

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	241926
Site Address:	Land at Headley Road East, Woodley, RG5 4SN
Expiry Date:	28 March 2025
Site Visit Date:	7 October 2024
Proposal: 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.	

PLANNING CONSTRAINTS/STATUS

Contaminated Land Consultation Zone
Local Authorities
Affordable Housing Thresholds
Borough Parishes
Core Employment Areas
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Public Open Space
Tree Preservation Orders
Borough Wards
Landscape Character Assessment Area
Land Terrier
SSSI Impact Risk Zones
JCEB Preferred Waste Areas
JCEB Mineral Safeguarding Areas
Local Plan Update Submitted Sites

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP15 – Employment Development
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC06 – Noise TB11 – Core Employment Areas

	TB20 – Service Arrangements and Deliveries for Employment and Retail Use
Other	Borough Design Guide Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document

PLANNING HISTORY		
App. No.	Description	Decision & Date
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.	Refused 10/06/2022, appeal allowed 22/12/2023 (APP/X0360/W/22/3306963)
240116	Application for submission of details to comply with the following condition of planning appeal decision consent [APP/X0360/W/22/3306963 application 213106] dated [22/12/2023]. Condition 6), Contamination Risk Assessment and part discharge of condition 7), detailed remediation scheme following condition 6 assessment.	Split decision 20/02/2024
240014	Application for submission of details to comply with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 3 relates to a building recording document, condition 4 to a Construction Method Statement and condition 5 to a Construction Environmental Management Plan (CEMP).	Approved 28/03/2024
240497	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 11 relates to external materials.	Approved 16/04/2024
240277	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated	Approved 10/05/2024

	22/12/23. Condition 21 relates to details of biodiversity enhancements.	
240601	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 12 relates to tree protection works.	Approved 21/05/2024
240629	Application for submission of details to comply with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 8 relates to road and footway construction details, condition 9 to details of vehicular accesses and condition 10 to a scheme for highway signage.	Approved 24/06/2024
241291	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 6 relates to contamination, condition 7 to remediation and condition 29 to unexpected contamination.	Approved 27/06/2024
241657	Application for submission of details to comply with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 4 relates to a Construction Method Statement and condition 5 to a Construction Environmental Management Plan (CEMP).	Approved 23/08/2024
242532	Application to vary condition 15 of planning consent 213106 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	Approved 27/11/2024

	change the trigger for the condition to within 6 months of occupation.	
242800	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 24 relates to installation of an acoustic barrier.	Approved 20/12/2024
242938	Application to vary condition 30 of planning consent 213106 for the 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. Condition 30 refers to Hours of Work and the variation is a temporary extension to increase the hours of construction/demolition to between 0800hrs and 2300hrs, Monday to Friday, retaining operation hours of 0800hrs to 1300hrs on Saturdays, and at no time on Sundays or on Bank Holidays.	Refused 12/03/2025
243164	Application for submission of details to comply with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 16 relates to parking; 18 to EV charging points; 22 to an external lighting scheme and 25 to boundary treatments.	Approved 26/02/2025
250240	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 13 relates to existing vehicular accesses.	Approved 25/02/2024
250306	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated	Under consideration.

	22/12/23. Condition 26 relates to details of interpretive heritage boards.	
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CONSULTATION RESPONSES

Internal

WBC Environmental Health – no objection.

External

None consulted

REPRESENTATIONS

Woodley Town Council	The following comments were provided on 28 August 2024 in the first tranche of consultation carried out on 30 July 2024: <i>The Planning & Community Committee have considered this application and wish to object to the proposal. They noted the condition was implemented by the Planning Inspectorate to protect neighbouring properties from noise overnight, and they see no valid reason to remove this condition.</i> A second round of consultation was carried out (5 December 2024) following the amendment to the description (removing Unit 10 from the proposed relaxation of permitted hours); the following comments were provided on 11 December 2024: <i>The Planning & Community Committee have considered this application and wish to objection to the proposals based on the unacceptable impact it will have on neighbouring properties during the hours of 11pm to 7am. The Committee noted that the Planning Inspector imposed the restriction on vehicle movements between 11pm and 7am and do not believe there is any justification in the application to remove this condition. Properties in neighbouring roads already have to cope with high levels of vehicle movements during the night due to the industrial site, and increased levels is unneighbourly, increases noise pollution, and provides an unacceptable impact.</i> (<u>Officer comment</u>: when assessing proposals for variation of a condition it is not necessary for the application to provide a valid reason to justify the application. All that the Local Planning Authority can consider is whether it has been demonstrated that the condition continues to meet the required tests outlined in paragraph 57 of the NPPF. This is considered this report.)
Ward Member(s)	Councillor Alex Freeney provided the following comments on 17 August 2024:

