



Appeal Decision

Site visit made on 31 January 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/Z3635/W/24/3350199

40-42 Church Road, Ashford TW15 2UY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Asmarina One Fitness Limited of Energie Fitness against the decision of Spelthorne Borough Council.
 - The application Ref is 23/00797/rvc.
 - The application sought planning permission for redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and five storey's to accommodate 357 dwellings (within use class C3), 619sqm (GIA) of flexible commercial floor space (within use classes A1, A2, A3, A4, A5, B1(a) and 442sqm (GIA) of education floor space (within use class D1), the provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works without complying with a condition attached to planning permission Ref 17/01274/FUL, dated 18 December 2017.
 - The condition in dispute is Condition No. 22 which states that the commercial premises shall not be used for the purposes hereby permitted before 8.00am or after 11.00pm on any day.
 - The reason given for the condition is to safeguard the amenity of neighbouring properties.
-

Decision

1. The appeal is allowed, and planning permission is granted for the redevelopment of the site comprising the demolition of the existing buildings and the construction of new buildings between one and five storey's to accommodate 357 dwellings (within use class C3), 619sqm (GIA) of flexible commercial floor space (within use classes A1, A2, A3, A4, A5, B1(a) and 442sqm (GIA) of education floor space (within use class D1), the provision of public open space and associated car parking, cycle parking, access and related infrastructure and associated works at 40-42 Church Road, Ashford TW15 2UY in accordance with the terms of the application 24/00797/RVC without compliance with Condition 22 previously imposed on planning permission 17/01274/FUL, but subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. On the basis that the latest revisions have no material implications for the outcome of this appeal, it has not been considered necessary to request any related observations from the main parties.

Background and Main Issues

3. The commercial floor space within the development is located on the ground floor of a building fronting Church Road with flatted residential accommodation above. A gym is now trading in this commercial space. The appellant wishes to alter the opening hours from those originally imposed for the premises of 0800 to 2300 on any day to allow earlier opening hours of 0600 to 2200 on weekdays and 0700 to 1900 on Saturdays, Sundays and Bank Holidays. For the avoidance of doubt, in view of the disputed condition's current requirements, my considerations are necessarily focused upon the suitability of opening prior to 0800 hours.
4. The main issue is the effect that these proposed opening times would have on the living conditions of neighbouring residents located in the flats above, with particular regard to noise and disturbance.

Reasons

5. As set out in paragraph 56 of the Framework, planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
6. The commercial floor space is part of a large mixed-use development. The space has a flexible use, and therefore, whilst currently occupied by a gym, the potential occupants are wide-ranging. Exposure to noise can cause annoyance and sleep disturbance, which affects quality of life and can cause impacts on health. Given the relationship between the commercial use and residential units within the same building and including units directly above, a condition restricting the operational hours is reasonable and necessary to protect the living conditions of the residential units, particularly at night.
7. From the correspondence before me, when the gym commenced use, in August 2022, it operated outside the conditioned hours, opening from 0600 on weekdays and 0700 on weekends. Since the receipt of a Breach of Condition notice served by the Council in March 2024, it has been operating, I understand, in line with the condition and not opening until 0800. The appellant advises that this has resulted in a reduction of members, income and personal trainers working at the gym as the period 0600 and 0800 is a peak time for those seeking exercise. I accept, and the Council acknowledge, the health benefits of the facility as part of the community offering and that the operational hours aligning with participants' requirements (i.e. before work) will affect demand.
8. The building is located on a busy high street with a range of commercial uses, and there will be a level of potential disturbance to residents as a result of other activities taking place nearby. This includes, as noted by the appellant, several businesses which open before 0800. Notwithstanding this, the gym and the associated activities have a direct relationship with the building in which it is located, and there are ongoing complaints from some residents relating to noise and disturbance, including vibration.
9. Policy EN11 of Core Strategy and Policies Development Plan Document (2009) (the Core Strategy) requires developments to include measures to reduce noise to an acceptable level, through appropriate attenuation where this can overcome

