



Appeal Decision

Site visit made on 18 September 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Appeal Ref: APP/Q3630/W/25/3366700

Weybridge Business Park, Addlestone Road, Addlestone, Surrey KT15 2UP

- 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 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Bradshaw of Bridge UK Properties 7 LP against the decision of Runnymede Borough Council.
 - The application Ref is RU.24/1257.
 - The application sought planning permission for 'demolition of existing buildings and the development of employment units (Classes E(g)ii, E(g)iii, B2 and B8) with ancillary office accommodation, vehicular accesses, associated external yard areas, car parking, servicing, external lighting, hard and soft landscaping, infrastructure, and all associated works' without complying with a condition attached to planning permission Ref RU.23/1066, dated 15 December 2023.
 - The condition in dispute is No.4 which states that:
The use hereby permitted shall not operate except between the hours of 07:00 to 21:00 hours each day.
 - The reason given for the condition is:
To protect the residential amenities of the neighbouring properties and to comply with Policy EE2 of the Runnymede 2030 Local Plan (2020), the National Planning Policy Framework (2023) and the associated National Planning Policy Guidance relating to Noise and Disturbance.
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Decision

1. The appeal is allowed and planning permission is granted for 'demolition of existing buildings and the development of employment units (Classes E(g)ii, E(g)iii, B2 and B8) with ancillary office accommodation, vehicular accesses, associated external yard areas, car parking, servicing, external lighting, hard and soft landscaping, infrastructure, and all associated works' at Weybridge Business Park, Addlestone Road, Addlestone, Surrey KT15 2UP in accordance with the application Ref RU.24/1257, without compliance with condition number 4 previously imposed on planning permission Ref RU.23/1066 dated 15 December 2023 and subject to the conditions set out in the schedule below.

Application for Costs

2. An application for costs has been made by Mr Bradshaw of Bridge UK Properties 7 LP against Runnymede Borough Council. That application is the subject of a separate decision.

Background and Preliminary Matters

3. The National Planning Policy Framework (the Framework) sets out that planning conditions should be kept to a minimum, and be imposed only where they are necessary and relevant to planning and to the development to be permitted, among other tests. Planning Practice Guidance (PPG) adds that conditions can

enable development to proceed where it would otherwise have been necessary to refuse planning permission and should not be used to impose broad unnecessary controls.

4. On 15 December 2023 the Council granted planning permission for development described as 'demolition of existing buildings and the development of employment units (Classes E(g)ii, E(g)iii, B2 and B8) with ancillary office accommodation, vehicular accesses, associated external yard areas, car parking, servicing, external lighting, hard and soft landscaping, infrastructure, and all associated works' ('the original permission'). That planning permission was subject to a number of conditions.
5. The appellant made an application to the Council to remove condition 4 of the planning permission, which restricted the operating hours to 07:00 to 21:00 each day. The Council refused that application, and that refusal is the subject of this appeal. The PPG is clear that, in deciding an application under section 73, the local planning authority must only consider the disputed condition that is the subject of the application, and an appeal by the Secretary of State will also only consider the condition in question.
6. Accordingly, the main issue of this appeal is whether condition 4 is necessary and reasonable, having regard to the living conditions of occupants of the nearby properties.

Reasons

7. The appeal site lies within a Strategic Employment Area (SEA) as designated by the Council's Local Plan 2020 (the LP) and adjoins other SEAs to the west and south. The LP identifies the objective of these areas as 'to maintain the economic role of Runnymede in the wider areas and sustain economic growth and competitiveness by protecting the most valued employment sites'.
8. The closest residential properties to the appeal site are those along Addlestone Road as well as the properties interspersed between commercial uses on Hamm Moor Lane. Those include a mix of property types, including two storey family homes as well as flats including those above the car retailer. Other residential properties exist on the far side of Hamm More Lane and further east, and there were boats on the river at the time of my visit, potentially providing additional residences. The Council accept that the main access to the site is via Weybridge Road and Link Road, and this access serves the surrounding industrial and residential areas. The properties most likely to be affected by off-site vehicle movements serving the development are therefore those above the car retailer and those close to the site's entrances.
9. The appellant's Noise Technical Note¹ (NTN) asserts that under the original permission, it was demonstrated that under a reasonable worst-case scenario, and with mitigation in place, none of the receptors tested would experience adverse effects, and in many cases no noticeable effects would arise. Additional responses to the concerns of the Council and third parties have also been put forward. The technical consultee responses from the Council, including from Environmental Health² and an external acoustician³ do not provide any reason to doubt the

