## Marta Zieminska

From:

Williams, Vicky [Vicky.Williams@pins.gsi.gov.uk]

Sent:

06 May 2009 13:00

To:

Marta Zieminska

Subject:

Online Appeal Form.pdf (SECURED) - Adobe Reader

Attachments: Online Appeal Form

<<Online Appeal Form>>

## Marta

Appeal form for 2103349, 9-23 Third Cross Road. I have not received the file as yet, once received I will send the grounds of appeal in the post as they are seperate.

## Regards

Vicky	Williams			

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09/0069/AP/C

The Planning Inspectorate

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ADDELLANT DETAILS

For official use only (Date received)

28-Apr-2009 11:00

# PLANNING APPEAL FORM (Online Version)

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application). Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

APPEAL REFERENCE: APP/L5810/A/09/2103349

	FELLANT DETAILS							
The nam form.	ne of the person(s) making the	appeal must a	ppear as an app	licant on the planning application				
Name	me Mr Paul Williams							
Address	Wynnstay Properties Pl 16-19 Southhampton Pla London		Phone no. Fax no					
Postcode	e WC1 2AJ E-mail							
Please co	onfirm how you wish to correspo		lectronically, via In paper, by pos	the email address specified above.	e 🗸			
B. AC	GENT DETAILS FOR THE	APPEAL (i	f any)					
Name	Mr Alan Oghana							
Address	Barrett Lloyd Davis Associates The Plaza, 535 Kings Road LONDON			ence 2523/App/04/2009 02078385555				
			Fax no.					
Postcod	e SW10 0SZ E-mail	ao@blda.co.	.uk					
Please o	onfirm how you wish to corresp	ond with us: E		ne email address specified above	✓			
. 10000		(	On paper, by post.					
	CAL PLANNING AUTHO							
C. LC	CAL PLANNING AUTHO	ORITY (LPA		il				
C. LO		ORITY (LPA	) DETAILS	il				
C. LC Name of LPA's re	the LPA Richmond Upo	ORITY (LPA	) DETAILS	il				

D.	APPEAL SITE ADDRESS		
Add	dress 9-23 Third Cross Road TWICKENHAM		
Pos	stcode TW2 5DY	Grid Reference: Easting 05150309 Northing 01727	7657
Is t	the appeal site within a Green Belt?	YES NO ✓	
Are	e there any health and safety issues at count when visiting the site?	t, or near, the site which the Inspector would need to take YES NO ✓	ce into
E.	DESCRIPTION OF THE DEV	ELOPMENT	
	ea of the whole appeal site hectares)	Area of floor space of proposed development (in square metres)	
0.1	7		
De	emolition of exis ting warehouse and	YES NO ✓  prding, and enclose a copy of the LPA's agreement to the dichange of use to mixed use, construction of 8 no. and 2 storey commercial offices to the rear, with new	change.
F.	REASON FOR THE APPEAL		
Th	is appeal is against the decisio	n of the LPA to:-	
1	Refuse planning permission for the c Section E.	Please tick one development described on the application form or in	box only ✓
2	Grant planning permission for the de	evelopment subject to conditions to which you object.	✓
3	Refuse approval of the matters reserved	rved under an outline planning permission.	
4	Grant approval of the matters reserved conditions to which you object.	ved under an outline planning permission subject to	
5	Refuse to approve any matter requir (other than those in 3 or 4 above).	red by a condition on a previous planning permission	
	or		
6	Failed to give notice of its decision was application for permission or approve	within the appropriate period (usually 8 weeks) on an al.	

