on the use of Viscount Way, on these adjacent commercial properties.

- 5.6 Condition 10 of consent 250823 directs all vehicles for the site to use the main site access from Headley Road East. As such, all vehicles for unit 10 will be approaching the unit through the main site and only using the very short section of Viscount Way from the exit of the main site to the access point of unit 10. This is contrary to the current access arrangements where Viscount Way has been used as an access road for the whole estate. Therefore, the new access arrangements will be a betterment and reduce vehicle movements on Viscount Way.
- 5.7 ACCON's report also highlighted that the World Health Organisation (WHO) provides guidelines on noise outside residential properties at night, stating that on average it should be less than 40dB(A). ACCON's initial predicted noise measurement surveys and the recent further survey to accompany this appeal statement predicts that nighttime noise levels from Unit 10 would be 32 dB LAFmax at ground floor level at Lilly May Court, and 34 dB LAFmax at first and second floor levels, considerably below the WHO's guidelines.
- 5.8 ACCON's second Technical Note (refer to Appendix 5) included further data that showed that potential noise from deliveries would not result in noise disturbance to residents of Lilly May Court and that noise levels in bedrooms within bedrooms would be significantly below the night-time guideline level. The note also demonstrated that the layout and height of the Unit 10 plot in relation to Lilly May Court and Bakers Place would provide significant shielding and act as noise barrier to the residential dwellings.

- 5.9 To accompany this appeal submission ACCON carried out further noise measurement surveys during September 2025 (refer to separate document submitted with the appeal) at Lilly May Court to monitor nighttime LAFmax events associated with traffic and other activity noise on a typical weekday. It concluded that there were already a high number of existing nighttime noises from the operations at the adjacent site.
- 5.10 Further analysis of predicted night time delivery noise levels from Unit 10 indicated that peak noise events would be significantly below the Professional Practice Guidance on Planning and Noise (ProPG) limit of 60dB LAFmax of noise externally and 45db LAFmax internally, with the survey demonstrating that predicted night time noise levels from Unit 10 would be 32 dB LAFmax at ground floor level at Lilly May Court, and 34 dB LAFmax at first and second floor levels.
- 5.11 Given the additional technical data provided in the ACCON report; the consented layout design of the proposed development and the already existing high frequency of night time noise from the existing neighbouring sites (that exceeds the ProPG limits) the appellant contends that Unit 10 will avoid any additional harm through noise impacts (internal or external, deliveries, dispatch or general movements) that warrants a restriction on the hours of operation as set out in Condition 32, is therefore compliant with Policy CC06 of the Wokingham Borough Managing Development Delivery Document (Local Plan) 2014, and as such can therefore be removed as it is unnecessary

6 Conclusions

- 6.1 This appeal seeks the removal of Condition 32 in its entirety.
- 6.2 The grounds for appeal for the removal of the condition under Section 73 is that it fails the first of the three tests set out in paragraph 58 of the NPPF 2024 in that it is not necessary to make the development acceptable in planning terms.
- 6.3 The separately submitted ACCON UK Expert Witness Statement for Noise demonstrates that there will be no undue impact by reason of noise on the nearest noise receptor (Lilly May Court) resulting from Unit 10.
- 6.4 The additional technical data commissioned for the appeal by the appellant in the lack of such data from the Council, demonstrates that there is already an existing high frequency of night-time noise events from the adjacent neighbouring sites operations and that predicted night-time noise levels from Unit 10 would be significantly less than ProPG and WHO's guidelines (32 dB LAFmax at ground floor level at Lilly May Court, and 34 dB LAFmax at first and second floor levels). Therefore, predicted night-time noise from Unit 10 at the nearest noise receptors (Lilly May Court) would cause no additional disturbance that warrants the inclusion of Condition 32.
- 6.5 The scheme layout consent also provides an orientation and height of Unit 10 which effectively screen the yard areas to these units reducing any undue noise impact to Lilly May Court.
- 6.6 Accordingly, the appellant considers that the requirement for Condition 32 is therefore unnecessary. Accordingly, the inclusion of Condition 32

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does not satisfy all the tests set out in Paragraph 58 of the NPPF, and its removal would not be contrary to Policy CC06 of the Wokingham Borough Managing Development Delivery Document (Local Plan) 2014.

6.7 Given the above, we respectfully request that the Inspector therefore allows the removal of Condition 32.