
Appeal Decision

Hearing Held on 29 November 2017

Site visit made on 29 November 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th December 2017

Appeal Ref: APP/B1930/W/17/3181153

CAD Stairs Ltd, Unit 9, North Orbital Commercial Park, Napsbury Lane, St Albans AL1 1XB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CAD Stairs Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/15/3507, dated 7 December 2015, was refused by notice dated 21 February 2017.
 - The development proposed is the change of use from B1 (Light Industry) to B2 (General Industry) and the installation of an external flue.
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Decision

1. The appeal is dismissed in so far as it relates to the installation of an external flue.
2. The appeal is allowed and planning permission is granted in so far as it relates to the change of use from B1 (Light Industry) to B2 (General Industry) at CAD Stairs Ltd, Unit 9, North Orbital Commercial Park, Napsbury Lane, St Albans AL1 1XB, in accordance with the terms of the application, Ref: 5/15/3507, dated 7 December 2015, subject to the conditions in the attached schedule.

Preliminary Matters

3. It was agreed at the hearing that the description of development should refer to the installation of an external flue as this is operational development that forms part of the appeal scheme.
4. Further evidence was submitted by four local residents at the hearing. This included three written submissions and a video, which was played during the hearing. This additional information is relevant to my considerations and the appellant was able to address it following a short adjournment. For these reasons I have accepted and considered the late evidence as no party would be prejudiced by me doing so.
5. A completed Statement of Common Ground (SOCG) was provided at the hearing and I have had regard to this.
6. I have issued a split decision because the change of use of the land is an aspect of the proposal which can be severed from the operational development proposed.

Background

7. The appeal site is located within the North Orbital Commercial Park (NOCP) and encompasses a single mid terrace unit (Number 9) and the associated forecourt. To the immediate east is a residential estate. The gardens of the nearest residential properties are separated from the appeal building by tress, a low bund and an access path behind the units. There are fire doors in the rear elevation of the appeal building facing residential properties. The proposed change of use has already occurred and a flue has been installed that serves a large wood burner within the unit. As such, the planning application is retrospective and has been submitted in an attempt to regularise the unauthorised development.
8. Planning permission was granted in 1977¹ for the erection of new warehouse units, including the appeal building. Planning conditions imposed on this permission only permits units A1 and A3 to A7 to be used for warehousing. The other units were restricted in the same way for a period of ten years following the grant of planning permission. However, planning permission was granted in 1995² for the change of use of the appeal site from a use falling within the B8 use class (Storage or Distribution) to a use falling within the B1 Use Class³. As such, the appeal site is not confined to a B8 use.
9. Condition 2 imposed on the 1995 planning permission states that '*No detriment to the amenity of nearby residents shall be caused by noise or other disturbance arising out of the use of the land and/or buildings for the purpose(s) hereby authorised*'. The term 'no detriment' would need to be interpreted in the context of current guidance and policy, which I explore below. Moreover, 'no detriment' does not equate to 'no effect'. In any event, the condition relates to the B1 use of the appeal site whereas the appeal scheme is for a standalone planning permission that would permit a use falling within the B2 use class (General Industrial) and this should be considered on its own merits.

Main Issue

10. The main issue in this appeal is the effect of the appeal scheme on the living conditions of nearby residents with particular reference to noise and odour.

Planning Policy

11. Policy 20 of the Local Plan⁴ (LP) states that B2 uses which are proposed within defined employment areas are normally only permitted in environmentally acceptable locations. The Policy lists the employment sites and identifies what uses would be permitted at each. B2 uses are not permitted at many of the sites listed in Policy 20, presumably because they were not considered to be environmentally acceptable locations for such development. The NOCP is listed in Policy 20 as an employment site where B1, B2 and B8 uses would normally be acceptable. Therefore, within the context of Policy 20, the NOCP is an environmentally acceptable location for B2 uses, subject to the specific impacts

¹ Council reference 5/1977/0052

² Council reference 5/1995/0334

³ Business Uses - Offices, research and development, light industry appropriate in a residential area. Use classes are defined in the Town and Country Planning (Use Classes) Order 1987

⁴ City and District of St Albans District Local Plan Review Adopted 30 November 1994

of such uses, including noise and odour⁵, being acceptable. As such, the appeal scheme does not present a conflict with Policy 20.