¹ Noise Technical Note by AAC dated 27 August 2024

² Environmental Health Consultation Response, 04 October 2024

³ Letter from Clarke Saunders Acoustics, 15 January 2025

conclusions of the NTN. Where concerns were raised in respect of any offsite vehicular movements not captured by the assessment, it was found this could be addressed through the imposition of an Operational Noise Management Strategy.

10. Based on the information before me, there is not substantive evidence which would lead me to doubt the findings of the NTN or reach a contrary view. Neither do I have any strong reason to doubt that the submission of an Operational Noise Management Strategy would be successful in mitigating the effects of any additional impacts which may arise.
11. Both main parties refer to the findings of an earlier Inspector who considered an appeal relating to a larger redevelopment of the site⁴ ('the Inquiry Scheme'). Following evidence heard via a public inquiry the Inspector concluded that scheme would not have an unacceptable impact on the living conditions of nearby residents by reason of noise and disturbance and that a condition seeking to control hours of operation would not be necessary or reasonable. While I note there are differences between the Inquiry Scheme and the scheme before me, these differences were subject to review by a technical acoustic consultant employed by the Council during the course of the application. Following a detailed review of the evidence associated with the inquiry and the Inspector's findings, they found the Inspector's conclusions on noise could logically be extended to this appeal scheme. Furthermore, the acoustic consultant added that the site layout here provided the additional benefit of screening the effects of HGV vehicle movements within the site. Again, there is not convincing or detailed evidence which would lead me to reach a different view.
12. Furthermore, the effects of removing condition 4 should be seen within the context of the other safeguards and reassurances which would remain as part of the planning permission if this appeal were allowed. This includes a condition imposing occupancy limitations as well as requirements imposed by the associated legal agreement. Those requirements include the submission of a 'Delivery Service Management Plan' specifically to include details of overnight activities in light of relevant specified noise levels, as well as an 'Operational Plan' detailing measures to control noise from the operational phase of the development. Those documents would need to be assessed by the Council prior to the occupation of the site and the development carried out in accordance with those details for the durations specified in the legal agreement. I also note the main parties agree that any additional plant installed to the buildings would need to be subject to further planning permission.
13. There is uncertainty about the users who may occupy the approved units and the specifics surrounding how they may operate, however this is not uncommon at the planning stage. I see no reason why concerns relating to how vehicles use the gates and traverse around the entrances could not be reasonably dealt with under the above mentioned management plans, which would require approval by the Council. Where personal noise monitoring data has been submitted by a third party, there is not sufficient information including details of its proximity to the site, to demonstrate this should cast doubt over the other noise surveys before me. While I note the significant local opposition to the removal of condition 4 given concerns for the health and wellbeing of local residents, overall there is not substantive evidence which would lead me to doubt the conclusions of the

⁴ Appeal reference APP/Q3630/W/23/3329722 – dated 13 March 2024

technical evidence, which is informed by appropriate local noise monitoring and based on current guidance and methodology, as required by Policy EE2 of the LP.

14. Overall, there is not convincing evidence to support that additional control, through prohibiting operation overnight at the site, is necessary or reasonable here. For the reasons given, I am satisfied that without condition 4 the effects of the development including the remaining mitigation, would not have an unacceptable adverse effect and would comply with Policy EE2 of the LP which relates to environmental protection. The proposal would comply with the Framework and the PPG insofar as they require development to mitigate and reduce to a minimum potential adverse impacts resulting from noise from a new development and avoid significant adverse impacts on health and quality of life.

