

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(1)	16/03528/FUL Midgham	15 th February 2017 ¹	<p>S73a: Removal of conditions 7 roller shutter door shut, 11 paint spraying, 18 additional acoustic mitigation, and 19 acoustic boundary from previously approved application 16/01016/FUL: Proposed change of use from B1 (light industrial) and B8 (Storage and Distribution) use to mixed use to allow for vehicles sales and leasing (sui generis) and vehicle preparation and washing (B1) and MOT and servicing (B2) for Anchor Vans Ltd.</p> <p>Sabre House, Bath Road, Midgham, Reading, Berkshire, RG7 5UU</p> <p>Anchor Pension Plan</p>

¹ Extension of time agreed with applicant until 16th June 2017

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=16/03528/FUL>

Recommendation Summary: To **DELEGATE** to the Head of Development & Planning to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member: Councillor Dominic Boeck

Reason for Committee Determination: Level of objection and previous committee decision

Committee Site Visit: Not required as members have visited recently

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1. INTRODUCTION

- 1.1 This application seeks to remove conditions 7, 18 and 19, and vary condition 11 of Application 16/01016/FUL. This application granted planning permission for the change of use from B1 (light industrial) and B8 (Storage and Distribution) use to mixed use to allow for vehicles sales and leasing (sui generis) and vehicle preparation and washing (B1) and MOT and servicing (B2) for Anchor Vans Ltd). Planning permission was granted subject to 20 conditions. Those conditions, which are the subject of this application, are set out in full below.

7. Activities restricted to inside the building

All MOT testing, vehicle servicing, repair, refurbishment and valeting on the site shall only be undertaken inside the building on the site when all openings to the building including the roller doors and windows are shut.

Reason: In the interests of the amenities of people living nearby in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

11. Paint spraying

No paint spraying or use or storage of solvent based products shall be carried out on the site.

Reason: To ensure that neighbouring properties are not unreasonably affected by odours in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

18. Noise details and mitigation (prior approval)

Irrespective of details accompanying this application, no vehicle servicing, repair and MOT activity shall take place on the site until the following details have been submitted and approved under a formal discharge of conditions application:

- a) Confirmation of offsite noise sensitive properties / locations.*
- b) Confirmation of noise monitoring locations.*
- c) The findings of a noise survey (undertaken in accordance with BS4142 or such other standard acceptable to the Local Planning Authority) to confirm noise levels of each activity in the vicinity of the proposed development.*
- d) Written details and sample calculations showing the likely impact of noise from the development.*
- e) A proposal, detailing the frequency, timing and presentation of further noise monitoring surveys to determine the noise levels at the development once it becomes operational.*
- f) A scheme of works or other such steps as may be necessary to minimise the effects of noise from the development.*
- g) Noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dB(A) below the prevailing background level when measured 1 metre from the facade at the noise sensitive locations identified in (a) and carried out in (e) or as requested by the Local Planning Authority.*

No MOT, repair and servicing activities shall take place on the site until any approved measures specified at (f) have been implemented on the site. The approved measures specified at (f) shall remain in place on the site at all times thereafter.

Reason: The noise survey details accompanying this application do not take sufficient account of the impacts of servicing and repair activities in making recommendations for the level of noise mitigation required. Further details are required in the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan Core Strategy (1991-2006) Saved Policies 2007.

19. Acoustic barrier

Within two months of the date of this decision details of a three metre high acoustic barrier to be erected on the southern and eastern boundaries of the site, between the boundary with Orchard Cottage to the south west and the site access to the north-east shall be submitted under a formal discharge of conditions application. Within two months of the date of the approval of the details the acoustic barrier shall be erected in accordance with the approved details and the barrier shall be retained on the site thereafter. The use of the site for purposes of MOT, servicing and vehicle repair shall not commence until the acoustic barrier has been erected.

Reason: in the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan Core Strategy (1991-2006) Saved Policies 2007.

2. PLANNING HISTORY

- 2.1 The only relevant planning history for this application is the original planning application, reference 16/01016/FUL, which is the subject of this section 73 application.