- unacceptable impacts on residential development. This echoes the objectives of the Framework which seeks to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 135). It also requires that developments should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life (paragraph 198).
10. The appellant's Noise Report¹ (NR) advises on the suitability of amending the open hours and makes recommendations based on a number of predictions and general assessments that lead to positive conclusions. These predictions and assessments relate to matters that include maximum noise levels from gym sources, the performance of existing sound insulation, and measures implemented to reduce noise generation. In addition, further technical notes have been prepared, which offer clarification with regard to various matters, and some further testing consisting of subjective monitoring undertaken on a single day across a two-hour period has been undertaken. The results of this subjective monitoring are relevant, despite residents having alleged that the noise levels experienced when the monitoring in the flats took place was notably quieter than that typically experienced. Additionally, whilst there appears to be a period where no noise nuisance was found by the Council, complaints from some residents related to disturbance and distress are on-going – which I have borne in mind in my consideration of this appeal.
 11. There are, as noted by the Council, a number of limitations to the NR with data based on another gym, the location and extent of testing (20kg weight drop) and, in particular, reliance on it once the gym was operational. The Council has also drawn specific attention to the ProPG Gym Acoustics Guidance (March 2023) (the GAG), which is guidance specifically produced to aid developers, operators and Local Authorities with a standardised methodology for assessing environments in relation to the location of gyms and has suggested that insufficient regard has been paid to its criteria.
 12. The Council's Environmental Health Officer in appeal-stage correspondence refers to the installation of noise monitoring equipment in two separate flats and proactive visits. The associated noise data provided identifies four recordings of gym impact noise in excess of 45 dB within a single flat situated immediately above the free weights area of the gym. These are two occurrences very close together, once mid-morning and once mid-afternoon, and which are only for a few seconds each. There is, however, no indication of the date(s) the instances occurred, details of the time period monitored or any base noise levels, in particular for the early morning period. Based on the limited number and duration of the occurrences and the undefined nature of the information, I am unable to accept any assertion made that extended early morning opening hours would result in a 'significant observed adverse effect level' (SOAEL) and necessarily have a detrimental impact on the amenity of residents.
 13. Moreover, it is important to recognise that the appellant has offered a range of adaptations/mitigation measures to control noise, some of which have already been implemented, which could be formalised by way of a Management Plan to be submitted to the Council for approval and adhered to at all times thereafter. Such measures include the removal/positioning of certain items of equipment, the timing

¹ Acoustic Design Advice - Technical Report: Site Survey & Acoustic Design Advice or Commercial Unit at Church Road, Ashford, TW15 2XD -dBC 10300 prepared by dBc Consultation Limited dated 23 June 2023

of classes, the control of music levels during early and the provision of a sprung platform for the purposes of weightlifting. The Management Plan could be secured via an additional planning condition in the event the appeal be successful. No comparable requirement, I note, is secured via the existing planning permission currently.

14. Additionally, the appellant has indicated that they would be willing for the opening time to be 0700 rather than 0600 if deemed necessary. This would align with the daytime noise impact period and enable the gym to operate in part of the desired operational time before 0800. While early opening hours at weekends would inevitably suit some patrons of the facility, it is a fair assertion that the main demand for such hours would instead be during the working week. It is also relevant that residents are more likely to be at home and potentially sleeping later at weekends.
15. Having had regard to relevant guidance as well as the various considerations including survey/test results offered by the respective parties, together with the potential to secure a Management Plan, I am satisfied that an earlier opening time of 0700 would not have an unacceptable effect upon the living conditions of neighbouring residents located in the flats above. Nevertheless, in view of the balanced judgement I have reached in light of the competing evidence that is before me, I find that the 0800 opening times should remain on weekends and Bank Holidays where early morning activity would likely hold the greatest potential to cause unwanted noise and disturbances.
16. There is identifiable compliance with Policy EN11 of the Core Strategy in so far as it promotes the provision of appropriate noise attenuation measures and with the development plan taken as a whole. Moreover, an appropriate balance would be struck between protecting residents and supporting the ongoing operation of the gym which provides benefits to the wider community.
17. Thus, on the basis of an additional condition to secure the approval of and subsequent adherence to a Management Plan, the removal of Condition 22 and its reimposition with a revised Condition 22 to allow the gym to open at 0700 on weekdays, is deemed to be appropriate. I have not varied permitted closing times as the condition in dispute relates to the flexible commercial floor space, which can be occupied for a variety of uses and, therefore, is not specifically related only to a gym use. It must also be noted that this new permission permits merely an additional operational hour as opposed to the full range of morning-time relaxations sought by the appellant.

Conditions

18. The advice contained within the Planning Policy Guidance (PPG) makes it clear that 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. In allowing this appeal and granting planning permission I have considered the conditions imposed relating to planning permission Ref 17/01274/FUL.
19. There is no information before me regarding the status of the other conditions imposed on the original planning permission, and therefore, I shall reimpose all other conditions even though development has commenced. In the event that any

have, in fact, already been discharged in full, that is a matter which can be addressed by the parties without prejudice outside of this appeal. Additionally, for clarity, I have revised the wording of Condition 1 to refer to the date three years from the date of the original permission, as a section 73 application cannot extend the time limit for implementation.

Conclusion

20. For the reasons outlined above and having regard to the development plan and other material considerations, a new planning permission is granted. The disputed Condition 22 is revised to allow opening at 0700 on weekdays, and an additional Management Plan condition is imposed. Accordingly, the appeal is allowed.