12. Policy 9 of the LP relates to non-residential uses within residential areas. These areas are not defined. The Policy permits small scale non-residential development in residential areas where there will not be an adverse effect on amenity from impacts that include noise and smell. The appeal site is within a defined employment area but it adjoins a residential estate and in this respect the area around it could be considered primarily residential in character. An argument could be made either way as to whether Policy 9 is engaged. Nevertheless, during the hearing the Council and appellant agreed that it would be appropriate for me to consider the appeal scheme against the aims and objectives of Policy 9.
13. Policy 9 predates the National Planning Policy Framework (the 'Framework') and therefore Paragraph 215 of the Framework is engaged. It states that in such circumstances the weight attached to a Policy will depend on the degree of consistency with the Framework. In this respect Paragraph 120 of the Framework states that to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location and the effects of pollution on general amenity and the sensitivity of the area are taken into account. The glossary in the Framework states that pollution can arise from both noise and odour. As such, Policy 9, in so far as it relates to odour, is consistent with the Framework and can be given significant weight in this respect.
14. However, Paragraph 123 of the Framework specifically relates to noise impacts and states that planning decisions should avoid noise giving rise to *significant adverse impacts* on health and quality of life and mitigate and reduce to a minimum other adverse impacts arising from noise from new development. This can reasonably be interpreted as a more rigorous test than that set out in Policy 9, which only requires there to be no adverse effect on amenity. Thus, Policy 9 is not wholly consistent with the Framework as it does not use the same terminology in respect of noise impacts. In particular, the need to avoid *significant adverse impacts*. When applying the Framework this is the level at which a noise impact could justify withholding planning permission. As such, Policy 9 is of limited weight when considering noise impacts.
15. Reference has been made to Paragraph 122 of the Framework. This states that local planning authorities should focus on whether a proposed development is an acceptable use of land, and the impacts of the use, rather than control the processes subject to other pollution control regimes. I have had regard to this guidance where relevant.

Reasons

The effect on the living conditions of nearby residents with reference to odour

16. Mr Lewis suggested that when considering odour impacts the Institute for Air Quality Management suggests that the assessment should have regard to the frequency, intensity and duration of the odour events, the location of receptors and the extent to which the odour is unpleasant. The Council agreed that this

⁵ Policy 20 refers to Policy 82 of the LP, but the latter has not been saved.

was a useful means of considering the effect of the appeal scheme and therefore I have framed my assessment in this way.

