

REFERENCE NO - 19/505179/FULL		
APPLICATION PROPOSAL Variation of Condition 4 of 17/505280/FULL (Erection of 2 No steel frame buildings for B1/B8 use; Extension of existing hardstanding and creation of one-way HGV route within site. Additional car parking and installation of 2 No Klargestert treatment plants; Associated hard and soft landscaping scheme.) to allow the commercial use of the site to operate 24 hours a day Monday - Saturday, with vehicle movements between 0500 and 1800 hours, and no working on Sundays and Bank Holidays.		
ADDRESS Forstal House Maidstone Road, Paddock Wood, TN12 6PY		
RECOMMENDATION GRANT PERMISSION with amended planning condition		
SUMMARY OF REASONS FOR RECOMMENDATION The submitted information demonstrates that the proposed change will be acceptable in including in relation to neighbour amenity, highway safety and wildlife. Environmental Health has confirmed that they have no objection to the proposed change.		
REASON FOR REFERRAL TO COMMITTEE Councillors of Yalding Parish Council are unaware of any change in circumstance from the original application and therefore insist that aural amenity should continue to be protected and therefore this application should be refused.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Yalding	APPLICANT RKC Roofing Ltd AGENT SJM Planning Limited
TARGET DECISION DATE 04/05/20 (EOT)		PUBLICITY EXPIRY DATE 31/01/20

Relevant Planning History

- 96/1648 Change of use of redundant agricultural buildings to use for the storage, alteration, finishing and distribution of stone tiles stone blocks and other similar masonry products. Ancillary offices to be provided as part of the scheme. The application includes alterations to the external appearance of the building; the demolition of structures; the widening of the vehicular access; and the provision of an open storage compound. Approved 20.03.1997.
- Condition 9 attached to 96/1648 states that with the exception of the stone library area and the office area the hours of use (including deliveries and despatches) shall be restricted 7.30am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays. The hours of use of the stone library and office area shall be restricted to 7.30am to 6pm Mondays to Fridays and 8am to 4pm on Saturdays. No work (including deliveries and despatches) shall take place on Sundays or Bank Holidays Reason In the interests of residential amenity.
- 15/508249/FULL Erection of Industrial building with demolition of existing Approved 23.12.2015 (conditions included 'With the exception of the office area, the hours of use (including deliveries and despatches) shall be restricted to 7:30am to 6pm Monday to Friday and 8am to 1pm on Saturdays')
- 17/505280/FULL Erection of 2 No steel frame buildings for B1/B8 use; Extension of existing hardstanding and creation of one-way HGV route within site. Additional car parking and installation of 2 No Klargestert treatment plants; Associated hard and soft landscaping scheme. Approved: 22.12.2017 (NB: 3 representations received following consultation concerning noise, hours and days of use and loss of privacy, no comments received from the Parish Council).

Planning Committee Report

21 May 2020

- 18/500017/FULL Demolition of existing Banksman's Office and erection of two extensions to existing B1/B8 storage warehousing on North and East elevations. Approved: 09.03.2018 (Condition 4 All activity in connection with the commercial use of the site (including deliveries and despatches) shall only take place between 0730-1800hrs Mon-Fri and 0800-1300 hrs on Saturdays).
- 18/503816/SUB Submission of Details to Discharge Condition 5 (Acoustic Fence) Condition 9 (Construction Management Plan) Condition 13 (Energy Efficiency) and Condition 14 (Drainage) Subject to 17/505280/FULL Part Permitted Part Refused Decision Date: 01.10.2018
- 18/503828/SUB Submission of details pursuant to Conditions 8: Construction Management Plan, 10: Surface Water Drainage Scheme & 11: Renewable energy details (original application ref: 18/500017/FULL). Approved 14.12.2018
- 18/505778/SUB Submission of Details to Discharge Condition 5 (Acoustic Fence) and Condition 9 (Construction Management Plan) Subject to 17/505280/FULL Approved 23.11.2018
- 19/501044/SUB Details of renewable energy provision submitted pursuant to Condition 13 appended to planning permission ref: 17/505280/FULL (Erection of 2 No steel frame buildings for B1/B8 use) Approved 12.03.2019
- 19/502738/FULL Retrospective application for a change of use of part of an existing warehouse to D2 dance studio. Approved 02.08.2019 (Condition restricting operation to between 0700 and 2200hrs Mon-Fri, 0800-2200hrs Sat and 1000-1800 hrs Sunday and Bank Holidays)