G.	CH	IOICE OF PROCEDURE				
		3 possible procedures:- written representations, hearings and inquire which method suits your circumstances before selecting your preferr				
1.	THE	WRITTEN REPRESENTATIONS PROCEDURE		1		
	This is normally the simplest, quickest and most straightforward way of making an appeal. written procedure is particularly suited to small-scale developments (e.g. individual houses small groups of houses; appeals against conditions or changes of use).					
	Plea	se answer the questions below.				
	a) b)	Could the Inspector see the relevant parts of the appeal site sufficient to judge the proposal from public land?  Is it essential for the Inspector to enter the site to check measurement or other relevant facts?			NO NO	
		If so, please explain below or on a separate sheet.				
		To confirm the exisiting use of each unit, if necces	sarv			
		To confirm the children's abe of each and, if heeces				
2.	THE	HEARING PROCEDURE				
	pres for a	merits of a proposal. At the hearing the Inspector will lead a discussion ented in the written statements and supporting documents. Although you hearing, the Inspectorate must also consider that your appeal is suitable answer the question below.  Is there any further information relevant to the hearing which you to tell us about? If so please explain below.	ou may indica ble for this pro	te a pr	eference	
		to tell us about: If so please explain below.				
3.	THE	INQUIRY PROCEDURE			- 4	
	be q	is the most formal of procedures. Although it is not a court of law the juite similar, as the parties to the appeal will usually be legally representalled to give evidence. Although you may indicate a preference for an iconsider that your appeal is suitable for this procedure.	ted and exper	t witne	sses may	
	Plea	se answer the questions below.				
	a)	How long do you estimate the inquiry will last? (Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)	No. of days			
	b)	How many witnesses do you intend to call?	No. of witnes	sses		
	c)	Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Please continue on a separate sheet if necessary.	YES		NO	

## H. GROUNDS OF APPEAL

\*\* See separate documents \*\*

If you have chosen the written representations procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

YES

NO

		•	

. GROUNDS OF APPEA	AL (continued)	
	72	

I. (part one) APPE	AL SITE OWNERSHIP DETAILS	
part of it, we need to kno have told them that you	vns the appeals site. If you do not own thow the name(s) of the owner(s) or part ow have made an appeal. YOU MUST TICK WI enclosed Guidance Notes if in doubt.	vner(s). and be sure that you
If you are the sole owner	of the whole appeal site, certificate A will ap	Please tick <b>one</b> box only
CERTIFICATE A		
	days before the date of this appeal, nobody ex of the <i>Guidance Notes</i> for a definition) of any	
	OR	
CERTIFICATE B		<b>✓</b>
Notes) to every one else wh	or the agent) has given the requisite notice (see notice) or the day 21 days before the date of this accurate Notes for a definition) of any part of the law:	appeal, was the
Owner's name	Address at which the notice was served	Date the notice was served
C.P. Williams	16-19 Southhampton Place, London	27 Apr 2009
CERTIFICATES C & D		
If you do not know who own	ns all or part of the appeal site, complete either nying <i>Guidance Notes</i> and attach it to the appear	
I (part two) AGRIC	ULTURAL HOLDINGS CERTIFICATE	
	her the appeal site forms part of an agricultura	l holding.
		1
(a) None of the land to	which the appeal relates is, or is part of, an agr	ricultural holding: ✓
(h) The appeal site is or	OR	allant (on the accet)
has given the requis day 21 days before t	is part of, an agricultural holding and the appointe notice to every person (other than the appointe date of the appeal, was a tenant of an agricular which the appeal relates as listed below:	llant) who, on the
Tenant's name	Address at which the notice was served	Date the notice was served

J.	ESSENTIAL SUPPORTING DOCUMENTS	
	must send the documents listed 1-7 below with your appeal form. se tick the boxes to show which documents you are enclosing.	
		~
1	A copy of the original <b>planning application</b> sent to the LPA.	1
2	A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA	<b>/</b>
3	at application stage (this is usually part of the LPA's planning application form).  A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.	
4	A <b>site plan</b> (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.	1
5	Copies of all <b>plans, drawings and documents</b> sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.	1
	Please number them clearly and list the numbers here or on a separate sheet:	
6	Copies of any <b>additional plans, drawings and documents</b> sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet:	1
7	A copy of the <b>design and access statement</b> sent to the LPA (if required)	1
You	must send copies of the following, if appropriate:	
8	Additional plans, drawings or documents relating to the application but <b>not previously</b> seen by the LPA.	
	Please number them clearly and list the numbers here or on a separate sheet:	
9	Any relevant <b>correspondence</b> with the LPA. Including any supporting information	
10	submitted with your application in accordance with the list of local requirements.  If the appeal is against the LPA's refusal or failure to approve the <b>matters reserved</b>	
	under an outline permission, please encose:  (a) the relevant outline application;	
	(b) all plans sent at outline application stage;	
	(c) the original outline planning permission.	
11	If the appeal is against the LPA's refusal or failure to decide an application which relates to a <b>condition</b> , we must have a copy of the <u>original permission</u> with the condition attached.	
12	A copy of any <b>Environmental Statement</b> plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	

	HER		

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

#### L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 6 month time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature Date 28 April 2009

Name (in capitals) Mr Alan Oghana

On behalf of (if applicable) Mr Paul Williams

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement.