3. PROCEDURAL MATTERS

- 3.1 The application has been publicised in accordance with planning law and the Council's Statement of Community Involvement. A notice has been displayed adjacent to the access gate (expired 27/01/2017) and notification letters were sent to nine neighbouring properties in the immediate vicinity. Public representations are summarised in Section 4.2 of this report.
- 3.2 The proposed uses (B1 and B2) are zero-rated under the West Berkshire Community Infrastructure Levy.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Midgham Parish Council: Object.

Environmental Health: Detailed comments as set out in report.

Highways Authority: No comment.

Lead Local Flood Authority: No response

Rights of Way Officer: No response

Ramblers Association: No response

4.2 Public representations

Total: 11 Support: 0 Object: 11

Summary of objection

- Council has previously considered the necessary mitigation at length
- Conditions were the minimum necessary to protect nearby residents
- Close proximity of neighbouring residential properties
- B2 general industrial use in a residential area
- Industrial activities proposed, and incidental activity, produce high levels of noise
- Sound Report does not cover servicing and repair activities
- Not all noise sources covered by Sound Report
- Sound Report uses different bay set-up to that proposed
- Existing noise levels on site are excessive
- Closing roller shutter door provides some mitigation to noise
- Acoustic fence would help ameliorate the noise impact
- No justification for removing conditions
- All four conditions meet the PPG tests for conditions
- Applicants previously agreed to imposition of all conditions
- Odours from water-based paints
- Harm to health of local residents
- Harm to visual amenity of area

5. PLANNING POLICY

5.1 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, ADPP6, CS

5.2 West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP):
Policies: OVS.5 and OVS.6

5.3 Material considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning for Growth Written Ministerial Statement (23/03/2011)
- BS 4142:2014
- Explanatory Note to the Noise Policy Statement for England (DEFRA)

- Environmental Protection Act 1990

6. APPRAISAL

6.1 Decision-making context

6.1.1 Planning permission has already been granted for the proposed B1 and B2 use of the site. This application seeks to vary and remove conditions imposed on that planning permission. Planning law stipulates that *“on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

6.1.2 As with all applications under the Planning Acts, planning law requires that the decision must be made in accordance with the development plan unless material considerations indicate otherwise.

6.2 Condition 11 (paint spraying)

6.2.1 According to the Planning Statement accompanying this application, the applicant's issue with condition 11 is that the banning of all painting work is unreasonable in the context of the work allowed in the permission, i.e. the preparation of vehicles for sale. It is suggested that the use of water-based paints will not produce the odours that are present with solvent-based products. It is proposed by the applicant that the condition be varied to read as follows:

“No use or storage of solvent-based products shall be carried out on the site.”

6.2.2 Environmental Health confirms that this amendment is acceptable, and others paints (e.g. water-based) do not pose the same risks of odours and fumes to neighbouring amenity. Representations letters maintain concern with non-solvent-based products; however Environmental Health do not consider the potential impacts of other products likely to have any off-site impact. Given the close proximity of the residential properties, it is considered that such a restriction is necessary to prevent unwanted odours harming amenity of causing a nuisance. However, the proposed condition will be sufficient to achieve this, and comply with Local Plan Policy OVS.5 (Environmental Nuisance/Pollution Control) without unduly impacting upon the authorised use. It is recommended that condition 11 be varied accordingly.

6.3 Conditions 7, 18 and 19 (noise mitigation)

6.3.1 Conditions 7, 18 and 19 all relate to noise impacts and so are addressed together in this report.

- Condition 7 restricts certain activities to only take place within the building, and only with the external roller door and windows closed shut.
- Condition 18 requires the submission of further details of noise impacts and proposals for any necessary mitigation arising.
- Condition 19 requires the provision of an acoustic barrier along the boundary with the adjacent residential properties.

Policy context

6.3.2 The following extracts from the NPPF provide Government's policy on noise.

"The planning system should contribute to and enhance the ... local environment by ... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ... noise pollution...." (paragraph 109)"

"Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts²⁷ on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;²⁸ and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."*

(paragraph 123)

²⁷ See Explanatory Note to the Noise Policy Statement for England (DEFRA).

²⁸ Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

6.3.3 According to the Planning Practice Guidance:

"Local planning authorities' ... decision taking should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved."*

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be,

above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation....”

(Paragraph: 003 Reference ID: 30-003-20140306)

6.3.4 The relevant policies of the statutory development plan to this issue are Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). These policies are consistent with the aforementioned paragraphs of the NPPF, and so attract full weight in this decision (within the context of paragraph 215 of the NPPF).