MAIN REPORT

1. DESCRIPTION OF SITE

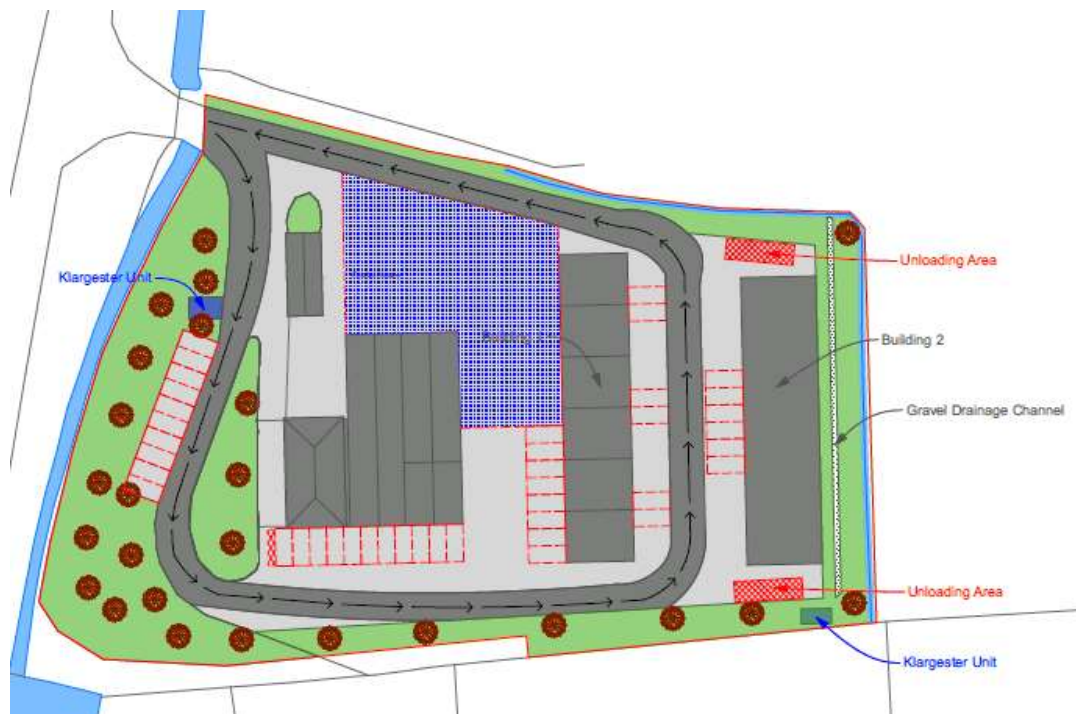
- 1.01 The site comprises a commercial complex with offices fronting production/storage buildings that are set back from Maidstone Road behind a landscaped buffer that also contains a water course. The site has large areas of hardstanding for vehicle parking/turning and external storage. The office use (use class B1) has a floor area of 222 square metres and the storage and distribution use (use class B8) 474 square metres.
- 1.02 The eastern third of the site itself is the location of the recently constructed subject buildings approved under reference 17/505280/FULL. This land was previously undeveloped scrubland.
- 1.03 In a wider context the site lies in open countryside in an area falling within flood zone 3. The urban boundary wraps around the site to the north (260 metres), west (750 metres), and to the south (300 metres). Agricultural land borders the site to the north and east.
- 1.04 The nearest residential dwellings are two listed buildings that are converted agricultural buildings located to the south, 'The Oast House' (44 metres from the application site) and Beltring House (66 metres) with further residential properties beyond.

2. PROPOSAL

- 2.01 Conditional planning permission was granted (17/505280/FULL) in December 2017 for 2, steel frame buildings for B1/B8 use on the rear (eastern) part of the site.
- 2.02 The application also included the extension of existing hardstanding and creation of one-way HGV route within site. The proposal included additional car parking, the

installation of 2 Klargester treatment plants, and an associated hard and soft landscaping scheme.