17. Local residents explained that the odour impacts they have experienced included the smell of wood smoke from the flue as well as odours relating to sawdust, glue and chemicals. It is also suggested that smoke from the flue prevents residents from putting their washing out and enjoying their garden. The smoke was compared to a bon fire that was constantly lit. The concerns have come from a high number of residents and this suggests that the effect is greater than a single individual with a particular sensitivity to the odour.
18. The properties in Meadowcroft are located to the north east of the appeal site and therefore the prevailing wind would blow any smoke and odour towards these properties. I consider the residents of Meadowcroft to be 'receptors' of high sensitivity as they are likely to be in their properties for long periods. As a consequence, odour exposure need not be particularly intense for it to be having an adverse effect. I have not been presented with an odour assessment that considers the impact of the appeal scheme upon these receptors. Given the number of objections the completion of an odour assessment would not have been disproportionate, especially as one was undertaken to demonstrate the acceptability of the activity at Unit 15 in the NOCP.
19. Sawdust created from the manufacturing processes at the appeal site is collected through an extraction system and held in containers. This appeared to be quite effective as there was very little sawdust around the workshop and it did not have a strong smell of saw dust when I was within it. As very little sawdust is likely to escape the appeal building the odour impact is unlikely to be adverse.
20. During my site visit I perceived a slight chemical smell when I stood in the road to the front of the unit. However, this seems to have been from the premises across the road, which I understand makes signs and also has external flues. Notwithstanding this, the appeal building has few openings other than the large door to the front and therefore internal smells relating to glue or other related chemicals are unlikely to escape to the extent that would have an adverse impact on living conditions. As such, the main odour impact arising from the appeal site is likely to be from wood smoke omitted from the flue.
21. Timber off-cuts are burnt in the wood burner and therefore it would be possible to smell wood smoke in the vicinity of the appeal site, especially if the wind pushes the smoke towards the ground and thus the gardens and properties in Meadowcroft. Only untreated wood is burnt in the wood burner so the smoke is unlikely to have a chemical smell. Treated wood, including MDF, is placed in a separate bin and removed from site.
22. Nevertheless, the wood burner in situ at the appeal site is larger than a conventional domestic burner and it is used more frequently, including periods during the summer months⁶ when neighbouring residents are more likely to be outside and have their windows open. As such, wood smoke and its associated odour is likely to be a constant presence during the working week. Residents have described the smell of wood smoke as 'distinct' in their diaries and the appellant has not provided anything of substance to refute this. As such, the

⁶ Provided the temperature does not become excessive within the appeal building

- evidence before me indicates that wood smoke is adversely affecting the living conditions of nearby residents.
23. During my site visit the wood burner was in operation and the smoke I observed was not particularly dark or heavy. I was unable to detect the smell of any wood smoke. However, my observations were a snap shot in time, the wood burner was not full and the wind was apparently strong and blowing from the north. As such, the operations and effects I observed and smelt during my site visit may not have been typical and therefore they are not determinative in this instance.
24. The appellant has confirmed that the wood burner will no longer be operated at weekends as it is not cost effective to do so and the business closes at 4.30pm. As such, the odour impacts identified by residents would not be present at sensitive periods such as the evenings and weekends. However, this does not mitigate for the adverse impacts of odour during the day when residents may be home.
25. It has also been suggested that the height of the flue could be raised. This would increase the speed and height at which smoke is discharged and therefore dilute the wood smoke by disposing it over a greater area. This may reduce the concentration of any odour. However, I have not been provided with any technical data to suggest this would alleviate the current impacts to an acceptable extent.
26. I appreciate that in some cases details of odour abatement can be left to planning conditions. However, this approach requires reasonable certainty that there could be a viable, effective and acceptable solution that would not compromise the living conditions of the occupants of nearby properties. I do not have this information before me including any technical specifications. Mr Lewis has stated that it is his professional opinion that wood smoke is not an issue. However, it is unclear what evidence he has used to formulate this view. He also suggested that odour from plume grounding would only be apparent infrequently, but this has not been defined.
27. I note that the Council's Environmental Compliance Officer (ECO) did not object to the appeal scheme in respect of the odour impacts from wood smoke. This is the expert opinion of an impartial specialist. However, it is entirely unclear from the comments of the ECO how she arrived at this judgment or why she considers a planning condition would address the concerns identified by residents. It is therefore understandable that the Council's planning committee refused the application based on the high number of recorded odour complaints.
28. The odour is unlikely to be a statutory nuisance but that is not what I am tasked with establishing as this falls under separate legislation where a defence under best practicable means can be advanced. In this instance Policy 9 does not permit an adverse odour impact. The complaints received to date suggest the odour from wood smoke is causing an adverse impact and I have not been provided with sufficient details to suggest this is not the case or that the adverse effect could be adequately mitigated.
29. To summarise, the flue is used frequently and is positioned near to residential properties. The smoke would be blown towards residential properties when the wind blows from the south west. The diaries of local residents suggest the

intensity of the smell is 'distinct' and I have nothing before me to suggest this is inaccurate. Wood smoke may not be an unpleasant odour if smelt occasionally but this is subjective and the impact frequently occurs. The smell would be untypical as properties nearby do not have chimneys and the duration of any odour exposure has been extensive. Furthermore, as the receptors are particularly sensitive the odour does not need to be intense to adversely affect living conditions. Mitigation has been proposed but there is nothing of substance before me to suggest the impact currently experienced could be reduced to an acceptable level.