6.3.5 According to Core Strategy Policy CS14:

“New development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire.”

6.3.6 According to Local Plan Policy OVS.6:

“The Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty. Proposals for noise sensitive developments should have regard to the following:

(a) existing sources of noise e.g. from roads, railways and other forms of transport, industrial and commercial developments, sporting, recreation and leisure facilities; and

(b) the need for appropriate sound insulation measures; and

(c) the noise exposure levels outlined in Annex 1 of PPG24. In the context of this policy noise sensitive uses are housing, schools and hospitals.”

6.3.7 Save for references to PPG24 (which have been replaced by the NPPF, which references the Noise Policy Statement for England), this policy is consistent with the NPPF.

Reasons for conditions

6.3.8 The application site is located off the A4 within the countryside between Thatcham and Woolhampton. The premises are located within a cluster of several buildings grouped around the A4 junctions with Church Hill and Brimpton Road. Apart from the application site, the group to the south of the road comprises residential houses: Orchard Cottage, Wisteria Cottage, Old Acre House, The Barn, Fourways (31 Bath Road) and 32 Bath Road. On the northern side of the road, opposite the site, is the Coach and Horses public house. The neighbouring property to the west, Orchard Cottage, also has a permitted use within an outbuilding adjacent to the boundary for a yoga studio and therapy/consulting room. Noise generated by a new use at the application site is therefore a material planning consideration.

6.3.9 The original application was accompanied by a Sound Survey prepared by TGSacoustics Ltd. This survey concluded that sound levels should not be a determining factor in granting planning permission. However, Environmental Health had some concerns with the noise survey. Specifically, there was concern

regarding the scope of the report in that it only covered MOT and valeting, but with no reference to any repairs and serving activities which would fall within the B2 use of the site, and may have an adverse effect on neighbouring amenity.

- 6.3.10 Additionally, the survey was undertaken by measuring noise levels during MOT activities at the sister site of Anchor Vans, Beenham. However, the Sound Survey does not detail precisely what activities were taking place. Not all types of noise from the different activities are considered fully in the assessment. Further, the methodology used to derive background noise levels at the Sabre House site is unclear, in terms of deriving noise levels at neighbouring properties from measurements taken at the application site entrance. All together, these matters introduce an element of uncertainty as to whether the submitted survey would be truly representative of the potential noise generated at this application site, and therefore the likely impact on nearby sensitive receptors.
- 6.3.11 It was therefore considered necessary to undertake a further noise assessment prior to these activities taking place on site, together with the prior approval of any required mitigation measures should they prove necessary. Accordingly, condition 18 (noise surveys) was recommended by Environmental Health in their consultation response to the original application. It was also recommended that the potentially noise-generative activities take place only within the building with the roller door shut and windows closed, as no other mitigation was recommended, and to prevent noise spill and preventing neighbouring sensitive receptors being impacted by potential noise sources. Hence condition 7 (roller shutter door/windows) was applied.
- 6.3.12 Based on the information available there is a reasonable likelihood that the proposed activities may cause a disturbance or nuisance to nearby residents. The types of activities are such that noises are likely to be tonal, annoying, repetitive, intermittent; not constant, but frequent and impulsive.
- 6.3.13 When considering the application, the Eastern Area Planning Committee remained concerned with the potential for noise to harm neighbouring amenity. Condition 19 (acoustic barrier) was therefore imposed by the committee to assist with the reduction of noise impact from the site.
- 6.3.14 Following the grant of conditional planning permission, this application is accompanied by a letter from TGSacoustics Ltd responding to conditions 7, 18 and 19. This letter purports that none of these conditions are necessary.

Need for further noise assessment

- 6.3.15 Paragraphs 6.2.9 to 6.2.10 summarise the reasons why there is concern that the Sound Survey may not be representative of the activities proposed to take place at Sabre House. The proposed use of the site includes a range of activities including those that fall within the B2 use class. By definition, B2 uses may be likely to cause a disturbance in residential areas. Given the concerns, it is therefore reasonable and necessary to require further noise assessment, and a requirement to provide adequate and appropriate mitigation if necessary, in the interests of neighbouring amenity. On this basis, it is recommended that condition 18 remain.

