



Appeal Decisions

Site visit made on 17 February 2021

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

Appeal A: APP/A5840/C/20/3245109

37 Shad Thames, London SE1 2NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Roland Horne, Chapeau Tower Bridge Ltd, against an enforcement notice issued by the Council of the London Borough of Southwark.
- The enforcement notice was issued on 12 December 2019.
- The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the Property to a mixed use coffee/sandwich shop and restaurant (sui generis) ('the Unauthorised Use').
- The requirements of the notice are Cease the Unauthorised Use of the Property; Remove the oven (located in the kitchen area), grill and hobs from the Property; Remove from the Property the tables and chairs from the areas identified edged blue on the attached ground floor plan which consists of 4 booth tables and seats, 10 tables and 3 high tables); Keep all doors on the southern elevation of the Property opening onto Courage Yard shut at all times, except for escape in emergency; Do not extract air from the Property using the existing vent on the west elevation as shown on the attached photo and identified edged green.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B: APP/A5840/W/20/3252304

37 Shad Thames, London SE1 2NJ

- 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 Mr Roland Horne, Chapeau Tower Bridge Ltd, against the decision of the Council of the London Borough of Southwark.
- The application Ref 19/AP/1583, dated 7 August 2019, was refused by notice dated 26 November 2019.
- The development proposed is Change of use from Class A1 to mixed use Class A1/A3; Retention of vent on western (rear side) elevation and installation of high level vent louvres to existing rear doors facing Courage Yard; installation of two CCTV cameras on the rear elevation.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out below in the Formal Decision.

Preliminary Matters

1. The description of development given in relation to the Appeal B proposal has been altered since the submission of the original application, such that it now includes reference to the creation of a mixed use. This serves to ensure that the proposed use of the building, as set out in the application, is compatible with the description of the alleged breach of planning control that is the subject of Appeal A. I am satisfied that the amended description would not result in injustice to any of the parties.
2. Planning permission is required for 'development' as defined in section 55 of the Act. The making of a material change in the use of any building or other land is normally defined as 'development' and therefore requires planning permission. However Section 55(2)(f) of the Act allows the Secretary of State to make an order (the Use Classes Order) which groups different uses of buildings and other land into use classes.
3. Article 3(1) of the Use Classes Order provides that where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land. This means that a change of use within a single use class does not involve development and therefore does not require planning permission.
4. The change of use alleged and proposed is from A1 (shops) or B1 (offices and other business uses) to a mixed use of A1 and A3 (shops / restaurants and cafes). I am mindful that from 1 September 2020, the government has made revisions to the Use Classes Order¹. These include that uses in the former A1, A3 and B1 Classes have now all been placed within a newly formed Class E. Therefore the effect of this change is that from 1 September 2020 the Use Classes Order exempts from development any change of use from a single use to another single use or to a mixed use within Class E.
5. Paragraph 4 of the Regulations provides that: *"If prior to the commencement of the material period, a relevant planning application was submitted, or was deemed to be submitted, to the local planning authority which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020, that application must be determined by reference to those uses or use classes."* In other words, the current appeals must be decided with reference to the previous Use Classes Order that was relevant prior to 1 September 2020.
6. Notwithstanding this, the aforementioned changes to the Use Classes Order that have now come into force are a material consideration that I need to have regard to in reaching my decision on the ground (a) appeal.
7. To summarise, the approach I have taken is to decide these matters having regard in the first place to the version of the Use Classes Order that was in place at the time of the planning application to the Council and the time of the deemed planning application made on appeal, but to take into account the aforementioned revisions as appropriate.
8. On a separate matter, I have taken into consideration the third-party representation that my site visit should not take place until such time that the

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

premises are fully operational, following the lifting of measures to tackle the ongoing public health emergency. However I am satisfied that my visit to the site, which although was carried out during lockdown restrictions, when the operation of the premises was restricted to take away orders only, was nevertheless sufficient to enable me to reach my decision without resulting in prejudice to the various parties.

9. For clarification the appeal site comprises the ground floor unit of a seven-storey building (the upper floors being in use as residential apartments).