30. Overall, I cannot be satisfied, from the evidence before me that there is not an adverse odour impact arising from wood smoke emitted by the flue, or that this impact can be mitigated by increasing the height. In addition to this, the regular presence of smoke would, in my view, hamper the use and enjoyment of nearby gardens. As such, the use of the flue does, and is likely to, amount to an adverse impact. This presents a conflict with Policy 9 of the LP, which I have already concluded can be afforded significant weight in respect of its guidance on odour impacts.

The effect on the living conditions of nearby residents with reference to noise

31. It was generally agreed at the hearing that I should consider noise impacts with reference to national guidance set out in the Framework, the Planning Practice Guide (PPG) and British Standard 4142:2014⁷ (BS 4142). As already established, Paragraph 123 of the Framework states that planning decisions should avoid noise giving rise to *significant adverse impacts*.
32. Paragraph 123 of the Framework also refers to the Noise Policy Statement for England (NPSE), which further defines what 'significant adverse' and 'adverse' noise effects would be by categorising the effects as NOEL⁸, LOAEL⁹ or SOAEL¹⁰. In addition, the PPG provides a tabulated description of the categories outlined in the NPSE with example outcomes¹¹. It has added additional categories and these are termed NOAEL¹² and UAEL¹³. The PPG also explains that between the LOAEL and the SOAEL there can be a range of observed adverse effects.
33. The oral and written submissions from interested parties, as well as the noise diaries and a video, indicate that noise emanating from the appeal site has clearly been a concern to local residents. The noises recorded include banging and higher pitched tonal noises from the regular use of power tools. The Council considers the residents most affected to be those closest to the appeal site including the occupants of Nos 48-52 Meadowcroft. I concur with this view. Representations have been received from other properties raising concerns with noise but it follows that if the impact is acceptable at the nearest properties it would be at those further away.

⁷ Titled *Methods for rating and assessing industrial and commercial sound*

⁸ No Observed Effect Level – This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

⁹ Lowest Observed Adverse Effect Level – This is the level above which adverse effects on health and quality of life can be detected.

¹⁰ Significant Observed Adverse Effect Level – This is the level above which significant adverse effects on health and quality of life occur.

¹¹ See Paragraph: 005 Reference ID: 30-005-20140306

¹² No Observed Adverse Effect Level – This is the level below LOAEL but above NOEL i.e. a noise can be heard but is not resulting in an adverse effect

¹³ Unacceptable Adverse Effect Level – This is a level of noise that should be prevented.