	<i>In the event that this application is recommended for approval, I would like it reported to the planning committee for the following reasons:</i> <i>Residents were not made sufficiently aware about the environmental impact of the haulage depot and some would not have moved there if they had known.</i> <i>You can literally taste fumes in the air, residents have to keep their windows closed during the day and it presents a very clear and obvious health hazard. Several children have developed asthma as young as 3 years old because of the pollution.</i> <i>It is claimed that the noise impact would be kept to a minimum with only 100 lorries per week but this seems very unlikely. At the very least, I'd like to see a further condition put in place which holds them to this 100 number.</i> <i>Condition 32 was put in place to reduce the impact of the above. I don't see what the point of putting such a condition in place is if it can be taken away a few years later. It's just dishonest and the council ought to take some responsibility for this deception</i> Following this, further comments were provided on 22 August 2024: <i>In the event that this application is recommended for approval I would like it reported to Planning Committee for the following reasons:</i> <i>Residents were not sufficiently made aware about the environmental impact of the depot; many would not have moved there if they had known lorries would be passing through 24 hours of the day. The council ought to take responsibility for this deception.</i> <i>You can literally taste fumes in the air and residents have to keep their windows closed to prevent dust coming in. Several young children have developed asthma as young as 3 years old because it presents a public health hazard.</i> <i>Lawyers have claimed that there will be 100 lorries per week and that noise will stay below the decibel limit but this seems highly unlikely. At the very least, I would welcome a further condition that holds them to this figure.</i> <i>To be clear, I am listing this to the planning committee as a councillor.</i> <u>(Officer comment:</u> the application site falls within an area designated in the Core Strategy (adopted 29 January 2010) as a Core Employment Area of "Headley Road East (Woodley Airfield)", i.e. an area where development for business, industry or warehousing, including expansion or intensification of uses, is permitted. This was recognised in the officer report and on policies map when the planning
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	permission for development of the neighbouring site for residential use was granted on 2 April 2015. Unfortunately, no evidence has been presented to demonstrate that health conditions are associated with residence in vicinity to Core Employment Area, however, in any event, the Planning Inspector agreed that the exceedance in particulate and No₂ concentrations would be minimal and within acceptable limits. The inspector also considered the volume of traffic generated as a result of the scheme and considered that it would likely be lower than what one could expect from a fully operational use in then-existing buildings. Therefore, an imposition of a condition restricting the number of lorries per week was not considered reasonable; moreover, the current application does not seek to increase the floor space of the consented scheme, therefore no increase in the number of vehicular movements is anticipated in comparison to the scheme considered by the Inspector. Therefore, a condition to restrict vehicular movements would not meet the reasonability test contained in paragraph 57 of the NPPF. Throughout the application process, officers have engaged with Councillor Freeney via email correspondence and meetings to discuss the proposals and subsequent amendments. The proposed changes – specifically, the lifting of restrictions for Unit 9 only – have been acknowledged by the Councillor. However, following the changes to the scheme, the request for referring the application to the Planning Committee has not been substantiated with material reasons for the request, as required under Section 8.1.1(m) of the WBC Constitution. As such, the application is determined under delegated powers.)
Neighbours	The application was first consulted to neighbours on 30 July 2024. 24 responses were received (excluding duplicate comments). The second tranche of consultations was carried out on 5 December 2024 following an amendment of the proposal description (now requesting the removal of restrictions in respect of unit 9 only). 25 responses were received (excluding duplicate comments). Taken both consultations together, residents' comments raised the following issues: • Increase in traffic and related safety concerns (<i>Officer comment:</i> the number of vehicular movements generated by the approved scheme is associated with the proposed floorspace, which is not changing as part of the proposal. The impacts on highway have been assessed as part of application 213106 and deemed acceptable subject to conditions.) • Effect on property value