Appeal A on grounds (b) and (c)

10. The appeal on ground (b) is that the breach of planning control alleged in the notice has not occurred. The appeal on ground (c) is that if the matter alleged is judged to have occurred, then it does not constitute a breach in planning control. Because the appeals on grounds (b) and (c) are closely related in this case I shall deal with them under a single sub-heading.
11. The concept of a mixed use is two or more primary uses existing within the same planning unit or unit of occupation. One is not incidental to the other, although there may be incidental uses associated with each primary use. An incidental use, by contrast, is one that is functionally related to and owes its existence to a primary use. In other words it is only there because of the primary use.
12. The appellant's case is that the single primary use of the premises is that of a coffee shop and that this therefore benefits from planning permission². The use of the premises for the sale of food or drink for consumption on the premises is, according to the appellant, an ancillary element to the primary use as a coffee shop and not a separate primary use in its own right. Accordingly the appellant's position is that the coffee shop would fall within the (former) A1 use class for which the unit already has planning permission. As such there has not been a material change of use to a mixed use of (former) A1 and A3, and therefore no breach of planning control.
13. The relevant question is therefore whether there are distinct and 'severable' uses taking place within the premises. The appellant's business includes the provision of hot and cold drinks and food to take away. He also confirms within his statement that seating is provided in the unit for some 78 clients. It seems to me that this represents significant capacity for the consumption of products on the premises.
14. It is argued that minimal primary cooking of food takes place on the premises (limited to the poaching of eggs), with a vast majority of the hot food provision only being reheated there, having first been cooked elsewhere before being brought to the site. However I am not persuaded that the extent of primary cooking verses reheating influences how the primary use should be regarded, the key consideration being the scale of the business concerned with consumption of products on the site and the extent of any distinguishable impacts associated with this.
15. The appellant has provided a breakdown of sales at the premises over several weeks between July and September 2019. This shows that some 35 per cent

² Planning permission was granted on 1 September 2015 (ref 15/AP/2699) including for change of use to A1 (retail).

of transactions related to dine-in business. Whilst information is not provided regarding the relative value of these transactions, I nevertheless consider the numbers in themselves to be significant.

16. Drawing the above considerations together, and when also considering that it is undisputed that the business seeks to provide a dedicated table service, I am not persuaded that the consumption of products on the premises can be regarded as merely incidental to the coffee shop use. Rather it seems to me that this element of the business could operate independently of the coffee shop as a distinct primary use.
17. Furthermore, representations from third parties have referred to harm to living conditions from cooking odours and noise associated with customers inside the premises. I have no reason to believe that such impacts are not being experienced, which I consider likely to be exacerbated by the consumption of products on the premises, thus reinforcing the distinctiveness of such activity as a primary use.
18. The appellant has referred to a previous appeal decision regarding a site elsewhere, in relation to which an enforcement notice was quashed in what he considers to be similar circumstances³. However, although the Inspector in that case allowed the ground (a) appeal and was not required to determine the nature of the use taking place, he indicated that had it been necessary to address that point in detail he would have concluded, as a matter of fact and degree, that the premises were in mixed use. This decision does not therefore assist the appellant's case that the use taking place remains only in Use Class A1.
19. Reference is also made to similar businesses in the locality, in particular Cafe Paradiso and Starbucks, being allowed to operate, despite only having planning permission in place for A1 use. However in determining this appeal I must have regard to the specific individual circumstances of the site, rather than the circumstances of other sites, in relation to which I do not necessarily have complete information.
20. I therefore conclude, as a matter of fact and degree, that at the respective times when the retrospective and deemed planning applications were made, there had been a material change of use of the premises to a mixed A1 and A3 use. Accordingly the appeals on ground (b) and ground (c) must fail.

