

0581

MINISTRY REF.	LOCATION	170/176, High Street, Berkhamssted	L/A. REF. 11 W2540	65																					
	L.A. NAME	Berkhamssted U.D.C.	L.A. REF.	202/65																					
DESCRIPTION OF DEVELOPMENT		APPLICATION	26	11																					
Demolish existing buildings and erect new building; to form Supermarket and Unit Chop.		RECEIPT BY D.P.O.	13	12																					
		COMPLETION OF STAT. PERIOD	3	12																					
NAME/ADDRESS OF APPLICANT		EXPIRY OF STAT. PERIOD	2	3																					
Valgrove Properties Ltd., 19, Bolsover Street, London, W.1.		PERMISSION																							
		CONDITIONAL PERMISSION																							
		REFUSAL																							
DECISION/DIRECTION OF MINISTER		APPROVAL OF DETAILS																							
Official allowed 16 5.67.																									
DATE	REMARKS	<table border="1"> <tr> <td>Use</td> <td>Qty/L.D.C.</td> <td>Quantity</td> </tr> <tr> <td>2110</td> <td>0</td> <td>16660</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>			Use	Qty/L.D.C.	Quantity	2110	0	16660															
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7/4/66	No decision official lodged.	<table border="1"> <tr> <td>Quantity</td> <td>8</td> </tr> <tr> <td>Three Tables</td> <td>0</td> </tr> <tr> <td>Local Authority</td> <td>61</td> </tr> <tr> <td>Imp. Ex. Area</td> <td>24</td> </tr> <tr> <td>Overlapping</td> <td>7</td> </tr> <tr> <td>Un. Imp. A/Pem.</td> <td>3</td> </tr> <tr> <td>Road Class</td> <td>7</td> </tr> <tr> <td>Type of Appl.</td> <td>1</td> </tr> <tr> <td>Repet./Renewed</td> <td>0</td> </tr> </table>			Quantity	8	Three Tables	0	Local Authority	61	Imp. Ex. Area	24	Overlapping	7	Un. Imp. A/Pem.	3	Road Class	7	Type of Appl.	1	Repet./Renewed	0			
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MINISTRY OF HOUSING AND LOCAL GOVERNMENT

REF: APP/839/A/12158
IJ/IS
W/2540-65

16th May, 1967

Gentlemen,

Town and Country Planning Act 1962 - Section 23
Appeal by Waitrose Properties Limited
Premises at 170/176 High Street, Berkhamsted

1. I am directed by the Minister of Housing and Local Government to say that consideration has been given to the report of his Inspector, Mr. L. T. B. Kealey, B.Eng.(Liverpool), A.M.T.P.I., who held a local inquiry into your clients' appeal on the failure of the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council, to give notice of their decision within the statutory period on an application for planning permission for the rebuilding of existing shops to form supermarket and unit shop at the premises mentioned in the heading to this letter (Application No. W/2540-65).
2. A copy of the Inspector's report is enclosed.
3. The Inspector said in his conclusions that:-
- (i) the proposed supermarket was properly located and your clients' proposals constituted a logical stage in the redevelopment of this small portion of the central area and facilitated, by the ceding of land, its further redevelopment. The only issue in this case was whether rear access for shoppers, direct to the existing car park and in due time across a service road, should be allowed. The failure of the local planning authority to give a decision on the application hinged on this issue and on the fact that until relatively recently, due to prior commitments in other towns, serious consideration had not been given to redevelopment and land use allocation in the vicinity;
- (ii) it was apparent that reasonably easy access for supermarket customers to their cars was desirable particularly at times of bulk buying but ideally the crossing of service roads should be effected at clearly defined points where visibility was adequate and crossing pedestrians were expected by drivers of lorries or cars and where pedestrians were unlikely to become involved with the manoeuvring of heavy vehicles into loading bays. In this case one alternative to shoppers at present, and it would appear for some years to come, to the proposed rear access was a hazardous walk along Water Lane which was one of the vehicular approaches to the car park. A second option was to park one's car on High Street near the premises.
- 21 In view of all the circumstances and since the access requirements of a supermarket were peculiar and unlikely to set a precedent in respect of other commercial uses it seemed reasonable on balance to permit the proposed rear access,

The Inspector recommended that the appeal be allowed.