#### M. NOW SEND

## 1 COPY to the LPA

1 COPY for you to keep

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

## WHEN WE RECEIVE YOUR APPEAL

We will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.
- 4) Tell you about the arrangements for the site visit, hearing or inquiry.
- 5) At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

## YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

#### N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

#### APP/L5810/A/09/2103349

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

```
* The Documents Listed Below Were Uploaded With The Appeal Form *
************
======= GROUNDS OF APPEAL =======
           Grounds of Appeal 1
DESCRIPTION: Writtem representation appeal
FILENAME: Written Reps appeal 09 04 27 rev a .pdf
            Grounds of Appeal 1
TITLE:
DESCRIPTION: Appendix Ai - Circular 11/95
FILENAME: Circular 11.95 Use of conditions in planning permission.pdf
TITLE .
           Grounds of Appeal 1
DESCRIPTION: Appendix Aii - PPG24
FILENAME: Planning Policy Guidance 24- Planning and Noise.pdf
            Grounds of Appeal 1
DESCRIPTION: Appendix Aiii - UDP/Chapeter 9
            UDP-Chapter 9-Employment.pdf
FILENAME:
TITLE:
            Grounds of Appeal 1
DESCRIPTION: Appendix Aiv - CBI Report
            Working Time Report.pdf
FILENAME:
TITLE -
            Grounds of Appeal 1
DESCRIPTION: Appendix Av - Wynnstay letter
FILENAME:
            09.04.26 Client Letter.pdf
TITLE:
            Grounds of Appeal 1
DESCRIPTION: Appendix Bi - Appeal case
FILENAME:
            OT100-055-903.pdf
TITLE:
           Grounds of Appeal 1
DESCRIPTION: Appendix Bii - Appeal case
FILENAME:
           OT100-048-533.pdf
TITLE:
           Grounds of Appeal 1
DESCRIPTION: Appendix Biii - Appeal case
           OT044-053-752.pdf
FILENAME:
TITLE:
            Grounds of Appeal 1
DESCRIPTION: Appendix Biv - Appeal case
            OT100-047-267.pdf
FILENAME:
TITLE:
            Grounds of Appeal 1
```

Continued on Supplementary Sheet

#### SUPPLEMENTARY SHEET

## Appeal Documents (continued)

DESCRIPTION: Appendix Bv - Appeal case

FILENAME: OT100-061-115.pdf

====== ESSENTIAL SUPPORTING DOCUMENTS =======

TITLE:

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of th

DESCRIPTION: Existing Site Plan

FILENAME: 2523-Existing site plan.pdf

TITLE: 07. A copy of the design and access statement sent to the LPA (if

required).

DESCRIPTION: Planning Statement
FILENAME: 08.02.01 Third Cross Road Planning Submission.pdf

\* The Documents Listed Below Will Follow By Post \*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

====== ESSENTIAL SUPPORTING DOCUMENTS =======

\*\* 01. A copy of the original planning application sent to the LPA.

\*\* 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).

05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

\*\* 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted

with the application to the LPA.

\*\* 06. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).



## The Planning Inspectorate

Room: 3/14Eagle Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN

Direct Line: 0117-372-8816 Switchboard: 0117-372-8000 Fax No: 0117-372-8181

GTN: 1371-8816

teamp6@pins.gsi.gov.uk

http://www.planning-inspectorate.gov.uk

Sukie Tamplin Richmond Upon Thames London

Borough Council

**Environmental Protection** 

The Civic Centre 44 York Street Twickenham Middx

**TW1 3BZ** 

Your Ref:

DC/CTA/OB/2651/FUL/FUL

Our Ref:

APP/L5810/A/09/2103349/NWF

Date:

11 May 2009

Dear Ms Tamplin

Town and Country Planning Act 1990 Appeal by Wynnstay Properties Plc Site at 9-23 Third Cross Road, Twickenham, TW2 5DY

Please find enclosed a copy of the grounds of appeal for the above site. A copy of the appeal form was emailed to Marta Zieminska on 6/5/09.