34. The reported noise effects on residents have included not being able to use their gardens, being woken early, having to keep their windows closed, difficulties getting children to sleep during the day and the general stress linked to living close to a noise source they consider to be too loud. When applying the example outcome descriptions in the PPG then the experiences of neighbours would suggest the noise from the appeal site could be SOAEL¹⁴. The corresponding action in the PPG table would be to 'avoid' permitting the noise activity.
35. To test the noise impact the appellant commissioned a Noise Impact Assessment (NIA). The NIA was undertaken by Mr Lewis, who is an environmental protection specialist. The methodology for completing the NIA followed BS 4142 and was agreed by the Council's ECO. This involved comparing the noise emitted from the appeal site with the background noise after applying certain adjustments. The NIA was completed when noise from the appeal site would have included typical operating conditions such as the use of power tools and banging with the front doors left open but the rear fire doors closed.
36. The background noise in Meadowcroft was identified in the NIA as 45dB. Noise readings taken from directly outside the fire doors (when closed) suggest the average noise level in this position was, and is, 54dB. Noise level readings were also taken in the garden of No 48. These would have considered noise omitted from the appeal building as a whole including the sky lights, front door and uninsulated walls.
37. The noise readings taken from the garden at No 48 indicated a noise level broadly similar to the background noise levels recorded. Noise from the appeal site was difficult to discern above the background noise level. As such, a predicted noise level of the activities at the appeal site in neighbouring gardens is required and this has been calculated at 27.3 dB when the bund and distance are factored in. The Council's ECO was content with the calculations undertaken.
38. Mr Lewis suggested at the hearing that as a general rule an adverse impact would be 5dB over background noise and a significant adverse impact would be 10dB over. Noise from the appeal site was calculated to be around 17dB below the background noise level and therefore Mr Lewis categorises the noise impact as NOEL to NOAEL i.e. below LOAEL. The PPG advises that the corresponding action for such an impact would be 'no specific measures required'. As such, there is a significant gulf between the findings of Mr Lewis and the experiences of nearby residents.
39. The difference between the experience of residents and the findings of Mr Lewis could be down to whether the fire doors at the appeal site are closed or not. The appellant explained that in the past his staff opened the rear fire doors to cut long pieces of wood that would not fit the workstations by the doors. However, when this was found to be a concern working practices have changed. The saw has been moved further away from the door and staff must now cut the wood by hand if it is too long. The appellant advises his staff that they should not open the fire doors except in an emergency.

¹⁴ The descriptions provided by residents would not suggest the noise effect is UAEL as it does not result in regular sleep deprivation, as the activities are during the day, and evidence has not been presented to suggest there is medically definable harm.

40. The NIA was undertaken in 2015 but there is no substantive evidence before me to suggest activity at the appeal site has changed significantly since then. On the contrary, photographs in the NIA suggest the equipment within the appeal site is broadly the same now as it was in 2015.
41. The NIA was undertaken on a single day and is therefore a snap shot in time. It may be that the noise impacts of the appeal site could vary in different circumstances, such as in different weather conditions. However, I was advised by Mr Lewis that the direction of the wind would not change the findings significantly as the rear of the appeal building is quite sheltered. Moreover, the landscaping at the rear of the garden in No 48, that was present in 2015 but has since been removed, is unlikely to have acted as a significant noise barrier. I have not been presented with any technical evidence that would lead me to doubt what Mr Lewis said, who is bound by professional codes of conduct.
42. Moreover, any different circumstances to those in place in 2015 would have to account for a considerable increase in noise levels from that calculated by Mr Lewis to be classified a significant adverse impact. Something perhaps in the region of three times the loudness. I have seen nothing of substance that would suggest alternative circumstances to those encountered by Mr Lewis when he undertook the NIA, other than the fire doors being open, could account for such a notable increase in noise levels.
43. The findings of the NIA also reflect my own experiences as the noise from the appeal site was audible but quiet when I heard it during my site visit. At times it was hard to hear it over the background noise. In particular the wind in the trees, road noise, trains passing and general noise from other activities – such as that from the NOCP. I accept my visit was also a snap shot in time but the machines at the appeal site were in operation during my visit and the noise was apparently typical.
44. The Council's ECO has reviewed the NIA 'in detail' and was content with its findings. The ECO did not express any concerns with the duration, scope or methodology used in the NIA. The ECO's review was impartial and in addition to assessing the NIA she also visited the neighbouring properties and reviewed the noise diaries. Cllr Donald explained at the hearing that members of the Council's planning committee were not satisfied by her review but he was unable to explain when I asked him what specifically the concerns of the committee members' were, with either the recommendation of the ECO or the NIA. As such, I have afforded the ECO's findings significant weight.
45. When considering the evidence from residents and the NIA in the round, the ECO concluded that the noise impact from the appeal site could be categorised as 'borderline LOAEL'. It is not clear whether, in saying this, the ECO considers the noise impact to be the LOAEL or a particular side of this threshold. The ECO did not consider it to be NOEL and, significantly, she did not categorise the noise impact to be near the SOAEL. I concur with this view given the findings of the NIA and what I heard.
46. The evidence before me is contradictory and therefore I have taken a precautionary approach. Assuming the ECO considered the noise impact to be close to but above the LOAEL, then it would be categorised as an 'observed