4. The Minister agrees with the Inspector's conclusions and accepts his recommendation; accordingly he allows the appeal and hereby grants planning permission for redevelopment comprising the erection of a supermarket and unit shop in place of existing shops on the appeal site in accordance with the details shown on plans 345 WB/IA and 345 WB/2 which accompanied the application, subject to the following condition which is required only by reason of section 7 of the Control of Office and Industrial Development Act 1965:-

the use of the building, whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds 3,000 sq.ft.

5. This letter does not convey any approval or consent required under

/continued.....



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: *Locaplan, Parl, London*

Telephone: TRAFALGAR 8020 , ext. 29

Please address any reply to

THE SECRETARY

and quote:

APP/839/A/12158

Your reference: IJ/IS

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/The Inspector

Messrs. Clifford-Turner and Company
Solicitors
11 Old Jewry
LONDON, E.C.2.

BERKHAMSTED U.D.C.	
CLERK'S DEPT.	
Rec'd	17 MAY 1967
Pass to
Noted by
Ans'd

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the use of the building, whether as originally erected or as subsequently extended or altered, shall be restricted so that (whether in consequence of a change of use or otherwise) it does not at any time contain office premises having an aggregate office floor space which exceeds 3,000 square feet.

5. This letter does not convey any approval or consent required under any enactment, byelaw, order or regulation other than section 13 of the Town and Country Planning Act 1962.

I am, Gentlemen,
Your obedient Servant,

(H. C. HOLLINGTON).

Authorised by the Minister
to sign in that behalf.

HERTFORDSHIRE COUNTY COUNCIL

BERKHAMSTED URBAN DISTRICT COUNCIL

APPEAL

by

WAITROSE PROPERTIES LIMITED

Inspector: L.T.B. Kealey B.Eng.(Liverpool) A.M.T.P.I.

Date of Inquiry: 14th March 1967

File No.: APP/839/A/12158

Whitehall,

London, S.W.1.

3rd April 1967

To The Right Honourable Anthony Greenwood, M.P.,
Minister of Housing and Local Government.

Sir,

I have the honour to report that on Tuesday 14th March 1967 I held an inquiry (in the place of Mr. A.F.M. Smith) at the Civic Centre, Berkhamsted into an appeal by Waitrose Properties Limited, under section 23 of the Town and Country Planning Act 1962, against the failure of the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council to give a decision within the statutory period on an application for planning permission for the rebuilding of existing shops to form supermarket and unit shop at 170/176 High Street, Berkhamsted.

1. This report includes a description of the appeal site and surroundings, the gist of the representations made at the inquiry, and my findings of fact, conclusions and recommendation. Lists of appearances, documents, plans and photographs are attached.

THE SITE AND SURROUNDINGS

2. The appeal premises comprise four two storey buildings, probably originally dwellings, fronting the northern side of High Street now occupied by the appellant company as an off licence, a confectionery shop and a grocery stores on the ground floor with stores above. The total frontage to the highway is about 72 feet. There is a tunnel access, to height of ground floor, between the most westerly building, the off licence, and the confectionery shop. This access leads to a rough surfaced yard, on to which the rear accesses of the building open, and to four lock up garages and other outbuildings used as stores. There is a long overgrown garden at the rear of the off licence (Plan B).

3. The appeal premises adjoin similar buildings used for commercial purposes on the eastern and western sides whilst to the north they adjoin a public car park, which has access from Water Lane, Mill Street and Greenfield Road, and land owned by the Rickmansworth and Uxbridge Valley Water Company. The area round the appeal premises forms the main shopping, commercial and civic centre of Berkhamsted.

4. High Street forms part of the main road, A.41, from London to Aylesbury. At this point it has a carriageway of width about 52 feet, divided by bollards, and footpaths about 21 feet and 12 feet wide on the northern and southern sides respectively. It is a very busy road.