Extract from proposed block plan (2016-046v4-PropBlock) approved as part of application 17/505280/FULL



2.03 Condition 4 attached to the planning permission under reference 17/505280/FULL (matching the hours of operation restriction attached to the earlier permission for the site under 15/508249/FULL) reads as follows:

"All activity in connection with the commercial use of the site (including deliveries and despatches) shall only take place between be 0730-1800hrs Mon-Fri and 0800-1300 hrs on Saturdays. Reason In the interests of aural amenity".

2.04 The current application, made under S73 of the Town and Country Planning Act 1990, seeks to vary condition 4 to allow a commercial use to operate 24 hours a day Monday to Saturday.

2.05 Outside of the current operating hours, the 24hr use will take place within the two commercial buildings approved under 17/505280/FULL.

2.06 The current restriction on HGV movements on the site (0730-1800hrs Mon-Fri and 0800-1300 hrs on Saturdays with no working on Sundays and Bank Holidays) will remain but the use of vans (LGV maximum gross weight of 3.5 tonnes including passengers, cargo and fuel) will be able to operate from 5am Monday to Fridays excluding bank holidays.

2.07 The previously approved industrial buildings have been constructed and the current amendment to the operating hours is submitted to meet the requirements of a prospective new building tenant called PVC Building Supplies.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017, SP21, DM1
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Five representations received from local residents raising the following (summarised) issues:
- Current impact on amenity from security lights, noise (including reversing bleeps), vibration, traffic fumes and the proposed treatment plants and traffic will worsen with 24 hour operation.
 - The necessary external lighting will impact upon wildlife.
 - The proposal will adversely impact the health of a neighbour.
 - The development will have a harmful impact on the character of the area with listed buildings located nearby.
 - Although dismissed by KCC Highways, there are current highway safety issues including the absence of a footpath and a crossing for children walking to school and these will be worsened.
 - Flooding issues will be worsened by the proposal
 - Why were these hours not in the original application?
 - Nearby uses such as the dance studio do not comply with time restrictions
 - My understanding of the original planning application was that an acoustic fence was to be built all along the southern boundary of the site. Please note that this has not happened.
 - The existing use adversely impacts upon neighbour amenity in terms of privacy.
 - There are security issues for neighbouring occupiers.
 - Under Human Rights law I have a right to peace and quiet in my own home. If planning permission is granted I will not be able to enjoy the quiet of my own home and garden, and will certainly not be able to keep my windows open at night in summer due to potential noise pollution.
 - Under the terms of the original planning application, there is/was an obligation for the owner of Forstal House to implement a landscaping plan. This appears to have been ignored to date.
 - Flood risk. While I understand that Upper Medway Drainage Board have given permission, one of the two drainage pipes under the entrance to Forstal House has been blocked off. In the recent rain there has been a noticeable backlog of water south of the bridge, increasing the potential of flooding to the properties to the south of Forstal House.
- 4.02 A meeting took place in January 2020 between the applicant and objectors where a number of measures were discussed that would address the concerns of neighbours. Following this meeting and further public consultation by the council (letters dated 15.01.2020) on a submitted amended Sound Assessment and additional Noise Management Plan (appended to this report), three further representations have been received.
- 4.03 The first representation restates objections made in an earlier response. The second representation expresses doubt on the feasibility of the outlined measures and the third representation states that on the basis of these measures their objection is withdrawn.
- 4.04 These measures were as follows (followed by officer comment in brackets):
- a) Other than the prospective tenant PVC Building Supplies, no other businesses either on the site at present or in the future will be permitted to operate 24 hours a day, now or at any time in the future (*Officer comment: The 24hr operation is for a prospective tenant and restricted to the two buildings identified, there is no justification for making the permission personal*).