	(<i>Officer comment:</i> Effect on property value is not a relevant planning consideration.) • Increase in noise levels and resultant impact on health and wellbeing (<i>Officer comment:</i> Impact on the levels of noise has been assessed and as a result of concerns raised by officers, the proposal was amended to apply in respect of Unit 9 only.) • Noise pollution including sleep disturbance (<i>Officer comment:</i> Following negotiations with the applicant, a detailed scheme for noise management has been submitted and is acceptable. Therefore, no concerns arise in terms of unacceptable level of noise impact, as outlined in the report below.) • Need to install traffic calming measures (<i>Officer comment:</i> The suggestion to install traffic calming measures falls outside the scope of this application to vary a condition on the existing planning permission.) • Roads are unsuitable for HGV traffic (<i>Officer comment:</i> As outlined by the Inspector in the appeal decision notice, “<i>The quality of roads in the vicinity of the site is also concerning to residents, but this is a challenge nationally and would not be a reason to resist the development, particularly considering my finding in relation to capacity</i>”. Similarly, the quality of roads is not a reason to resist the current application.) • Unit 9 will still be used for loading and unloading in relation to Unit 10 (<i>Officer comment:</i> there is no direct link that would allow access between Units 9 and 10. In any event, Condition 32 requires that no works are undertaken within the boundary of Unit 10. This would capture any potential transferring of cargo between units.) • Impact on wildlife (<i>Officer comment:</i> this comment is not relevant to the current application.) • Impact on community (<i>Officer comment:</i> it is not clear what this comment relates to. Please see above in relation to concerns raised in respect of noise.) • Lack of proper consultation (<i>Officer comment:</i> the application has been consulted to residents in July and December 2024, which is evidenced in the volume of consultation responses received.) • Parking restrictions should be imposed on Viscount Way
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	(<i>Officer comment:</i> parking provision/restrictions are not relevant to the current planning application.) • Vibrations (<i>Officer comment:</i> this comment is not relevant to the current application) • Site should be converted to residential instead (<i>Officer comment:</i> this is not a relevant consideration.) • Data in reports does not distinguish between residential and HGVs vehicle movements (<i>Officer comment:</i> data submitted has been examined by the WBC Environmental Health Officer insofar as relevant to the proposal. Concerns have been raised about the proposal overall, however, these have subsequently been adequately addressed.) • Condition 32 is necessary as residential units were constructed first, therefore need to be protected from later development (<i>Officer comment:</i> the assessment of the proposal has been examined the impact of the proposal on the existing noise sensitive receptors, i.e. occupiers of residential units. Please see the report below.) • Impact on Viscount Way traffic (<i>Officer comment:</i> Condition 32 was imposed mitigate noise disturbance impacts on residents of nearby properties rather than impacts on highway network. The Planning Inspector did not consider that the level of vehicle movements generated by the scheme would be unacceptable.) • No evidence that deliveries could not be scheduled for the daytime (<i>Officer comment:</i> the Local Planning Authority cannot insist on evidence that it is impracticable or otherwise to arrange deliveries during day. The application is required to demonstrate that the proposal would not result in unacceptable impact. This has been demonstrated as outlined in the report below.) • Prediction of meeting WHO guidelines relating to acceptable levels of noise lacks transparency and is overly precise. Noise Act 1996 states the standard of no more than 4 dBA at night (<i>Officer comment:</i> The WBC Environmental Health Officer requested an updated noise impact assessment in line with the appropriate standards. This has been submitted. As a result of concerns were raised, the applicant amended the proposal and no longer seeks the amendment in respect of Unit 10. Based on the additional mitigation measures proposed, no concerns are raised in terms of noise impacts.)
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APPRAISAL