G Ellis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun no later than 18 December 2020.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

2055-01-DR-0001 Rev. P01; 0099 Rev. P01; /0100 Rev. P01; /0101 Rev. P01; /0102, Rev. P01; /0103 Rev. P01; /0104 Rev. P01; /0110 Rev. P01; /0400 Rev. P01; /0401, Rev. P01; /0402 Rev. P01; /0403 Rev. P01; /0404 Rev. P01; /0600 Rev. P01; /601, Rev. P01; /0602 Rev. P01; /0603 Rev. P01; /0604 Rev. P01; /0605 Rev. P01; /0606, Rev. P01; /0650 Rev. P01; /0651 Rev. P01 received 21 August 2017. 2055-11-DR-0099 Rev. P01; 0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103, Rev. P01; /0104 Rev. P01; /0450 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602, Rev. P01; /0603 Rev. P01; /0604 Rev. P01 received 21 August 2017. 2055-16-DR-0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0600 Rev. P01 received 21 August 2017.

2055-21-DR-0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0600 Rev. P01; /0601, Rev. P01; /0602 Rev. P01 received 21 August 2017. 2055-31-DR-0099 Rev. P01; /0100 Rev. P01; /0101 Rev. P01; /0102 Rev. P01; /0103, Rev. P01; /0104 Rev. P01; /0600 Rev. P01; /0601 Rev. P01; /0602 Rev. P01 received 21 August 2017.

Topographical Survey drawings 1, 2, 3 & 4 received 21 August 2017.

INL20124-01 (North 1 of 2), INL21373-03 (North 1 of 2), INL20124-01 (South 2 of 2), INL21373-03 (South 2 of 2), INL21373 10, INL21373 15 received 21 August 2017. Plan no. 2055-01-SK-0003 Rev. P03 received 13 November 2017.

- 3) Before the construction of each block is first commenced details of the materials and detailing to be used for the external surfaces of the building and other external surfaces of the development be submitted to and approved by the Local Planning Authority.

- 4) No development shall take place until: -
- (a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
 - (b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
 - (c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.
 - (d) The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.
- 5) Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.
- 6) No construction on the buildings above damp proof course (DPC) level shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.
- 7) No building hereby permitted shall be occupied until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The trees and shrubs shall be planted on the site before the buildings are occupied and the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

- 8) That within 6 months of the commencement of each block hereby approved, or such longer period as may be approved by the Local Planning Authority, facilities shall be provided within the curtilage of the site for the storage of refuse and waste materials in accordance with the approved plans, and thereafter the approved facilities shall be maintained as approved.
- 9) Before the installation of any external lighting commences details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details and be implemented prior to the occupation of the units.
- 10) Notwithstanding the approved plans the proposed development shall not be occupied until the access with Church Road has been constructed with tactile paving in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, all to be permanently retained.
- 11) Notwithstanding the approved plans details of the proposed traffic calming measures for the first 90 metres of the access road into the site from Church Road shall be submitted to and approved in writing by the Local Planning Authority. The approved layout shall be provided before occupation of the proposed development.
- 12) A raised table with ramps and tactile paving or other suitable pedestrian improvements shall be provided at the junction of College Way with Church Road between the carriageway edge of Church Road and the back of the footway on the north side of Church Road in accordance with a scheme to be submitted to and approved in writing the Local Planning Authority, all to be permanently retained.
- 13) The development shall not be occupied until a Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented upon first occupation and for each subsequent occupation of the development.
- 14) Notwithstanding the submitted plans, the proposed development shall not be occupied until a minimum of 98 car parking spaces for the 347 one and two-bedroom apartment units have been fitted with electrical infrastructure for electric vehicle trickle charging points and for a minimum of seven spaces to be provided with charging points with the remainder to be provided in accordance with additional demand when all of the first seven charging points have been used. The development shall also not be occupied until each of the 10 three-bedroom dwellings units have been fitted with one electric vehicle trickle charging point, all to be permanently retained.
- 15) Notwithstanding the submitted Construction Management Plan dated July 2017, no development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) Loading and unloading of plant and materials
 - (b) Provision of boundary hoarding behind any visibility zones
 - (c) HGV deliveries and hours of operation

(d) Vehicle routing

(e) Measures to prevent the deposit of materials on the highway has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

- 16) Notwithstanding the submitted travel plan, prior to the commencement of the development a revised Travel Plan to include details of monitoring of the full travel plan, electric vehicle charging point use and car club vehicle use shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, and thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.
- 17) The development of each block shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:
- a) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS
 - b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change storm events, during all stages of the development (Pre, Post and during).
 - c) Details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite.
 - d) Details of how the Sustainable Drainage System will be protected and maintained during the construction of the development, to include details on how the existing soakaways will be protected.
 - e) Evidence that the permeable paving is protected against ingress of silt and debris and the methodology of inspection for maintenance of such measures.
 - f) Finalised drawings ready for construction to include: a finalised drainage layout detailing the location of SUDs elements, pipe diameters and their respective levels and long and cross sections of each SuDS Element.
 - g) Details of management and maintenance regimes and responsibilities.
- 18) Prior to the occupation of each block, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.
- 19) The precautionary measures to safeguard bats during demolition shall be carried out strictly in accordance with the recommended mitigation measures in Section 6.5 of the Aspect Ecology Ecological Appraisal July 2017.
- 20) Prior to the occupation of the buildings, a biodiversity enhancement scheme to be implemented on the site in line with the recommendations in Section 6.6 of the Aspect Ecology Ecological Appraisal July 2017 shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity

enhancement measures shall be implemented in accordance with the approved scheme and thereafter maintained prior to occupation of the buildings.