- b) Initially there will be approximately 6 Sprinter type vans to be loaded each night. All loading of vans between 1800 and 0700 is to happen within the unit, with roller shutter doors shut. It is anticipated that there could be 10 Sprinter vans loading each night within 3-5 years. *(Officer comment: A planning condition can be used to restrict access to vans outside the current permitted hours of operation).*
- c) There will be no such activities other than picking and loading. With no manufacturing or building/construction of any items at all. *(Officer comment: A planning condition can be used to ensure that activity outside the current permitted hours of operation takes place within the buildings).*
- d) There will be no HGV or forklift movement between 1800 and 07.00 hours. Where possible the northern loading bay will be used to unload HGV's etc during the daytime operating hours. *(Officer comment: A planning condition can be used to ensure that activity outside the current permitted hours of operation takes place within the buildings).*
- e) No vehicles can be parked overnight or used for sleeping in. Engines cannot be left running outside the units. (Mr Coomber's (the applicant) planning consultants, SJM Planning (agent) have stated in writing 'Trailer units may need to be parked on site but there would be no sleeping on site whatsoever. Planning controls can't usually prevent vehicle parking out of hours, but there would be no activity. For example, shift workers arriving on site. But fundamentally the plan is that there would be no external activity relating to the picking and packing outside the core hours') *(Officer comment: It is correct that planning conditions cannot be used to restrict travel on the public highway).*
- f) There will be no unnecessary noise from the night workers, and there will not be any additional lighting from that currently installed, from security lights, or any other source. *(Officer comment: A planning condition is recommended in relation to external lighting and asking for the use of movement sensors (PIR) to be used in connection with the use outside existing permitted hours)*
- g) Vehicle reversing beepers will be disconnected out of standard hours. *(Officer comment: With no HGV use outside currently permitted hours, the applicant has said that reversing alarms would not be required outside these times)*
- h) There will not be vehicle movement on site between 1800 and 05.00 hours. *(Officer comment: A planning condition is recommended stating that activity within these times will take place within the buildings)*
- i) Night workers will be cognisant of their surroundings, and make an effort to be quiet so as not to disturb neighbours. No slamming doors, shouting, loud radios etc. *(Officer comment: A planning condition is recommended in relation to adherence to the submitted noise management plan that covers staff behaviour)*
- j) Noise is a major concern for me. Mr Coomber has agreed to revisit the acoustic fence, as this is not covering the whole southern boundary, as stipulated in the planning approval. *(Officer comment: A planning condition is recommended in relation to the completion of the acoustic fence prior to occupation)*
- k) Mr Coomber has agreed that all landscaping will be completed this spring, Mr Coomber has also agreed that where possible evergreen will be planted along the southern boundary to help with noise and view. *(Officer comment: A planning condition is recommended in relation to the completion of the landscaping prior to occupation)*

4.05 A letter from the applicant's agent (SJM Planning) dated 15 January 2020 gives the following response to submitted comments from neighbours:

- "1. *There appears to be concern that this application has been made for the entire site; This is incorrect. The application specifically affect the rearmost two buildings to the Eastern end of the site. The remainder of the buildings on the site would not be affected by this proposal. Hours of use for those buildings would remain as permitted.*