Appeal A on ground (d)

21. The ground of appeal is that at the date when the notice was issued, no enforcement action could be taken. In order to succeed on this ground it would be necessary for the appellant to show, on the balance of probability, that the use of the premises for the alleged mixed use had commenced at least ten years before the notice was issued, that is by 12 December 2009, and had continued in such use over a ten year period. It must be shown that there has not been any significant interruption in the use, in order to demonstrate the necessary continuity.
22. The appellant has provided no evidence to support this element of the appeal and I note it is undisputed that the present use commenced around May 2019. The ground (d) appeal fails.

³ Appeal ref: APP/L1765/C/04/1147130.

Appeal A on ground (a) and Appeal B

Main Issues

23. The appeals are that planning permission should be granted. The main issues are the effect of the development on the living conditions of nearby residential occupiers and users of the surrounding public realm with specific regard to cooking related odours and on the living conditions of nearby residential occupiers with specific regard to noise disturbance.

Reasons

Living Conditions – Odour

24. The area in which the appeal site is located is generally characterised by narrow streets, with tall densely developed former warehouse buildings enclosing courtyard areas. Typically there are various commercial uses at ground floor level, with residential flats above.
25. There have been numerous objections to the use of the appeal premises on the grounds of strong odour nuisance, arising from the smell of re-heated food, permeating into nearby flats. I noted during my site visit, the proximity between the appeal site and the windows and balconies of the flats above and within the adjacent Compass Court. I have no reason to doubt that such nuisances have occurred.
26. The appellant has provided a technical assessment of odour, which concludes that cooking odours in air exhausted from the food preparation area can be eliminated with the installation of an appropriate mechanical system and carbon filter. In this regard it is proposed to utilise an existing vent, between ground and first floor levels, on the west elevation of the building, for the extraction of cooking / re-heating fumes.
27. The Council's environmental protection team (EPT) are concerned that extraction at such low level cannot be guaranteed to solve the problem entirely, especially if more primary cooking and greater use of grease and spices was to occur in the future. It says that the venting of cooking fumes should ideally take place at high level, and preferably above the ridge height of the building. The appellant, however, points to practical and legal constraints associated with the construction and maintenance of such a high-level solution.
28. With regard to the resistance expressed to discharging cooking odours at high level I noted the presence, adjacent to the existing vent, of an external grey pipe which transcends the various storeys, rising towards the top of the building. It seems to me that this pipe would be up against the same sort of constraints cited by the appellant, and as such the explanation that it would be too difficult to discharge cooking odours at high level is not compelling. I acknowledge the point that any high level extraction would need to recognise the heritage status of the building. However there is no information before me to suggest that high level extraction has been explored with the Council and subsequently ruled out in principle on this basis.
29. Notwithstanding this, from the information before me, it appears that the appellant's technical assessment of odour is based on the assumption that almost all of the hot food offer, with the exception of poached eggs, would be re-heated, rather than primarily cooked on the premises. Despite the concerns

of the Council's EPT, I give weight to this report which appears to be a methodical technical assessment of the issue, in relation to which the professional reputation of the report's compilers would be at stake. Furthermore I have not been provided with any alternative technical evidence to contradict the findings of this assessment.

30. I have had regard to the appeal case referred to by the Council⁴, relating to a nearby site, which involved a proposal to make alterations to the existing extract ducting. In that case the appeal was dismissed partly on the grounds that there was insufficient evidence to show that there would not be harm arising from unpleasant fumes. In this case I consider that satisfactory technical evidence has been provided as set out above. The aforementioned appeal decision can therefore be distinguished from those currently before me and would not be a reason to refuse planning permission in this case, which I must consider on its own individual merits.
31. Concerns have been raised regarding potential odour nuisance to residents arising from the mechanical extraction of air from the toilets serving the premises. However I have not been provided with evidence to persuade me that this impact would arise in practice.
32. The Council has confirmed that if I am minded to grant planning permission, it would not oppose the imposition of a condition to the effect that, with the exception of poached eggs, there must be no primary cooking on the premises. Whilst the appellant no longer considers such a condition to be necessary or reasonable, I note that it confirmed within its original statement that such a condition would be acceptable. I consider the imposition of such a condition to be both necessary and reasonable, when considering that the technical assessment of cooking odour is predicated on this arrangement and does not appear to contemplate more extensive primary cooking on the premises.
33. I am satisfied, on the balance of probability, that the imposition of appropriate planning conditions would be sufficient to overcome harm to living conditions arising from cooking odours. I conclude, on this basis, that the development would not result in harm to the living conditions of nearby residential occupiers and users of the surrounding public realm. As such there would not be conflict with Policy SI 1 of the London Plan 2021 (LP); with Policies 1 and 13 of the Southwark Core Strategy 2011 (CS); with Saved Policies 1.10, 3.1, 3.2 and 3.11 of the Southwark Plan 2007 (SP) or with the National Planning Policy Framework (the Framework) insofar as they seek to protect the amenities of local residents from air pollution.

