



Appeal Decision

Site visit made on 7 January 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Appeal Ref: APP/X0360/W/25/3374952

Land at Headley Road East, Woodley RG5 4SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by HE2 Reading 1 GP Limited against the decision of Wokingham Borough Council.
 - The application Ref 250823 was approved on 9 May 2025 and planning permission was granted subject to conditions.
 - The development permitted is 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.
 - The condition in dispute is No 32 which states that: No deliveries shall be accepted or dispatched from Unit 10 between 2300hrs and 0700hrs the following day.
 - The reason given for the condition is: mitigate noise disturbance impacts on residents of nearby properties.
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Decision

1. The appeal is allowed and the planning permission Ref 250823 for 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 County 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 at Unit 10, Woodley RG5 4SN granted on 9 May 2025 by Wokingham Borough Council, is varied by deleting condition 32 and substituting it for the following condition:

32. Prior to the first occupation of Unit 10 or within 24 hours of the use commencing, whichever comes first, a noise management plan for that unit shall first be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan should include:

Management Plan

- Site layout minimising noise breakout toward residential areas.
- Acoustic screening/barriers where appropriate.
- Plant and equipment noise controls:
- Specification and predicted noise levels for all fixed mechanical plant.
- Delivery and servicing noise protocols:
- Restrictions on idling, reversing alarms, and night-time activity.
- Complaint response protocol.
- Monitoring and review mechanism for ongoing compliance.
- Details of closing mechanisms on gates and external doors.

The approved noise management plan shall thereafter be implemented at all times that the respective building is in operation.

Preliminary Matter

2. The Council refers to the emerging Wokingham Borough Council Right Homes, Right Places Wokingham Borough Local Plan Update 2023 – 2040 Proposed Submission Plan (the Emerging Local Plan), currently at Regulation 22 stage. While the Council has indicated the weight to be attributed to the emerging policies, I have limited information on the emerging plan's status, including any interim findings or main modifications. This leaves uncertainty as to the degree to which the emerging policies may change. I have not been directed to any particular circumstances that indicate the emerging policies would fundamentally change the approach to the main issue in this appeal. Consequently, the Emerging Plan carries limited weight, and the primary policy consideration is the statutory development plan.

Main Issue

3. The main issue is whether the condition is reasonable and necessary in order to mitigate noise disturbance impacts on residents of nearby properties.

Reasons

4. The appeal proposal relates to Unit 10, which is a large industrial unit that has recently been constructed and is currently unoccupied. The appeal building is part of a larger development of industrial units that have unrestricted delivery hours. However, other units are generally located further away from residential properties as oppose to Unit 10 which is located closest to dwellings, notably those on Bakers Place and Lilly May Court. There are also existing industrial units nearby the appeal site.

5. The appeal has been accompanied by an Expert Witness Statement for Noise dated 07.10.2025 which contains updated noise surveys and information in relation to Unit 10 and the effect on neighbouring properties.
6. The key findings of the report were that there were 158 existing peak noise events in any one hour that exceeded 60dB across the night-time monitoring period as a result of existing operations on an adjacent site. The report found that the predicted night-time noise levels from delivery vehicles serving Unit 10 would be between 32 and 34dB, when measured from Lilly May Court which are the nearest noise receptors.
7. The Council's Environmental Health Officer has reviewed the latest information and considered that subject to certain measures, the removal of condition 32 is not expected to result in significant harm to residential amenities. Notwithstanding this, the Council maintain their concerns due to the properties that are in close proximity to unit 10 and the potential for the unrestricted use of Unit 10 to contribute to the existing peak noise events identified.
8. I acknowledge the closeness of nearby residential dwellings, however, the report demonstrates that noise levels would be much lower than the peak noise events and therefore even if slightly higher than those predicted they would be unlikely to reach the existing peak levels. Furthermore, the layout of the appeal site means that deliveries and unloading would be shielded from residential properties as the car parking area is between Units 9 and 10 meaning that deliveries and movements late at night and early in the morning are less likely to be noticeable.
9. The Council have proposed two conditions, both of which require a noise management plan for Unit 10 to be submitted to and approved by the Council which seeks to include measures to minimise noise to neighbouring properties. The noise management plan would ensure further measures to reduce noise to neighbouring occupiers and would provide the Council the ability to enforce any breach of the noise management plan, protecting the living conditions of neighbouring occupiers in the long term.
10. One of the Council's proposed conditions is for a temporary period of 12 months, however, based on the report submitted and information provided I see no reason why the unrestricted hours should only be granted for a temporary period. It is also noted that this is not what the appellant is seeking. The Council raise concerns about the accuracy of the information provided in the report, particularly as the use isn't taking place yet. However, while only predictions about the future use, I find the evidence robust and there is limited information for me to doubt the findings, and in any case the noise management plan would allow the Council to ensure that certain measures and noise levels are adhered to.

11. I therefore conclude that condition 32 is not reasonable or necessary in the interests of mitigating noise disturbance impacts on residents of nearby properties. I find no conflict with Policy CP3 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document January 2010 and Policy CC06 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan Enhancing the Borough's environment and character through exceptional development February 2014. Amongst other things, these seek to ensure that proposals that do not have detrimental impacts on amenities of adjoining land users and demonstrate how they have addressed noise impacts to protect noise sensitive receptors

Other Matters

12. Concerns have been raised in regard to rubbish being left on the road and grass verges, the safety of pedestrians crossing the road, drivers sleeping in vehicles and anti-social behaviour. However, these matters are outside the remit of the condition in dispute before me, instead, these matters would be controlled by other conditions or legislation.
13. I also note that there are concerns that drivers would speed, however, there is little evidence to suggest that this would occur and in case, this would be controlled by other legislation.
14. I note that concern has been raised with the operating hours of units one to eight and the Council closing the public consultation period early, however, these are not matters which are before me to consider as part of this appeal.

Conclusion

15. For the reasons given above I conclude that the appeal should succeed and the permission varied as set out above.

D Wilson

INSPECTOR