2. *The 24 hour operation of the site is to remain within the buildings. The only additional external operations are to be from 0500hrs when pre-loaded vans (Which will have been loaded within the buildings during the night-time hours) would leave the site.*
3. *HGV movements would not increase. They would remain to enter and exit the site during the already-permitted hours. There are to be NO night-time deliveries from vehicles outside the already permitted hours.*
4. *Klargester treatment plants are a very common drainage solution, and if installed properly (And certified) there are no known issues with odours.*
5. *Residents should read the recent-submitted noise report. It states clearly how the operation would be run, the noise protection measures that would be put into place, and importantly, that any consent could be applied to this tenant only. What this would mean is that should the tenant leave, the hours of use condition would revert back to that which is currently permitted. A personal permission should help allay neighbour concerns.*
6. *Resident objections make note of concern with beepers and reversing sensors. Again, the noise management report makes clear these will not be in operation during evening hours.*
7. *We are unsure how the proposal represents a greater highway risk. We are not looking to increase the amount of traffic to and from the site, but it should be borne in mind that the site occupies a highly sustainable location, close to Paddock Wood, the A21, M20 and M25. It is ideally located for such development, whose character would not be altered should the hours of use be approved.*
8. *We note the comment regarding external lighting and bats. Works outside the currently-permitted hours of use would remain wholly within the building and thus we do not consider there to be significant increase in night-time lighting on the site.*
9. *We object to the comment regarding 'planning by stealth'. This application has been submitted specifically to accommodate a willing tenant. The buildings have sat empty for several months now, costing the client a considerable sum of money. This is exactly the reason why our client has agreed to accept a personal permission to the specific company who wishes to take the tenancy. There is no long-term game to be played here.*
10. *...objections comment initially on the concern that HGV's are to use the site from 0500 to 1800hrs. This is incorrect. HGV's will continue to use the site within the existing hours of use. Between 0500 and 0730 the only vehicle movements connected to the business will be the vans leaving the site.*
11. *Again, there will be no reversing beepers from HGV's during early hours as they will not be permitted to enter the site until 0730hours as they are currently entitled to.*
12. *Whilst it is important to consider the noise impacts of the proposal (And my client has spent a considerable sum of money having the appropriate assessments and reports compiled as part of this application), it should not be forgotten that the site lies adjacent to the B2160 and within 150m of the A228. As our report shows, there is already a degree of ambient traffic noise and the appended report to this application makes clear that such noise increases are not as significant as parties may fear. We consider the proposal to wholly accord with Local Planning Policy and Environmental Health guidance in this regard.*
13. *Whilst there are Listed Buildings in proximity to the site, the proposal now bears no impact on the setting of the Listed Buildings; these impacts were considered under the previously-approved application in 2017.*
14. *Again, ...(an objector) erroneously believes HGV's are intended to be used throughout the night. HGV access times will not be changed as part of this proposal.*
15. *Security has been cited as an issue but we do not see how this would be unduly affected. If anything, having a presence on site would surely deter would-be persons from entering adjoining properties".*

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Environmental Health

5.01 No objection following the submission of the additional information in January 2020.

KCC Highways

5.02 No objection. Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

Yalding Parish Council

5.03 Councillors of Yalding Parish Council are unaware of any change in circumstance and therefore insist that aural amenity should continue to be protected and therefore this application should be refused. If officers are minded to approve the application committee determination is required.

6. APPRAISAL

Main Issues

6.01 The current application relates to an established commercial employment site. The principle of the two new commercial buildings and the associated impact has previously been considered acceptable. Based on information available at that time, this conclusion was subject to a condition restricting operating hours

6.02 Issues relating to, the potential impact on amenity (including neighbour privacy), general activity and associated vehicle movements, the character of the locality, flooding, and wildlife were also considered acceptable (17/505280/FULL).

6.03 The main consideration with the current application is to assess whether 24 hour working would have a detrimental impact on neighbour amenity, wildlife, highways and the character of the area generally.

Background

6.04 In addition to the two proposed new buildings, the application site boundary (red line boundary) for 17/505280/FULL included the other buildings already on the site, the internal circulation roads and parking areas.

6.05 The condition restricting operating hours was all embracing relating to "*...the commercial use of the site (including deliveries and despatches) ...*". This condition replaced the time restriction attached to permission under 96/1648 which was for the conversion of the original agricultural buildings.

6.06 Following the approval of 17/505280/FULL there have been two subsequent full planning permissions granted for the application site. Firstly, the permission under reference 18/500017/FULL related to extensions to the original buildings (for B1/B8 use) a condition on this permission restricting operating times reflected the condition on 17/505280/FULL. (All activity in connection with the commercial use of the site (including deliveries and despatches) shall only take place between 0730-1800hrs Monday to Friday, and 0800-1300 hrs on Saturdays).

6.07 The second permission under reference 19/502738/FULL related to the retrospective application for a change of use of part of the previously approved warehouse extension (18/500017/FULL) as a dance studio (use class D2). A condition restricted operation to between 0700 and 2200hrs Monday to Friday, 0800-2200hrs Saturdays and 1000-1800 hrs Sunday and Bank Holidays).