Proposal

1. This is an application made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) (TCPA) for the variation of the trigger within which details are required to be submitted to the Local Planning Authority for approval pursuant to Condition 32 of planning permission 213106 granted at appeal APP/X0360/W/22/3306963, dated 22nd December 2023 (as varied by Section 73 planning permission 242532).
2. Section 73 of the Town and Country Planning Act 1990 (as amended) gives Local Planning Authorities powers to make a material amendment to planning permissions by varying or removing conditions associated with that planning permission. There is no statutory limit on the degree of change permissible to conditions under Section 73 applications, but the change must only relate to conditions and not to the operative part of the permission. The Local Planning Authority can grant a permission under Section 73 application unconditionally or subject to different conditions, or they can refuse the application if it decides that the original conditions should continue. The effect of an application under Section 73 is the issue of a new planning permission sitting alongside the original permission, which remains intact and unamended.
3. The operative part of planning permission 213106 is contained within the description of development which states: *"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."* The current application seeks to amend the wording of Condition 32 of planning permission 213106 (as varied by 242532) and it does not seek to amend any of the elements comprised in the operative part of the planning permission 213106 (as varied).
4. Condition 32 of planning permission 213106 (as varied) states:
"No deliveries shall be accepted or dispatched from Units 9 and 10 between 2300hrs and 0700hrs the following day."
The reason for imposing Condition 32 was to mitigate noise disturbance impacts on residents of nearby properties.
5. The National Planning Policy Framework was last updated on 12th December 2024, i.e. following the grant of planning permission 213106 and the subsequent Section 73 planning permission 242532. Officers have had regard to the most recent version of the NPPF and note that NPPF policies material to this application have not fundamentally changed. And as such, the Local Plan policies remain up to date for the purpose of assessing this proposal.
6. Officers note that the Council is currently updating its Local Plan. The development plan remains as it was at the time of determination of both the appeal and s73 application 242532. The Local Plan update is at an early

stage having been submitted to the Planning Inspector for examination on 28 February 2025. Therefore, the main considerations are how the proposed changes to Condition 32 affect the assessment of the proposal against the current Local Plan policies and the NPPF.

Condition 32

7. Condition 32 was imposed to mitigate noise disturbance impacts on residents of nearby properties. Residential properties in closest proximity to Unit 9 are located at Lily May's Court and Millers Grove/Bakers Place (approximately 73m to the west of western elevation of Unit 9).
8. The current application originally sought removal of Condition 32 in its entirety (i.e. in respect of Unit 9 and 10), however, as a result of concerns raised by officers, the applicant is no longer seeking the lifting of the restrictions imposed by this condition in respect of both Units – the proposal is now to lift the restrictions in respect of Unit 9 only.
9. The Wokingham Core Strategy does not have a specific policy dedicated solely to noise. However, CS Policy CP3: *General Principles for Development* states that planning permission will be granted for proposals that do not have detrimental impacts on amenities of adjoining land users. MDD LP Policy CC06: *Noise* further amplifies this by requiring that proposals demonstrate how they have addressed noise impacts to protect noise sensitive receptors from noise impacts. Where there are no adverse impacts, then noise is not a material consideration. It goes on to outline that where there is an adverse effect (Lowest Observed Adverse Effect Level ("LOAEL") to Significant Observed Adverse Effect Level ("SOAEL"), the adverse impacts should be mitigated. Where, despite the mitigation, adverse impacts are still identified, the proposal must be refused provided that the development falls within the SOAEL.
10. The current application was accompanied by the Noise Impact Assessment ("NIA") dated 28 June 2024, which concluded that based on the existing background noise levels and results of the traffic flow data survey, the proposal would result in No Observed Adverse Effect Level ("NOAEL") to LOAEL. The WBC Environmental Health Officer has reviewed the submission and raised concerns in a level of uncertainty involved in predicting data and dB penalties. An updated noise assessment, in line with a BS4142 standard, was requested as a result. The applicant submitted the Noise Impact Assessment – Technical Note V2 dated 5 September 2024, which included corrections to worst-case scenario of +3dB for intermittency and +3dB for just perceptible impulsivity. As a result, a total correction of +6dB has been added to the predicted delivery noise levels, which have been revised to 34 L_{Aeq} from 32 L_{Aeq} shown in the original NIA.
11. The additional information has been reviewed by the WBC Environmental Health Officer who maintained their concerns with regard to potential impacts of the proposal on nearby noise sensitive receptors. This resulted in the applicant no longer pursuing the amendments in respect of Unit 10. Additionally, to ensure that adequate noise mitigation measures are in place in respect of Unit 10, the applicant was requested to submit an operational noise management plan for Unit 9 in support of the current application.