Need for contested mitigation

6.3.16 Conditions 7 and 18 require specific mitigation measures: operating with the roller shutter door and windows shut, and the provision of an acoustic fence.

6.3.17 According to paragraph 123 of the NPPF, planning decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established (subject to the provisions of the Environmental Protection Act 1990 and other relevant law). Whilst it is acknowledged that the residential dwellings pre-exist the proposed use, it is clear from the NPPF that any restrictions must not place an unreasonable burden on the business.

6.3.18 In assessing the need for the degree of mitigation measures required by these conditions, the following matters have been taken into account:

- a) Whilst it is apparent that the former occupiers of the premises undertook a particularly low key use, many other businesses would be permitted to operate from the site provided they fell within the B1 use class. Such uses may generate noise, although not beyond what is appropriate within a residential area. As such, the existing use has the pre-existing potential to influence neighbouring living conditions to a modest degree.
- b) The existing local environment, particularly background noise levels, is clearly influenced by the A4 and its traffic. For this reason, the area cannot be considered especially tranquil during the daytime hours to which the on-site activities would be limited.
- c) It is not uncommon for such vehicle-servicing uses to take place within populated residential areas without detriment to local amenity, and it has been observed at other comparable premises that vehicular doors (such as the roller shutter doors in this case) are usually kept open. This will have an effect on the working conditions for employees of the business.
- d) Conditions 2 and 3 would continue to limit the specific activities that may take place within the building and on the hard-standing. This would ensure that the activities with the greatest noise-generating potential are confined to inside the building, thereby providing an important level of noise attenuation.

6.3.19 The Sound Report did not identify any need for any mitigation for the proposed use. Whilst there are concerns with the representativeness of this report, these concerns are sufficiently addressed by Condition 18 requiring additional noise assessment. The closure of the roller shutter door and windows may have an adverse effect on the working conditions within the building, and the provision of an extensive length of acoustic barrier along the boundary of the premises is a significant financial burden on the business. Such measures therefore require clear justification. On the balance of the information available, these precise measures have not been justified, and therefore it is recommended that Conditions 7 and 19 be removed.

6.3.20 Notwithstanding this conclusion, it should be noted that if the further noise assessment does indeed reveal a need for further noise mitigation, then the closure of the doors and windows, and the provision of acoustic fencing *may be* measures

that could be considered, amongst others. However, Condition 18 would ensure that any such mitigation measures are adequate and appropriate.

- 6.3.21 The separate statutory controls provided by the Environmental Protection Act 1990 (EPA) should also be taken into account. The EPA gives the Council's Environmental Health service the power to serve an abatement notice to remedy any statutory noise (or other environmental) nuisance that is considered to be prejudicial to human health. Equally, further mitigation options, such as an acoustic barrier, and the closure of doors and windows, are all measures that could potentially be used in response to any noise abatement notice should it become necessary in the future. In this instance, it is considered that, in the event of a future noise nuisance, the granting of planning permission without the contested conditions should not prejudice the Council from serving a noise abatement notice if deemed necessary in the future.
- 6.3.22 The applicant has made representations during the consideration of this application that a reconfiguration of the site (subject to planning) is being considered. However, this is not relevant to the consideration of this application.
- 6.3.23 Overall, it is concluded that conditions 7 (doors/windows) and 19 (acoustic barrier) are not necessary and can be removed. Condition 18 (noise survey and mitigation) remains appropriate and necessary and should remain.

6.4 Status of development and other conditions

- 6.4.1 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 6.4.2 This application, as with the original, is retrospective, and therefore there is no need for a condition stipulating a timescale for commencement. The majority of the other conditions remain relevant as they provide the acceptable parameters upon which the development has been judged acceptable. These conditions should remain.
- 6.4.3 There are a number of "pre-conditions" that require the prior approval of certain details within two months from the date of original decision. These conditions have not been adhered to as no submissions have been forthcoming. As such, they remain necessary and should be re-imposed. If the failure to comply continues the Council may serve a Breach of Condition Notice, or Breach of Condition Enforcement Notice to remedy.

7. CONCLUSION

- 7.1 In light of the above assessment it is concluded that varying Condition 11 (paint spraying), and removing Conditions 7 (door/windows) and 19 (acoustic barrier) is justified. However, Condition 18 (noise assessment and mitigation) is still

considered necessary and should be retained. As such, it is recommended that the application is approved and planning permission granted subject to revised conditions as set out in full below.