6.08 Local Plan policy SP21 states that the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses

through supporting proposals for the expansion of existing economic development premises in the countryside, provided the scale and impact of the development is appropriate for its countryside location. Local Plan policy DM1 promotes good design that respects the amenities of occupiers of neighbouring properties and uses. The policy seeks to ensure that development does not result in excessive noise, activity or vehicular movements.

- 6.09 The current restrictions allow activity on the application site for the dance studio between the hours of 0700 and 2200hrs Monday to Friday, 0800 to 2200hrs on Saturdays and 1000 to 1800hrs on a Sunday or Bank Holidays.
- 6.10 Apart from the dance studio, the other uses on the site are currently restricted, and would remain restricted if this permission were approved to operate between 0730-1800hrs Monday to Friday, and 0800-1300hrs on Saturdays.
- 6.11 The applicant has confirmed (agent letter 15.01.2020 see point 1, para 4.25 above) that the proposed revision to operating hours currently proposed would only apply to the two buildings approved under application 17/505280/FULL (marked as buildings 1 and 2 on the submitted plan).
- 6.12 The proposed change would allow 24 hour working internally within buildings 1 and 2, between midnight Sunday night to midnight Saturday night with associated vehicle movements by van taking place between 5am and 6pm. The restriction on HGV movements would remain as existing.
- 6.13 The applicant has confirmed that outside the existing permitted hours (between 6pm and 7.30am) the activities taking place on the site would remain wholly within the existing buildings including the loading of vans. The vans would then be permitted to leave the site after 5am.
- 6.14 The application is supported by a noise assessment. A sound survey was conducted at the site between Thursday 7th and Monday 25th November 2019. The survey comprised of unattended continuous sound monitoring over a 19 day period and attended sound monitoring during a weekday night-time period. Additional source-term sound measurements were also undertaken to obtain noise data representative of internal and external sound sources associated with the proposed tenant's commercial activities.
- 6.15 The survey found the main source of noise was the road traffic on the B2106 (Maidstone Road) and A228 (Whetsted Road) including cars and HGVs. The main source of sound associated with the prospective PVC Pipework & Plumbing Supplies distributor is expected to be the movement of vans around the site. Other sound will include the loading of goods onto the vans using electric forklift trucks inside the industrial buildings.
- 6.16 The survey found that the sound from the commercial activity of the prospective tenant within the extended operating hours is expected to have a low noise impact upon residential noise-sensitive receptors provided that the noise management plan is followed. A planning condition is recommended in relation to the submitted noise management plan.
- 6.17 It is considered that given the existing commercial nature of the site, the activities taking place purely within the building and the acoustic fence, the proposed change in the operating hours is acceptable in relation to the impact on neighbour amenity. Planning conditions are recommended to ensure that activities outside the current permitted hours only take place within the existing buildings and that HGV's only access the site within the current permitted hours.

- 6.18 In terms of light pollution, activity on the site between 1800hrs and 0500hrs will be within the existing buildings. A planning condition was attached to the original permission requiring details of any additional external lighting to be submitted for approval before installation. It is recommended that this condition is attached to any subsequent approval with a stipulation that any lights used after 6pm are PIR movement activated.
- 6.19 Following discussions between the applicant and the Environmental Health Officer a management plan has been submitted (appendix A). On the basis that the management plan is followed the Environmental Health officer has no objection to the variation of the condition to allow the extended operating hours.
- 6.20 The use of a personal planning permission has been considered in this case. National Planning Policy Guidance advice is that "*Planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission*" (Paragraph: 015 Reference ID: 21a-015-20140306). It is considered that there is no justification of using a personal permission in this instance. Other restrictive planning conditions are recommended in order to protect amenity that would apply to whatever tenant occupies the building.

Impact on wildlife, highways and the character of the area generally.

- 6.21 The application site is an existing commercial estate. The activities on the site that take place during the extended operating hours will take place within the previously approved buildings.
- 6.22 HGV movements will remain as previously permitted and the extended operating hours and the vans leaving the site will not impact on the use of the existing access or on the local highway network. The applicant has highlighted the accessibility of the location to the road network, with Paddock Wood, the A21, M20 and M25 nearby.
- 6.23 A planning condition is recommended to seek details of lighting and measures to ensure that lighting is not left on all through the night when it is not needed. In these circumstances it is considered that the current proposal will have little impact on local character and wildlife.