12. Two iterations of the Operational Noise Management Plan have been submitted, the latest one (dated 10 March 2025) seeking to address WBC Environmental Health Officer's comments in relation to the proposed noise mitigation measures. The proposed noise mitigation measures include:
- Rubber bump stop installed to reduce noise produced by opening/closing of gates
 - Procedures for activities taking place between hours of 23.00 and 7.00, including:
 - Loading and unloading of goods within designated internal loading bays only (at the far end from the access gates)
 - Vehicles or vehicle-mounded refrigeration units to be switched off whilst loading/unloading or waiting
 - Smart broadband noise reversing alarms to be used only
 - Machinery relating to loading/unloading (e.g. forklift trucks) to be prohibited outside Unit 9
 - Roller shutter doors will be kept closed when not in use
 - Briefing sessions and instructions to be provided to each employee to emphasise the significance of reducing noise during work activities
13. The above mitigation measures would apply to any future operation of the unit.
14. Officers note that Unit 9 is located further from noise sensitive receptors to the west (Lily May's Court and Millers Grove/Bakers Place) than Unit 6, as shown in Figure 1 below:



Figure 1: Approved site layout

15. Officers also note that the access to Unit 9 lies directly opposite access to Units 1-8 on the northern side of Viscount Way; the latter had no restriction in operating hours imposed by the Planning Inspector as part of the appeal. The WBC Environmental Health Officer has reviewed the additional information and confirmed that their concerns raised previously have now been addressed, subject to the proposal referring to Unit 9 only and the requirements of Operational Noise Management Plan being secured.

Local Concerns

16. During the application process, officers received email correspondence regarding local concerns about the operating hours of Units 1-8 (as shown in Figure 1) and unauthorised parking on Viscount Way. However, these matters are not related to the current proposal for which this application relates, specifically to lift the operating hours restriction for Unit 9 only. These wider concerns are being addressed separately through appropriate channels.

Conclusion

17. The proposal to vary the wording of Condition 32 would result in the lifting of restrictions on operating hours for Unit 9, thereby allowing a 24/7 operation (in line with permitted operating hours for Units 1-8). The applicant has demonstrated that adequate noise mitigation measures would be put in place during the hours of 23:00-7:00 to minimise the noise impacts on residents of

nearby dwellings. Given these provisions, the proposal is considered acceptable. Furthermore, the matters under consideration in this application do not affect any other regulatory processes or prejudice the Council's ability to take enforcement action should any breach of this or any other planning permission occur.

Planning Obligations:

18. The original planning permission (213106) was supported by a Section 106 legal agreement which secured planning obligations relating to monitoring of the implementation of the Travel Plan and to the payment of Employment Skills Contribution.
19. Where a Section 73 permission is granted, it results in a grant of a new planning permission. Where the original planning permission was accompanied by an associated legal agreement, the planning obligations subject to which planning permission was granted may no longer continue to be enforceable if the associated legal agreement did not make a provision for the obligations to continue to apply in any future Section 73 planning permissions. If this is the case, the Section 73 application may require a Deed of Variation to be entered into in respect of the legal agreement associated with planning permission which is sought to be varied.
20. The planning permission 213106 was supported by a Section 106 legal agreement dated 3 April 2023. This agreement has been examined to ascertain whether a Deed of Variation to the original Section 106 legal agreement would be required before the current application could be granted permission.
21. The definition of "Planning Permission" within the existing Section 106 legal agreement (associated with planning permission 213106) includes reference to "*any subsequent permissions under Section 73 of the Act permitting the carrying out of the Development*". As such, the permission granted pursuant to the current Section 73 application is captured in the relevant legal agreement and its provisions remain enforceable. As such, no Deed of Variation is required in this instance.