8. FULL RECOMMENDATION

To delegate to the Head of Development & Planning to **GRANT PLANNING PERMISSION** subject to the following conditions.

1. Approved plans

The change of use hereby approved shall be operated in accordance with drawing number 14/061/01 Revision A received 16 May 2016, the site location plan and drawing numbers 15/032/02 and 15/032/05 registered 22 April 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Use of building

The use of the building on site shall be limited to vehicle washing, vehicle MOT and servicing, and ancillary office accommodation. Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent version thereof, the building shall not be used for any other purpose unless permission has been granted by the Local Planning Authority in respect of a planning application.

Reason: In order to prevent a change of use of the building that might result in disruption to the amenity of neighbouring occupants in accordance with the NPPF and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

3. Use of hard-standing

The hard-standing on the site shall be used only for purposes of parking and turning, sui generis vehicle sales and B8 storage and distribution ancillary to the use of the site for vehicle sales. Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent version thereof, the hard-standing shall not be used for any other purpose unless permission has been granted by the Local Planning Authority in respect of a planning application.

Reason: In order to prevent a change of use of the hard-standing that might result in disruption to the amenity of neighbouring occupants or a detrimental impact on highway safety in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

4. No recovery trucks

The site shall not be used for purposes of vehicle recovery, and no recovery truck shall be kept on the site.

Reason: In order to prevent a use of the site that may have an undue and detrimental impact on neighbouring amenity, and in the interests of highway safety

in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

5. Parking and turning (prior approval)

Within two months of the date of this planning permission being granted details of the vehicle parking and turning areas shall be submitted to the Local Planning Authority under a formal discharge of conditions application. Such details shall show how the parking spaces are to be surfaced and marked out. Thereafter the vehicle parking and turning shall be provided in accordance with the approved details within two months of the date of those details being approved. The parking and turning spaces shall thereafter be kept available for parking and turning of private motor cars and light goods vehicles in accordance with the approved details at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. HGV transporter access (prior approval)

Within two months of the date of this planning permission being granted details of the HGV van transporter entry path, unloading / reloading area, turning area and exit path shall be submitted to the Local Planning Authority under a formal discharge of conditions application. Such details shall show how the entry path, unloading / reloading, turning and exit path is to be surfaced and marked out. Within two months of the details being approved the entry path, unloading / reloading area, turning area and exit path areas shall be provided in accordance with the approved details. The transporter entry path, unloading / reloading area, turning area and exit path parking and turning areas shall thereafter be kept available for the access, parking, turning and egress of the transporter in accordance with the approved details at all times.

Reason: To ensure the development is provided with adequate delivery facilities in order to reduce the likelihood of deliveries taking place on the roadside which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

7. Operating hours restriction – servicing etc.

The use of the site for vehicle servicing, MOT, repairs and washing shall be restricted to the hours of 08.00 to 18.00 hours Monday to Friday, and 08.30 to 13.00 hours Saturday. No operations shall not be undertaken at any time on Sundays and Bank Holidays.

Reason: In the interests of the amenities of people living nearby in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy

(2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

8. Operating hours restriction – sales etc.

The use of the site for purposes of sales and the use of the ancillary office accommodation shall be restricted to the hours of 08.00 to 20.00 hours Monday to Saturday, and 08.00 to 16.00 hours on Sunday and bank holidays.

Reason: In the interests of the amenities of people living nearby in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS5 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

9. Floodlighting / external lighting restriction

No floodlighting or other form of external lighting scheme shall be installed on the site except for in accordance with the lighting report registered 22 April 2016. All lighting shall be turned off outside of the approved hours of operation of the site.

Reason: In the interests of visual amenity and the amenity of neighbouring occupants in accordance with the requirements of the NPPF and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

10. Solvent-based products restriction (varied)

No use or storage of solvent-based products shall be carried out on the site.

Reason: To ensure that neighbouring properties are not unreasonably affected by odours in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

11. Amplified sound restriction

No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc) which is audible outside the site boundary shall be installed or operated within the site.

Reason: In the interests of the amenity of neighbouring occupants in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

12. North-western vehicle wash bay restriction

The use of the vehicle wash bay to the north-west of the site shall be limited to use for hand vehicle washing and shall not be used for purposes of washing using automated equipment such as pressure washers, spray guns, etc.