Living Conditions – Noise

34. There have been objections to the development from residents on the basis of noise disturbance experienced, both from the operation of the business and as a result of servicing arrangements occurring outside normal working hours. Occupiers of the same building, notably the apartment immediately above the appeal site, have provided a copy of diary entries and correspondence with the Council and appellant referring to details of the disturbance. References are made to being awoken very early by noise associated with the delivery of products to the site; also disturbance from general comings and goings, the playing of music and sudden movement of furniture in the premises.

⁴ Council ref 16/AP/1891 and Appeal ref APP/A5840/W/16/3165090

35. Considering the proximity of upper floor apartments I have no reason to doubt the occurrence and severity of noise disturbance. In this regard conditions have been mooted so as to control hours of use, the management of servicing and refuse, internal noise transfer, the closure of doors and plant noise.
36. I am satisfied that the application of such appropriately worded conditions would be sufficient to secure the necessary degree of control over noise disturbance. Accordingly the development could be controlled so as not to conflict with Policy D14 of the LP; with Policies 1 and 13 of the CS; with Saved Policies 1.10, 3.1, 3.2, 3.11 and 5.2 of the SP or with the Framework insofar as they seek to protect the living conditions of residents from noise disturbance.

Other Matters

37. The appeal site is part of a Grade II listed building, situated within the Tower Bridge Conservation Area (CA). Shad Thames, onto which the front of the appeal site faces, is a narrow and densely developed street of former warehouse buildings with connecting gantries and constructed in London stock brick. There are similar commercial uses to that being enforced against within the surroundings to the site.
38. The proposed operational developments comprise relatively minor works. There is no dispute between the main parties that these works do not result in harm to the character and appearance of the building and the wider area. I have no reason to take a contrary view. However the Council has set out, within the officer report for the s.78 planning appeal, that the cooking odour issue results in harm both to the character of the CA and to the setting of the listed building. Despite this, this specific issue was not cited within the notice as a reason for enforcement action or as a reason for refusal of planning permission.
39. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I conclude that the various physical developments do not result in harm to the special interest of the CA. I have concluded that harm to living conditions resulting from cooking odours and noise can be overcome through appropriate planning conditions and I am not persuaded, particularly given the commercial surroundings of the appeal site and its relatively central urban location, that any residual effect would be perceived as so peculiar as to result in harm to the character of the CA. Rather the development as a whole results in a neutral effect on the character and appearance of the CA as a whole, which accordingly would be preserved.
40. I have a further duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the development on the setting of the appeal site which is part of a Grade II listed building. It seems to me that the special interest of this building derives from its age, form, and appearance. The elements of setting that contribute to its significance include its relationship with the street. In this context, I consider that cooking odours arising from the appeal site contribute little, if anything, to the significance of the listed building setting and there would be no harm in this regard.
41. Some third parties have referred to the position of the CCTV cameras resulting in breaches of privacy. However it seems to me that the cameras are

discretely placed so as to monitor the rear entrance to the premises. There is no evidence before me to suggest that the positioning of the cameras results in any undue intrusion and accordingly, I do not give weight to this point. Nor do I consider that there would be good reason to suspect that the development would lead to any increased risk to the security of nearby residential property from criminal activity.