Other Matters

15. I have had regard to the other issues raised by third parties. It is not apparent, based on the information before me, that the removal of condition 4 would cause harm to the safety or function of the surrounding highway, and I have had regard to the comments of the Highways Authority on this matter. Similarly, there is not evidence to demonstrate the removal of condition 4 would give rise to unacceptable levels of air pollution or breaches of national objectives for pollutants, or cause harm to local wildlife including that surrounding the adjacent canal. Given the times of day to which condition 4 relates, being between 21:00 and 07:00, and given the routing of vehicles and the findings above, it is not apparent that harm to the vitality of other local businesses would occur.
16. The appeal site forms part of the setting of the adjacent Wey Navigation Conservation Area (the CA). Based on the findings of the earlier Inspector, this draws its significance from its great archaeological and historical importance, meriting a CA designation by virtue of its antiquity, appearance and special quality, which I observed remains the case today. Given the scope of this appeal and as HGVs associated with the site during night time hours would pass predominantly away from the CA, the proposal would preserve the character and appearance of the CA.
17. The Council state that the flood risk designation affecting the site has been subject to change since the original permission, with more of the site now falling within flood risk zone 3. The Council state this does not constitute a reason for refusal since the original permission could still be built out. It is relevant that, under Section 73, the original permission is not at risk and remains intact and unamended and, on this basis, I agree with the Council's approach. No additional conditions have been put forward in this regard and I do not consider any to be necessary based on the evidence.

Conditions

18. The main parties state the original permission has not been implemented. Accordingly, the time limit condition is reapplied based on the date of the original permission. The main parties also agree that all other conditions imposed on the original permission remain relevant, and the Council have suggested alternative wording where conditions have been discharged and with which the appellant agrees. Having reviewed those conditions, and in applying the relevant tests for conditions, I agree those should be reimposed. I have removed the requirements for retention thereafter of the approved materials and landscaping in the interests

of reasonableness to avoid the possibility that the details could subsequently change. I have added the remaining sections of the tree protection condition for completeness, and as those requirements remain necessary, and removed details of consequence of non-compliance since that would be an enforcement matter should it occur.

19. I have had regard to the conditions suggested by the Council's Environmental Health Officer. Given the need for mitigation through acoustic barriers, securing those measures is necessary. I have amended that suggested condition to give precision and for reasonableness, to specify the measures required. Given the scope of my considerations, and as any additional plant would require further planning permission and/or be captured by the Operational Plan, a condition relating to plant is not necessary. Construction works are already subject to a condition, and operational noise management is already a matter required for consideration under the legal agreement. As such additional conditions on those matters are not necessary.

Conclusion

20. The proposal would comply with the development plan and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it.

C Shearing

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of planning permission RU.23/1066.
2. The development hereby permitted shall not be carried out except in accordance with the approved drawings as set out in the document titled 'Bridge Point Weybridge- Planning Register' dated 18 July 2023 revision P01. This includes finished floor levels.
3. No tenant/ operator shall occupy more than four of the hereby approved units at any one time, unless otherwise agreed in writing by the Local Planning Authority.
4. The tree protection details shall be undertaken in accordance with the arboricultural method statement and tree protection plan by Linga Consultancy dated 30 April 2024 as approved under application RU.24/0616 dated 3 June 2024 or such other updated/ revised details as agreed in writing by the local planning authority.

The protective measures shall remain in place until all works are complete and all machinery and materials have finally left the site. Nothing shall be stored or placed in any area fenced in accordance with the condition, nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access, other than that detailed within the approved plans, be made without the written consent of the local planning authority. There shall be no burning within six metres of the canopy of any retained trees.

5. Any development shall be constructed in accordance with the Construction Transport Management Plan approved under application RU.24/0617 dated 3 June 2024 or such other details as agreed in writing by the local planning authority.
6. Any development shall be constructed in accordance with the Construction and Environmental Management Plan details approved under application RU.24/112 dated 2 October 2024 or such details as agreed in writing by the local planning authority.
7. The development shall be undertaken in accordance with the Landscape and Ecological Management Plan details approved under application RU.24/1122 dated 2 October 2024 or such other details as agreed in writing by the local planning authority.
8. The surface water drainage scheme shall be undertaken in accordance with details approved under application RU.24/0620 dated 8 July 2024 or such other details as agreed in writing by the local planning authority.
9. Prior to commencement of any development above ground level (on a phased basis or otherwise), a detailed schedule and specification of the materials and finishes to be used shall be submitted to and approved in writing by the local planning authority.