Reason: In the interests of the amenity of neighbouring occupants in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core

Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

13. Ancillary servicing of vehicles only

The use of the building on the site for the carrying out of vehicle servicing, repair and washing and valeting shall be restricted to use for the carrying out of servicing, repairs and washing and valeting to vehicles in the ownership of the business operating from the site. The site shall not be used for purposes of carrying out vehicle servicing, repairs, washing and valeting on any other vehicles.

Reason: In order to prevent an intensification of these uses that would result in a detrimental impact on neighbouring amenity and highway safety. This condition is imposed in accordance with the NPPF, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan Core Strategy (1991-2006) Saved Policies 2007.

14. Obscure glazed windows

Within 2 months of the date of this decision the windows along the southern elevation of the building on the site shall be obscure glazed. The windows shall remain obscure glazed at all times thereafter.

Reason: In order to prevent an increase in the overlooking of neighbouring properties associated with the intensification of the use of the building for the uses hereby approved. This condition is imposed in accordance with the requirements of the NPPF and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

15. No change of use under permitted development

Notwithstanding the provisions of the Town and Country (General Permitted Development Order) (England) 2015 or any subsequent version thereof the site shall not be used for any purpose other than those hereby granted planning permission under this application without permission first being granted in respect of a planning application made for this purpose.

Reason: In order to prevent a change of use that would result in a detrimental impact on neighbouring residential occupants, highway safety or harm to visual amenity in accordance with the provisions of the NPPF, Policies CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

16. Delivering management plan (prior approval)

Within two months of the date of this decision a Delivery Management Plan shall be submitted and approved under a formal discharge of conditions application. The approved Delivery Management Plan shall be adhered to at all times following its approval. The Plan shall:

- a) specify the type, number and frequency of HGV vehicles that will serve the site,
- b) specify the haul route to and from the site;

- c) specify the delivery vehicle acceptance arrangements and state NO delivery vehicles will wait on the public highway adjacent the site, AT ANY TIME, before entering or after leaving the site;
- d) state ALL unloading and reloading of delivery vehicles will take place within the site;
- e) state all delivery vehicles will enter and exit the site in a forward gear.

Reason: To provide safe and suitable access for all and reduce the potential impact on the public highway in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. **Noise surveys (prior approval)**

No vehicle servicing, repair and MOT activity shall take place on the site until the following details have been submitted and approved under a formal discharge of conditions application:

- a) Confirmation of offsite noise sensitive properties / locations.
- b) Confirmation of noise monitoring locations.
- c) The findings of a noise survey (undertaken in accordance with BS4142 or such other standard acceptable to the Local Planning Authority) to confirm noise levels of each activity in the vicinity of the proposed development.
- d) Written details and sample calculations showing the likely impact of noise from the development.
- e) A proposal, detailing the frequency, timing and presentation of further noise monitoring surveys to determine the noise levels at the development once it becomes operational.
- f) A scheme of works or other such steps as may be necessary to minimise the effects of noise from the development.
- g) Noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dB(A) below the prevailing background level when measured 1 metre from the facade at the noise sensitive locations identified in (a) and carried out in (e) or as requested by the Local Planning Authority.

No MOT, repair and servicing activities shall take place on the site until any approved measures specified at (f) have been implemented on the site. The approved measures specified at (f) shall remain in place on the site at all times thereafter.

Reason: The noise survey details accompanying this application do not take sufficient account of the impacts of servicing and repair activities in making recommendations for the level of noise mitigation required. Further details are required in the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area in accordance with the requirements of the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. **Front boundary fence (prior approval)**

Within two months of the date of this decision details of a two metre high fence to be

erected along the northern boundary of the site between the access to the north east and the boundary with Orchard Cottage to the north-west shall be submitted under a formal discharge of conditions application. Within two months of the date of approval of the details of the two metre high fence the approved fence shall be erected and shall be retained in accordance with the approved details thereafter.

Reason: In the interests of visual amenity in order to ensure that views across the hardstanding used for vehicle sales, parking and ancillary B8 storage of vehicles do not have a detrimental impact on the character and appearance of the surrounding rural area in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

INFORMATIVES

1. Proactive actions of the LPA

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which is acceptable in terms of the economic, social and environmental conditions of the area.