42. Concerns have been raised regarding the possible placement of outdoor seating in connection with the proposed development, and the potential for this to result in further disturbance or obstruction to residents. However this matter is not before me for consideration under the terms of either the planning application or deemed application submitted.
43. Concerns have also been raised regarding the use of ozone as part of the mechanical system to help neutralise cooking odours, and the potential health and safety issues that may arise from this. The responsibility for the safe use of this technology would rest with the appellant and may be subject to alternative regulatory provisions.
44. In terms of the signage relating to the premises, this is not a matter before me for consideration. There is no evidence to persuade me that the development would result in harm to biodiversity interests. With regard to concerns raised about the impact of the development on property value, it is not the purpose of the planning system to protect the private interests of individual parties and as such this consideration would not attract weight in the planning balance.

Conclusion

45. As previously set out, it cannot be ignored that the recent formation of Use Class E means that had the alleged breach of planning control occurred at the present time, it would no longer have amounted to development, because of Section 55(f) of the Act, and would not therefore have required planning permission.
46. However, I do not agree with the appellant's stance that this provides a realistic fallback position, that would make it unreasonable to impose planning conditions. This is because of the requirement set out in paragraph 4 of the regulations that the applications must be determined by reference to the previous Use Classes (as referred to earlier in this decision).
47. Whilst the term 'by reference to' may be deemed as only the starting point, and despite how it may be possible for the development to be accommodated within the present Use Class provisions, I have found that in the absence of appropriate conditions, the development would result in harm. I am therefore entitled to impose appropriate conditions, and indeed it would be remiss of me not to do so in the circumstances. I have taken into consideration that the site is located within the Central Activities Zone, in relation to which there is policy support within the LP and the CS for, amongst other things, promoting the mix of strategic functions and local uses. However, I am satisfied that appropriately worded conditions would not unduly fetter the recovery and operation of the business.

Appeal A

48. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered.

Appeal B

49. For the reasons given above I conclude that the appeal should be allowed.

Conditions

50. I have had regard to the conditions suggested by the Council and the appellant. Conditions limiting the nature of primary cooking on the premises and requiring the maintenance of extraction equipment and the use of an appropriate standard of filtration are needed in order to protect the living conditions of residents from cooking odours.
51. Conditions controlling hours of use, servicing and refuse arrangements, internal noise transfer, the closure of rear doors, servicing hours, noise resulting from furniture movement and plant noise are all required to attenuate noise to protect the living conditions of residents. With regard to Appeal B it would be appropriate to confirm the relevant approved plans, in order to provide certainty.
52. In terms of disputed wording between the parties, the requirement for the Council to give a number of working days' notice of its requirement to view maintenance records for the extraction system would be reasonable. With regard to internal noise transfer the condition should be worded to accommodate the potential constraint of gaining access to third party residential property; also to recognise an appropriate level of sound insulation, having regard to guidance within BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings) together with the nature and hours of operation of the use.
53. With regard to the closure of the rear doors I do not consider that their opening for maintenance purposes and to allow for daytime deliveries within a short time window would be unreasonable. Aside from this I have modified the proposed servicing hours and arrangements to reflect a reasonable compromise between the interests of residents and the requirements and opening hours of the business in a central urban location. I have, however, worded the condition to enable the Council to consider a potential need for relaxation to allow for any emergency maintenance requirements should they arise. I consider that the servicing hours suggested by the Council would be unduly restrictive.
54. In terms of plant noise the condition is worded having regard to BS 4142:2014 (Methods for rating and assessing industrial and commercial sound), with the key aim being to ensure that the rating level would not exceed the background noise level at the nearest noise sensitive premises.
55. I agree with the appellant that it would not be necessary to stipulate that no A3 use take place until relevant conditions have been implemented in full. The imposition and requirements of the conditions strike a reasonable compromise in this regard.

Formal Decisions

Appeal A

56. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely Without planning permission, the material change of use of the Property to a mixed use coffee/sandwich shop and restaurant (sui generis) at 37 Shad Thames, London SE1 2NJ as shown on the plan attached to the notice and subject to condition nos. 1-10 in the schedule below.