Remaining Planning Conditions

22. The effect of an application under Section 73 is the issue of a new planning permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity, decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged.
23. Section 73(5) of the TCPA sets out that that planning permission pursuant to Section 73 must not be granted to the "*to the extent that it has the effect to change a condition subject to which a previous planning permission was granted by extending the time within which a development must be started (...)*". During the site visit in October 2024, it was confirmed that the original planning permission 213106 had been commenced. Moreover, the details required to be submitted and approved prior to commencement of development have all now been submitted and approved. This is outlined in

more detail below. As such, Condition 1, which required the development to commence within three years of the date of the appeal decision notice (22 December 2023) is deleted.

24. Condition 1 was deleted under s73 planning application given that the development has commenced and the condition imposed a time limit for commencement of development (see application 242532).
25. Condition 2 setting out the list of approved plans is retained for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details.
26. Condition 3 (Building Recording) was imposed to ensure that the understanding and significance of the non-designated heritage asset (buildings and site forming part of historic Woodley Aerodrome) can be recorded. The applicant subsequently submitted a Historic Building Record which has been approved by the LPA (application ref 240014). As no evidence had been submitted at the time of s73 planning permission (242532) having been issued, Condition 3 was retained with wording amended to require evidence to be submitted within three months of the date of that planning permission being issued. The applicant has subsequently submitted confirmation that the report has been provided to Berkshire Archaeology and confirmation of this from Berkshire Archaeology was received on 20 November 2024. As such, it is no longer necessary to retain this condition.
27. Conditions 4 (Construction Method Statement) and 5 (Construction Management Plan) were imposed to ensure that impacts arising out of construction activities are minimised. The applicant subsequently submitted a suite of drawings and reports which have been approved (application references 240014 and 241657). Both conditions are retained in a re-worded form as per application reference 242532 to ensure that demolition and construction activities are carried out in accordance with the approved documents.
28. Conditions 6 (Contamination Risk Assessment) and 7 (Remediation Scheme) were imposed to ensure that any potential risks to human health are mitigated. The applicant subsequently submitted a suite of drawings and reports, which were considered to be acceptable, and both conditions were discharged (application reference 240116 and 241291), subject to verification report being submitted pursuant to Condition 29. Both conditions have been deleted as per application reference 242532.
29. Conditions 8 (Highway Construction Details), 9 (Vehicular Access) and 10 (Highways signage) were imposed to ensure safe, functional and accessible development. Details submitted pursuant to these conditions have now been approved (application reference 240629). All three conditions are retained in a re-worded form as per application reference 242532 to ensure that the approved details are implemented.
30. Condition 11 (Materials) was imposed in the interest of appearance. Details required by this condition have been approved (application reference 240497). The condition is retained in a re-worded form as per planning permission reference 242532 to ensure the approved details are implemented.

31. Condition 12 (Tree Protection) was imposed in the interest of appearance and ecology. Whilst the required tree protection measures have been implemented (application reference 240601), it is necessary to retain this condition in a re-worded form as per planning permission reference 242532 to ensure ongoing protection of trees.
32. Condition 13 (Stopping up of Access Points) was imposed to ensure that adequate measures are implemented to mitigate impacts in highway terms through stopping up of the existing vehicular accesses within one month of the completion of new accesses. As such, this condition is retained in an unchanged form.
33. Condition 14 (Permitted Use) was imposed to ensure adequate parking is secured on-site with reference to parking requirements for general industrial use. As such, the condition is retained in an unchanged form.
34. Condition 15 (BREEAM) was imposed to ensure developments contribute to sustainable development. The trigger for the submission of the details required under this condition has been subsequently changed from “prior to the first occupation” to “within six months of occupation” under S73 application 242532. As these details are yet to be submitted, it is necessary to retain the condition in an unchanged form.
35. Conditions 16 (Parking Plan) and 18 (Electric Vehicle Charging) were imposed to ensure adequate parking and electric vehicle charging provision. The applicant submitted the required details (application reference 243164) and these were subsequently approved. As such, both conditions are retained in a re-worded form to ensure the approved details are implemented.
36. Condition 17 (Parking Management Strategy) was imposed to ensure adequate management of parking. The application submitted details pursuant to this condition (application reference 250550). These are currently under consideration and as such, the application is retained in an unchanged form.
37. Conditions 19 (Hard and Soft Landscaping) and 20 (Landscape Management Plan) were imposed to ensure that details of landscaping and its future management responsibilities and maintenance schedules are appropriately secured. As these details are yet to be submitted, both conditions are retained in an unchanged form.
38. Condition 21 (Biodiversity Enhancements) was imposed to ensure that enhancements recommended in the Preliminary Ecological Appraisal are implemented subject to details to be provided for approval. The applicant submitted the required details (application reference 240277) and these were subsequently approved. As such, the condition is retained in a re-worded form as per planning permission reference 242532 to ensure the approved details are implemented.
39. Condition 22 (Lighting) was imposed to ensure that the impact of any external lighting scheme on wildlife, residents and highway safety is adequately mitigated. Details required by this condition have been approved (application reference 243164). The condition is retained in a re-worded form to ensure the approved details are implemented.