Yours sincerely

To Williams

Vicky Williams

211B(BPR)

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <a href="http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp">http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp</a>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button





#### Appeal for removal of condition

9-23 Third Cross Road, Twickenham

Demolition of existing warehouse and change of use to mixed use, construction of 8 no. dwellings at the front of the site and 2 storey B1 offices to the rear, with new access, landscaping and parking.

Condition being appealed

The condition listed below and applied by The London Borough of Richmond upon Thames to the above permission (Reference DC/CTA/OB/2651/FUL/FUL), dated 31<sup>st</sup> October 2008, is hereby appealed. The condition reads as follows:

U22987 Restricted Hours - B1 Units

No work or associated activities including deliveries /loading /unloading /servicing /or
parking or manoeuvring of vehicles by staff and/or visitors shall be carried out at the B1
units hereby approved between the hours of 18:30 and 08:00.

REASON: To safeguard the amenities of nearby occupiers and the area generally.

Background

The existing site lies within the London Borough of Richmond upon Thames approximately one mile south of the centre of Twickenham. It is currently occupied by a purpose built single storey double height warehouse type building constructed in the 1970s. The site area is 0.17 hectare, (1667m²) with the building occupying approximately 50% of the site area.

The building is unattractive in appearance and is agreed to be visually detrimental to the surrounding area and character of the street. The nature of the activity generated by the buildings in their current use creates a large amount of traffic to Third Cross Road, much of this being large delivery and goods vehicles.

Proposal

The conditional planning permission grants a change of use from warehouse to B1 office use, a function compatible with the residential character of the area. The retention of the existing employment, use, and area of commercial use have been retained, as required by the Planning Authority and in order to adhere to the local plan set by the borough in the current UDP dated 1st March 2005.

Main issue of appeal

The main issue in this appeal is that condition *U22987*, if it were to be retained, would render the permission non-viable and thus prevent the creation of the desired employment generating B1 space.

It is the appellant's view that this appeal should consider the benefits of the proposals, together with the effects on the environment of the neighbouring occupiers of the proposals, in terms of the level of noise and disturbance and traffic reduction that will result, and bearing in mind the existing conditions and permitted use.

Planning Policy

The appeal will have regard to advice in:

A \_\_Circular 11/95 – 'The Use of Conditions in Planning Permissions'. Paragraph 14 sets out a number of tests for conditions. They should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects.

- B Statutory Instrument 1987 N0 764 (The Town and Country Planning (Use Classes) Order 1987 which schedules the various definitions of the Use Class Orders. Class B1 Business is defined as:
  - 'Use for all or any of the following purposes:
  - (a) as an office other than a use within class A2 (financial and professional services)
  - (b) for research and development of products or processes or
  - (c) for any industrial process,

Being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.'

C The London Borough of Richmond further defines a B1 Use as 'Offices, research and development, light industry appropriate in a residential area'.

The appeal also has regard to Planning Guidance Note 24 – Planning and Noise (PPG24), Planning Guidance Note 1 – General Policy and Principles (PPG1) and Planning Guidance Note 13 – Transport (PPG13). In addition, regard has been given to the Local UDP, Chapter 9 – Employment and Economic Activity.

#### Reasons for appeal

#### Existing use

The permitted scheme offers several benefits to that of the existing use.

The existing warehouse (permitted for B8 - Warehouse distribution) has several different tenants, one of whom is involved in the manufacture, distribution and sales of signage with ancillary office space, and another in the manufacture and distribution of car batteries. We would consider such uses more akin to B1 in their nature, and we understand that this is now the lawful use.

This development has been operating for many years without restriction on the hours of use with no recorded adverse effects on the amenities of nearby occupiers. It is evident that there would be little difference between the current and proposed use of the future office (B1) space, where staff and visitors come and go sporadically, with occasional visitors and deliveries.

There is no evidence that the visitor and staff numbers generated or the traffic created would be significantly increased from the existing situation. Any disturbance and noise from unrestricted hours of office (B1) use would be no greater than currently permitted use. Unrestricted hours for the business office B1 use would not, therefore, cause undue noise or disturbance or affect the amenities of nearby occupiers.