Appeal B

57. The appeal is allowed and planning permission is granted for Change of use from Class A1 to mixed use Class A1/A3; Retention of vent on western (rear side) elevation and installation of high level vent louvres to existing rear doors facing Courage Yard; installation of two CCTV cameras on the rear elevation at 37 Shad Thames, London SE1 2NJ in accordance with the terms of the application Ref 19/AP/1583, dated 7 August 2019, subject to the conditions in the schedule below.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

No primary cooking

- 1) With the exception of the poaching of eggs, the preparation of hot food on the premises shall be restricted to the baking of goods in an oven and the re-heating of pre-prepared foods only. Subject to the aforementioned exception, no primary cooking shall take place on the premises.

Extraction Maintenance

- 2) All elements of any commercial kitchen extraction system shall be cleaned, serviced, maintained and replaced at sufficient intervals, fully in accordance with the manufacturer's recommendations and the document 'EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems- (5-9-2018) Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs'. Records of such maintenance and the effectiveness of the system shall be kept and made available to the local planning authority within five working days upon their request to demonstrate compliance with the requirements of this condition.

Extraction Filtration

- 3) Unless otherwise agreed in writing by the local planning authority any commercial kitchen extraction system shall incorporate a carbon filter with a minimum 0.4s residence. The extraction system, the subject of this condition, shall be installed within one month of the date of this decision and shall thereafter be retained.

Hours of use

- 4) The use hereby permitted shall not be carried on outside of the hours 07:00 to 18:00 on any day.

Servicing and Refuse Management Plan

- 5) Within one month of the date of this decision, a Service and Refuse Management Plan detailing how all elements of the site are to be serviced shall be submitted to and approved in writing by the local planning authority. The use shall only be carried out in accordance with the approved plan unless otherwise agreed in writing by the local planning authority.

Internal noise transfer

- 6)
 - a) Within one month of the date of this decision, details of a scheme (including timescale for implementation and validation) to ensure that party walls, floors and ceilings between the commercial premises and residential dwellings are designed to achieve a minimum airborne sound weighted standardized level difference of 50dB DnTw+Ctr shall be submitted to the local planning authority for approval. Following approval the scheme shall be installed.
 - b) Following installation of the scheme required by this condition, a validation report confirming that the required sound attenuation, set out above, has been achieved (or in the event that access to residential

property to confirm this cannot be obtained, that the scheme has been designed to meet the required sound attenuation) shall be submitted to the local planning authority for approval in writing. The report shall include a measured sound insulation assessment in accordance with the methodology of ISO 16283-1:2014, in order to demonstrate that all standards of this condition have been met. Once approved the partition's acoustic performance shall be permanently maintained thereafter.

Rear doors

- 7) All rear doors of the premises shall be kept closed at all times and used only for access and egress in the case of maintenance and emergencies and for the delivery of sandwiches between 10:15 and 10:45 once a day.

Servicing hours

- 8) Unless otherwise agreed in writing by the local planning authority, any servicing of the premises including deliveries, unloading and loading must be undertaken to the front of the premises (with the exception of the sandwich deliveries as set out above) and shall only be between the following hours: 06:00 - 22:00.

Chair and table legs

- 9) Within one month of the date of this decision all chair and table legs in the premises shall be fitted with feet made from felt, rubber or a similar material that minimises sound and vibration when moved.

Plant noise

- 10) The Rating level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises (or, if access to this premises cannot be achieved, assessed as close to the nearest noise sensitive premises as possible). Furthermore, the Specific plant sound level shall be 5dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS4142:2014+A1:2019. A validation test confirming that the requirements of this condition have been met shall be submitted to the Council within one month of the date of this decision for approval in writing.

Approved Plans

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans: 0100_01_AU03.2 Rev A – Proposed Plan; 0100_01_AU03.6 Rev B – Rear – West Elevation Proposed Detail; 0100_01_AU03.4 Rev A – Facade Rear – Proposed Detail; 19007 [GA] 201 – Proposed Rear Elevation.

END OF SCHEDULE OF CONDITIONS