40. Condition 23 (Noise Management Plan) was imposed to ensure adequate measures are submitted for approval in respect of each individual unit to mitigate the impact of development on local noise receptors. An acceptable Noise Management Plan in respect of Unit 9 has been submitted with this application, therefore the condition needs to be reworded to reflect this.
41. Condition 24 (Acoustic Barrier) was imposed to ensure adequate measures are submitted for approval to mitigate the impact of development on local noise receptors. The applicant submitted the required details (application reference 242800) and these were subsequently approved. As such, the condition is retained in a re-worded form to ensure the approved details are implemented and retained.
42. Condition 25 (Boundary Treatment) was imposed to ensure that details of boundary treatments are acceptable. The applicant submitted the required details (application reference 243164) and these were subsequently approved. As such, the condition is retained in a re-worded form to ensure the approved details are implemented.
43. Condition 26 (Heritage Information Boards) was imposed to require details of interpretative heritage information boards for submission for the Local Planning Authority's approval. The application submitted details pursuant to this condition (application reference 250306). These are currently under consideration and as such, the application is retained in an unchanged form.
44. Condition 27 (Travel Plan) was imposed to ensure that the proposal promotes alternative forms of transport. As details of the Travel Plan are yet to be submitted, the condition is retained in an unchanged form.
45. Condition 28 (Vegetation Clearance) was imposed to ensure that vegetation clearance is carried out without impacts on nesting birds. As the construction is yet to complete, it is necessary to ensure ongoing protection of nesting birds. Therefore, the condition is retained in an unchanged form.
46. Condition 29 (Contamination) was imposed to ensure that any contamination previously not identified is adequately dealt with in the event of being discovered. As the construction is yet to complete, it is necessary to retain this condition in a re-worded form as per planning permission reference 242532.
47. Condition 30 (Hours of Construction) was imposed to limit impacts on neighbouring land uses. As the construction is yet to complete, it is necessary to retain this condition in an unchanged form. Officers note that the application to vary the wording of this condition (application reference 242938) has been refused.
48. Condition 31 (Approved Documents) was imposed to ensure that the development is carried out in accordance with details of and measures contained in the approved Energy Strategy Report and Flood Risk Assessment and Outline Drainage Report. As the construction is yet to complete, it is necessary to retain this condition in an unchanged form.
49. Condition 33 (Doors and Windows Closed) was imposed to restrict operations arising in relation to development in the interest of amenity of nearby residential uses. Therefore, it is necessary to retain the condition in an unchanged form.

50. Condition 34 (Permitted Development Rights) was imposed to restricts Permitted Development Rights in respect of new windows and openings, in the interest of amenity of neighbouring residential uses. As such, this condition is retained in an unchanged form.

Community Infrastructure Levy (CIL):

51. When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010):

52. In determining this application, the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Required
Date:	21 March 2025
Earliest date for decision:	25 August 2024

Recommendation agreed by: (Authorised Officer)	
Date:	27.03.25