Other Matters

- 6.24 The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. However CIL Regulations provide for a Section 73 consent to only trigger levy liability for any additional liability it introduces, which in this case as the is zero (original permission approved 22.12.2017). This application will therefore have a zero CIL liability.
- 6.25 Whilst not part of the current application, there is no evidence of any nuisance caused by the previously approved Klargester treatment plant. Matters relating to flooding are also not relevant to the current planning application which is considering the impact of an extension to the operating hours. The applicant previously submitted details of drainage which was considered acceptable. Whilst there no restrictions on the level of traffic movements, the applicant is not looking to increase the amount of traffic to and from the site,
- 6.26 A public consultation response has raised site security as an issue. It is considered that whilst work would take place inside the buildings, an actual 24 hour presence on the site is likely to have a positive effect on security.

PUBLIC SECTOR EQUALITY DUTY

- 6.27 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal will make provision for increased economic activity.
- 7.02 The planning application is supported by technical evidence (including a 19 day noise survey) that has been assessed by the council's environmental health officer. With adherence to the submitted noise management plan (appendix to this report) the environmental health officer considers that the proposal is acceptable in relation to neighbour amenity.
- 7.03 The proposal will not materially harm the rural character of the locality and is acceptable in relation highways and wildlife.

8. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions

- 1) The development hereby permitted shall be begun before the 21 December 2020. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) All activities associated with buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) taking place between 1800hrs and 0500hrs shall take place within the existing buildings with all building apertures (including personnel doors -apart from access and egress, loading bay/roller shutter doors and windows) remaining shut during this period. No external activity associated with buildings 1 and 2 shall take place between the hours of 1800-0500hrs. Reason: in the interests of amenity.
- 3) HGV access or egress from the site shall only take place between the hours of 0730-1800hrs Monday to Friday, and 0800-1300hrs on Saturdays and not at any other time. Reason: in the interests of amenity.
- 4) The acoustic fence approved as part of the application with reference 18/505778/SUB shall be in place prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) with the acoustic fence retained in accordance with the approved details for the lifetime of the development Reason: in the interests of amenity.
- 5) Buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) shall only be used for purposes falling within Classes B1 and B8 of the Town and Country Planning (Use Classes Order) 1987 (as amended). Reason: In the interests of amenity.
- 6) The landscaping approved as part of the application with reference 18/503828/SUB shall be in place prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) with the landscaping retained in accordance with the approved details for the lifetime of the development Reason: in the interests of amenity.
- 7) Prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) the landscaping approved as part of the application with reference 18/503828/SUB shall be planted. Any part

- becoming dead, dying or diseased with 5 years of planting shall be replaced with species of the same size and siting. Reason: In the interests of visual amenity
- 8) No surface water shall discharge onto the public highway. Reason: In the interests of highway safety and the free flow of traffic.
 - 9) Any external lighting installed on the site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, the details shall include the size, design and siting of any lighting fittings, or columns, output and type of any luminaires along with the direction and screening measures for any luminaires. Any external lighting associated with the extended operating hours shall be fitted with a working PIR movement sensor to avoid the lights being permanently illuminated and demonstrate how the lighting meets Bat Conservation Trust guidelines. Lighting shall only be installed in accordance with the approved details and retained as such at all time thereafter. Reason: To safeguard the night time rural environment in the interests of visual amenity and wildlife.
 - 10) Upon completion of the works, a closure report shall be submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Reason: To prevent harm to human health and pollution of the environment.
 - 11) Prior to first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock), the site access, one way circulation system, parking and turning areas shown on drawing no:2016-046v4-PropBlock shall be provided together with signage to indicate that vehicles leaving the overflow car park during the extended operation hours can travel north to the site exit. The approved details shall be retained as such at all times thereafter with no impediment to their intended use. Reason: In the interests of highway safety and the free flow of traffic.
 - 12) The decentralised and renewable or low-carbon sources of energy approved under 19/501044/SUB shall be in place before first occupation of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock), and maintained as such at all times thereafter. Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.
 - 13) There shall be no outside storage of materials or plant. Reason: In the interests of visual amenity.
 - 14) The extended operating hours and the general use of buildings 1 and 2 (approved under application 17/505280/FULL drawing 2016-046v4-PropBlock) shall operate in strict adherence to the submitted Noise Management Plan and all employees will be made aware of the noise management plan requirements Reason: To safeguard the night time rural environment and in the interests of amenity.
 - 15) The development shall operate in accordance with the surface water disposal details approved under application 18/503816/SUB. Reason: To ensure satisfactory drainage in the interests of flood prevention.