Deliveries and traffic movements for the permission granted would be likely to be smaller and lighter and of less intensity due to the small size of units proposed than those generated by the existing use and building.

Several appeal cases, attached in appendix B as reference, have been used as precedents and guidance for the above arguments and all have been allowed for the same reasons. These are listed below:

Appeal Ref: APP/A5840/A/08/2083085 Appeal Ref: APP/P3610/A/031119260 Appeal Ref: APP/J3910/A/06/2017913 Appeal Ref: APP/B0230/A/01/1074845 Appeal Ref: APP/N1920/A/07/2058658 Notwithstanding the above, the appellant would accept, if the inspector felt minded, a restriction on deliveries and loading/unloading between the hours of 18:30 and 08:00 on weekends and public holidays.

## Commercial viability

The UDP, Chapter 9 - Employment and Economic Activity States "Richmond's unemployment rate (by claimant count) is one of the lowest in London" and it is recognized that Richmond Borough "has an important role within the wider economy of London.....the Council has attempted to strike a balance between the need to facilitate the continued growth of the local economy.....and provide employment and business opportunities for local residents".

The proposed office (B1) use and the design layout of the commercial portion of the scheme is set specifically to encourage small businesses and start-up companies and promote commercial growth in the Borough, in accordance with the local UDP, Chapter 9 - Employment and Economic Activity. It is anticipated that the current proposed conditions would not be helpful in this regard.

The aim of Planning Policy Guidance PG24: Planning and Noise's is to "minimize the effects of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business".

Research has indicated that small business owners are working longer hours as they bid to meet current challenges. A study conducted by business site BT Tradespace indicates that at least half of all small company owners work more than 60 hours per week. The Confederation of British Industry (CBI) adds that "a key factor behind our economic success and (overall) low employment is our flexible labour market....restricting choice for individuals would have a serious impact on their business".

In a recent appeal in Derbyshire (Appeal Ref: APP/N1025/A/06/2015302), the appellant successfully argued that restrictive operating hours would be inappropriate, adding that it would 'severely restrict demand for the unit' and in accordance with Paragraph 35 of Circular 11/95 would make it "impossible for the occupier to run the business properly". This was not significantly challenged by the Council.

Several articles regarding surveys conducted on small business employment and appeal cases are included in appendix B as reference, as well as a statement submitted by the appellant, detailing the adverse commercial effects such a condition would impose. In addition Appendix A includes full extracts of the UDP, Chapter 9 - Employment and Economic Activity and Planning Policy Guidance PG24: Planning and Noise.

Attached in the appendices are some successful appeal cases, used as guidance for the above argument, as well as a letter written by Wynnstay Properties PLC, highlighting their view on the commercial viability of the scheme.

Therefore, restricting the hours of use of the proposed B1 office is likely to damage the attraction of the B1 commercial space, and in doing so, decrease the commercial viability of the proposed units, discouraging businesses from occupying space. We conclude therefore that these restrictions are inconsistent with policy PPG24 and Circular 11/95 and would cause 'unreasonable restrictions on development and add unduly to the costs and administrative burdens of business'.

## Conclusion

The proposed scheme fulfils all the requirements set down by guidance and local policy for mixed use schemes and B1 within a residential area.

There is no evidence that the B1 portion of the scheme would damage the amenities of nearby occupiers and the general area, or that it would give rise to unacceptable levels of noise or disturbance. Furthermore, the previous existing situation has been unrestricted for many years with no enforced action taken. There is therefore no evidence that would justify fettering the running of the businesses by preventing staff from having access to the premises at any time.

We submit that this is an appropriate approach which provides good reason to allow the removal of condition U22987 for the restriction of hours of use to the B1 portion of the proposed scheme.

## APPENDIX A

Planning Policy Guidance, reports and reference documents specifically used to determine the validity of the appeal against removal of condition U22987.

- i) Circular 11.95 Use of conditions in planning permission
- ii) Planning Guidance Note 24 Planning and Noise
- iii) Planning Guidance Note 1 General Policy and Principles
- iv) UDP Chapter 9 Employment and Economic activity
- v) CBI Report Maintaining a dynamic labour market
- vi) Wynnstay Properties PLC objection letter