adverse effect'¹⁵ (rather than NOAEL). The PPG advises that the action for such an impact is to 'mitigate and reduce to a minimum'. It does not state that such an impact should be avoided. To this end the ECO recommended to the Council's Planning Officer that a conditional planning permission should be granted that included additional measures to avoid noise disturbance. This was a recommendation given in September 2016 but I have seen nothing of substance to suggest the ECO is not currently of this view.

47. Mitigation has been set out in a document titled 'Voluntary Mitigation Measures' (VMM). This was prepared on a without prejudice basis by the appellant as he is of the view that the noise impact is NOEL to NOAEL. However, in taking a precautionary approach I have concluded that at worst, the noise impact (with the fire doors closed) is an observed adverse effect, albeit one close to the LOAEL. The impact is likely to be much greater with the fire doors open. If, through the imposition of planning conditions, the appellant implemented the mitigation measures outlined in the VMM¹⁶, with controls on the hours of operation, then I am satisfied the appellant would have done what is reasonable and necessary to mitigate the noise impact and keep it to a minimum. It would be possible to enforce the mitigation through monitoring.
48. I therefore conclude that the appeal scheme does not result in a significant adverse impact that should be avoided. Instead, at worst, the proposal would result in an adverse impact but this can be mitigated and reduced to a minimum that would be close to the LOAEL. As such, I find no conflict with Paragraph 123 of the Framework. As an adverse effect the noise could be regarded as being contrary to Policy 9 of the LP, but I have already concluded that the section of Policy 9 referring to noise effects, and thus any conflict with it, should be given limited weight.

Other Matters

49. A number of concerns have been raised regarding the impact of smoke on air quality and thus the health of nearby residents. These concerns are noted but, as I have dismissed the appeal in so far as it relates to the flue, it is unnecessary for me to consider this matter in detail. It has also been suggested that the appeal scheme would adversely affect house prices but I have not been presented with substantive evidence to suggest this would be the case or that it is a matter of public interest. As such, any impact on house prices is a material consideration of negligible weight.
50. I have been referred to two appeal decisions relating to another unit in the NOCP. However, the decisions turned on the specific facts of the cases and therefore I do not consider them to be particularly relevant to my considerations. I have come to the conclusion I have based on the evidence before me and the specific details of the proposal. As such, no generalise precedent would be set by my decision.
51. It has been suggested that the wood burner is necessary as it minimises the need to dispose of the off cuts by other means, such as through skip hire. This

¹⁵ The description in the PPG of an observed adverse effect is as follows; 'Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.'

¹⁶ Which would include additional sound insulation

could result in other noise impacts. However, I am unconvinced by this as treated wood is disposed of in this way without any apparent harmful impacts. Furthermore, the vehicle movements would be confined to within the employment area where the noise from vehicles is in no way untypical.

Conditions

52. I have had regard to the advice in the Planning Practice Guide and a list of suggested conditions submitted by the appellant, which the Council was broadly content to rely upon as an alternative to its own. I have not attached any conditions in respect of a commencement period as the change of use has already occurred. It is however necessary, in the interests of safeguarding the living conditions of neighbours, to mitigate and minimise the noise impact of the appeal scheme. To do this it is necessary to secure the 'Voluntary Mitigation Measures' and for the fire doors to remain closed. I accept that some monitoring may be required to ensure the noise is kept to an acceptable level and therefore a condition requiring a maximum noise level in addition to the VMM is sensible and necessary. There may be some cross over between the two conditions but I nevertheless consider it prudent to impose both.
53. In respect of hours of operation. A 0730 start is reasonable through the week given the operational needs of the business. However, this is not appropriate on a weekend. Moreover, nearby residents could reasonably expect a break from activities at the appeal site. As such, I see no reason to depart from the existing restrictions on weekend working attached to the 1995 approval¹⁷. I accept that other units in the employment area do not have working hours restricted but the appeal site is in close proximity to dwellings. I share the Council's concerns that an open B2 use of the appeal site so close to neighbours could present issues in the future such as different odour and noise impacts. As such, it is necessary, exceptionally, to restrict the B2 use permitted.