- 16) The development hereby approved shall be carried out in accordance with the following plans nos: no:WM/501/02, 2016-046v4-Location, PropEWElevSite, Prop Ground, PropElevB1, PropElevB2, ExistBlock, PropBlock and PropNSElevSite. Reason: In the interests of amenity.

Case Officer: Tony Ryan

Appendix 1: Noise Management Plan submitted by the applicant

1.1 Noise Management Plan

- 1.1.1 All loading and unloading of goods to and from vehicles should take place inside the industrial buildings with the roller shutter doors closed.
- 1.1.2 Night-time vehicle changeovers should take place using only the three northern-most access doors (Doors A, B and C) as indicated by the submitted Night-time Parking Plan.
- 1.1.3 The roller shutter doors to the industrial buildings shall only be opened to allow the access and egress of vehicles.
- 1.1.4 Loading of goods onto vehicles shall be undertaken by hand or using electrically powered forklift trucks.
- 1.1.5 Goods will be despatched using preloaded vans and not Heavy Goods Vehicles (HGVs). Where HGVs are required to access the site, this will occur during the daytime operating hours previously permitted and not during the extended operating hours.
- 1.1.6 Van movements are to be limited to between 05:00 and 18:00 hrs Monday to Saturday. Night-time van movements will be limited to no more than 10 vans leaving the site between 05:00 and 07:00 hrs.
- 1.1.7 All vans operated by the tenant are to be fitted with broadband, as opposed to tonal, reversing alarms.
- 1.1.8 Van engines shall not be left on idle for any longer than necessary.
- 1.1.9 Night-time noise including during vehicle changeovers should be kept to a minimum. This will include no unnecessary shouting, banging (e.g. slamming of doors), no operation of unnecessary plant or equipment, no radios or car stereos and ensuring doors remain closed when they are not required to be open.
- 1.1.10 The manager or supervisor on-shift shall be responsible for monitoring and enforcing conformance with the Noise Management Plan.
- 1.1.11 Training should be provided by the tenant to their staff on the need to minimise noise and the implementation of the noise management plan.
- 1.1.12 Signs should be placed around the night-time operational areas encouraging staff to minimise noise.
- 1.1.13 Tenant's shall treat any failure by their staff to comply with the Noise Management Plan as a non-conformance and take appropriate disciplinary action in accordance with their normal disciplinary procedures.
- 1.1.14 Tenant's themselves should be made aware at the beginning of their tenancy that failure to adhere to the noise management plan could result in the termination of their tenancy.

- 1.1.15 The external building fabric of the industrial buildings will be kept in a good state of repair with good seals maintained around the roller shutter doors to minimise noise breakout.
- 1.1.16 All noise complaints will be logged to include the date and time of the activity, the name of the complainant (if provided) and the nature of the complaint. A copy of the complaints log will be provided to Officers of the Local Council upon request.
- 1.1.17 Wherever possible, noise complaints will be dealt with at the time of occurrence. The following contact details shall be made available to the immediate neighbours:

Contact Name	Ricky Coomber
Telephone Number	07774133466
E-Mail	ricky@rkc.co.uk

- 1.1.18 As far as reasonably practical, written or e-mailed complaints will be responded to within 5 working days, to include the tenant's account of events, any exceptional circumstances that may have led to the noise being generated and what remedial action is to be taken, where possible, to minimise the noise in future.
- 1.1.19 The noise management plan should be reviewed and updated on an annual basis or in response to complaints (whichever occurs sooner).
- 1.1.20 Residential neighbours should be provided with a copy of the Noise Management Plan including any subsequent updates.