- 21) The rated noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises.
- 22) That the commercial premises shall not be used for the purposes hereby permitted before 7.00am or after 11.00pm Monday to Friday and before 8.00am or after 11.00pm on Saturdays and Sundays and bank holidays.
- 23) Any deliveries or collections to the commercial units shall only be between the following hours: 08:00hrs to 20:00hrs on Monday to Saturday and not at all on Sunday.
- 24) Any self-illuminated lighting fixtures on any facade of the development that face towards residential accommodation shall not exceed a surface brightness of 350 candelas/m² from 21.00 - 07.00hrs.
- 25) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 26) The proposed construction timetable, methods, and tree protection measures shall be carried out strictly in accordance with the details provided in the ACD Environmental Arboricultural Impact Assessment and Method Statement received 21 August 2017 and the Tree Protection Plans INL21373-03 (North 1 of 2) and INL21373-03 (South 2 of 2) received 21 August 2017.
- 27) Details of any proposed surgery to trees on site which are shown to be retained shall comply with best arboricultural practice as set out in British Standard 3398 2010 and be submitted to and approved by the Local Planning Authority prior to the commencement of any work to the trees.
- 28) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order), no extensions or outbuildings shall be erected to the residential development hereby permitted without the prior planning permission of the Local Planning Authority.
- 29) That the parking spaces shown on the submitted plan be constructed and the spaces shall be completed prior to the completion of the dwellings to which they relate, and thereafter the approved facilities together with the means of access thereto shall be maintained as approved and be reserved for the benefit of the development hereby permitted.
- 30) Prior to the occupation of the buildings hereby approved, details of the Local Equipped Area of Play (LEAP), including details of the number and type of equipment to be installed, means of enclosure, surface materials, seating, litter bins, planting and signage, shall be submitted to and approved in writing by the Local Planning Authority. The Local Equipped Area of Play shall be implemented

in accordance with the approved details prior to the occupation of the buildings and thereafter maintained.

- 31) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), the commercial premises adjacent the Town Square shall be used only for purposes within Use Class A1, A2, A3, A4, A5 or B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 32) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), the College premises shall be used only for purposes within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 33) The existing stone porch shall be relocated on-site in a position to be agreed in writing by the Local Planning Authority prior to the demolition of the existing building. The porch shall thereafter be retained in the approved position.
- 34) Prior to the construction of Block A hereby approved details of privacy screens to be installed on the roof terraces of 3rd floor Unit A2.3.13 and fourth floor Unit A2.4.10 shall be submitted to and approved in writing by the Local Planning Authority. The agreed privacy screens shall be installed prior to the occupation of the Units and thereafter retained as approved.
- 35) Before the first occupation of any part of the development, a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- 36) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.
- 37) The public open space and children's playground hereby approved shall be made permanently available and accessible to members of the public during the following times, unless otherwise agreed in writing by the Local Planning Authority:
 - a) 08.00 to 16.00 hours November, December and January
 - b) 08.00 to 17.00 hours February
 - c) 08.00 to 18.00 hours October and March
 - d) 08.00 to 20.00 hours April, May, June and July
 - e) 08.00 to 20.00 hours August
 - f) 08.00 to 19.00 hours September
- 38) Prior to the occupation of the building's details of all street furniture to be installed on the site together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The street

furniture shall be carried out in accordance with the agreed details and timetable.

- 39) Notwithstanding the submitted plans, the proposed development shall not be occupied until space for storing a minimum of 347 bicycles in a secure and covered location has been provided for the flats and a minimum of 10 secure cycle spaces has been provided for visitors in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, all to be permanently retained.
- 40) No demolition, site clearance or building operations shall commence until a Dust Management Plan detailing dust suppression and other mitigation measures during demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in accordance with the approved details.
- 41) Prior to the commercial premises opening before 0800 a Management Plan (including but not necessarily limited to the mitigation measures outlined in the Acoustic Design Advice - Technical Report: Site Survey & Acoustic Design Advice for Commercial Unit at Church Road, Ashford, TW15 2XD dBC 10300 prepared by dB Consultation Limited dated 23 June 2023) relating to the use of the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall thereafter be adhered to at all times.