Conclusions

54. The proposed flue would be contrary to the development plan taken as a whole and material considerations, such as the Framework, do not indicate planning permission should be forthcoming in spite of this. Accordingly, this aspect of the proposal is not sustainable development and for this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed in so far as it relates to the flue.
55. In respect of the noise impacts relating to the change of use the proposal would not adhere to Policy 9 but I have afforded this policy, and any conflict with it limited weight. Alternatively, the proposal would adhere to the Framework and guidance in the PPG. Accordingly, material considerations indicate the change of use should be allowed in spite of the conflict with the development plan. This aspect of the proposal is sustainable development and for this reason, the reasons given above, and having regard to all other matters raised, I conclude the change of use should be allowed.

Graham Chamberlain
INSPECTOR

¹⁷ Condition 3 imposed on the 1995 planning permission controls the hours of operation of any B1 use at the appeal site to 0800 to 1730 Monday to Friday and 0900 to 1200 on a Saturday.

APPEARANCES

FOR THE APPELLANT

Russell Bradley	Appellant
Toby Lewis	WSP
Tom Farmer	WSP
Rhian Smith	How Planning
Richard Woodford	How Planning
Louisa Fielden	How Planning

FOR THE LOCAL PLANNING AUTHORITY

Luke Martin	AR Group
Matthew Taylor	AR Group
Mrs L J Young	Appeals Officer SACDC

INTERESTED PARTIES

Fern Bygone	Local resident
Cllr Robert Donald	Local resident and District Councillor
Mrs Susannah Wyeth	Local resident
Dr Nigel Minchin	Local resident
Donald Munro	Residents Association
Michael Wright	Local resident
Greta Wright	Local resident
David Clarke	Local resident
David Eaton	Local resident
Angela Beattie	Local resident
Patricia Coombs	Local resident
Irene Reynolds	Local resident
C Lovine	Local resident
P K Tidy	Local resident
J Tidy	Local resident
Michael Ashen	Local resident
Gill Malin	Local resident
Alan Malin	Local resident
Adam Godden	Local resident

EVIDENCE SUBMITTED AT THE HEARING

1. Draft conditions prepared by the appellant
2. An additional draft condition prepared by the Council
3. A Statement of Common Ground
4. Additional submissions from Cllr Robert Donald
5. Additional submissions from Dr Nigel Minchin
6. Additional submissions from Fern Bygone
7. Video presented by Mrs Susannah Wyeth

Schedule of Conditions

1. The noise mitigation measures set out within the document titled 'Voluntary Mitigation Measures' and dated 28 September 2016 shall be installed and undertaken within three months of the date of this permission. Thereafter, the noise mitigation measures shall be retained as such in perpetuity.
2. The sound rating level of noise emitted from the unit shall not exceed 45db Lar, 1 hour at any time as measured in accordance with the relevant guidance BS 4141:2014 (or any guidance superseding or amending this) in free field conditions in a residential garden or equivalent location.
3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times - 0730 to 1630 on Mondays to Fridays and 0900 to 1200 on Saturdays. No such activities shall take place at any time on Sundays, Bank or Public Holidays.
4. Other than when required for access in the event of an emergency, the rear fire doors shall remain closed at all times.
5. The premises shall be used for the manufacture of stairs and for no other purpose including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that order with or without modification.