Details shall include: cladding, windows and doors, roofing materials, details of all rooftop structures including plant, lift overruns, cleaning cradles as relevant. Sample boards on site showing the above as relevant shall be provided with the application. The development shall be carried out in accordance with the approved details.

10. Notwithstanding the approved plans or indication otherwise, prior to any works above ground level, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. This shall include a 'schedule of undertaking' for the proposed works and samples of all hard surfacing, as well as a plan for the long term management of the landscaped areas. All approved landscaping details shall be undertaken and completed in accordance with the approved details.

If within a period of five years from the date of planting or any tree or shrub shown on the approved landscaping scheme, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless otherwise varied in writing by the local planning authority.

11. Following the practical completion of the relevant building, a Post Construction BREEAM Review Certificate showing that the development is on course to meet at least 'Very Good' accreditation shall be submitted to and approved in writing by the local planning authority. Any features that are installed in the development to meet this standard must remain for as long as the development exists.
12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the local planning authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme or detail any minor variations, provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/ areas, flow restriction devices and outfalls).
13. Prior to any building within Plot 1 and Plot 2 respectively hereby approved being brought into first use, the modified vehicular accesses to Addlestone Road and/or Hamm Moor Lane (to the plot of the respective building) shall have been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
14. Prior to the relevant building hereby approved being brought into first use (on a phased basis or otherwise), details of the car parking allocated to that building shall be submitted to and approved in writing by the local planning authority. The car parking spaces shall be laid in accordance with the approved details prior to the relevant building being brought into first use. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

15. Prior to any of the buildings hereby approved being brought into first use, the proposed parking restrictions on Addlestone Road and Hamm Moor Lane and the associated Traffic Regulation Orders shall have been designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
16. Prior to the occupation of the development (on a phased basis or otherwise) details of the proposed electric vehicle charging points (EVCPs), including details of how they will be managed, shall be submitted to and approved in writing by the local planning authority. The approved EVCPs, consisting of 20% active and 80% passive charging points, shall be installed prior to occupation and shall be maintained thereafter in accordance with the approved details. Active Electric Vehicle Charging points shall have a fast charge socket (current minimum requirements- 7kw Mode 3 with Type 2 connector- 230v AC 32 Amp single phase dedicated supply).
17. Prior to the relevant building hereby approved being brought into first use (on a phased basis or otherwise), full details to support active travel shall be submitted to and approved in writing by the local planning authority. This shall include:
- Details for the secure parking of bicycles at the site;
 - Facilities within the site for cyclists to change and shower;
 - Facilities for cyclists to store cycling equipment.
- The approved arrangements shall be provided before any part of the development is occupied and shall be maintained thereafter.
- 18.i) Submission of Remediation Scheme
- If found to be required no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal and remedial options, proposal of the preferred option(s), a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- (ii) Implementation of Approved Remediation Scheme
- If found to be required, the remediation scheme shall be implemented in accordance with the approved timetable of works. Upon completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to the local planning authority.
- (iii) Reporting of Unexpected Contamination
- In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken and where remediation is necessary, a

remediation scheme, together with a timetable for its implementation must be submitted to and approved in writing by the Local Planning Authority in the form of a Remediation Strategy which follows the .gov.uk LCRM approach. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation (verification) plan and report must be submitted to and approved in writing by the Local Planning Authority.

19. Prior to the first use of the relevant part of the site, acoustic barriers shall be installed in accordance with the details contained in the Noise Technical Note by AAC dated 28 August 2024, Appendix A, Section 7.2. Those barriers shall have a minimum height as specified, with no gaps or holes in the barriers, below the barriers or between the panels and with a minimum surface density of 16 kg/m². Those barriers shall be so maintained at all times.

End of Schedule