THE CASE FOR THE APPELLANTS

The material points are:-

5. The appellant company are a company within the John Lewis Partnership Group responsible for retailing food and provisions and operate a chain of supermarkets.

They purchased the two elements of the premises, previously occupied by Henry Kingham and Sons Limited and Timothy Whites and Taylors, in August 1964 and December 1960 respectively. The premises are old fashioned and of the counter service type of shop and the buildings are inadequate for modern shopping needs. It is proposed to redevelop them as shown on the submitted plan (Plan A) and in doing so to cede a considerable amount of the curtilage (shown hatched red on plan C) as extension to the adjoining car park. The cost of the redevelopment is estimated at about £200,000.

6. On the approved county development plan the southern portion of the site is allocated for shopping use and the remainder, together with most of the existing car park, for civic building. In the review of that plan the town centre is given a general allocation for business, civic, cultural and other special uses. The appeal premises are ideally situated for their function and their proposed redevelopment accords with the Action Area No. 1 plan recently prepared by the local planning authority. The sole issue in this case is whether there shall be pedestrian access for shoppers at the rear of the store and directly on to the public car park. The minutes of the appropriate local authority committee (document No. 3) indicate the long history of negotiation and the fact that the authority are unable to make up their minds on this issue.

7. The type of shopping done in a supermarket calls for easy access for shoppers to their cars. If the company's investment is to be justified such access is essential and it is suggested that a refusal in this case would wholly jeopardise their proposals. A survey showing the typical weights of goods taken away by customers at some of the company's other supermarkets on Friday 10th March 1967 shows that easy access to cars is vital (document no. 5) and this fact is borne out by the number of shoppers on Fridays and Saturdays who use the rear access at the Henley and Tilehurst premises (document no. 5). The customers either carry the goods to their cars themselves or an assistant does this for them. Since a rear access is necessary to meet fire precaution requirements it is quite likely that customers might eventually use such an access or the loading exit in any event since the alternative path out of the front of the shop and along High Street and Water Lane is much longer and more hazardous. Their proposals provide for a ramped access direct to the car park and separated from the loading and unloading area (plan A). They submit photographs showing similar rear access arrangements to those proposed, at their premises at Dunstable, Henley and Tilehurst. The shopping precincts at Dunstable and Tilehurst are new developments; the situation at Henley is similar to the case at appeal (photographs nos. 1 to 7).

8. The bulk of supermarket shopping is done when the family car is available on Friday night or Saturday and of the 8,000 transactions anticipated per week at the appeal premises the vast majority, particularly of large orders, would occur at those times. There are no bulk deliveries to such stores on a Friday or Saturday. Deliveries normally comprise 10 tons of sugar once every two weeks; deliveries in 10-15 ton lorries from their central warehouse once or twice a week; about six deliveries per day in 30 cwt lorries of bread, sausages etc. and an early morning delivery of fruit and vegetables daily. Only small vans deliver on a Saturday and none, other than perhaps bread, on a Friday evening. At present deliveries are made either over the wall from the car park or across the footpath from High Street. It is noted that the Minister of Transport has stated that he has no wish to restrict the grant of permission.

9. It is appreciated that ideally pedestrians and service vehicles should be segregated but the present proposals must, in all the circumstances, be acceptable. The proposed redevelopment of the appeal premises would make possible the further implementation of the proposals outlined on the plan Action Area No. 1 and the rear access would meet the needs of both the appellants and their customers. There is

no other car park convenient to the premises the second nearest being to the north west over $\frac{1}{4}$ mile away (plan B).

THE CASE FOR THE LOCAL PLANNING AUTHORITY

The material points are:-

10. They have no objection to the location of the proposed supermarket nor to the design and external appearance of the building shown on plan 345 WB/1A. They have agreed in principle to grant a right to the appellant company for vehicular access over the car park, which is owned by the local authority, in return for the dedication to car park use of the land referred to in paragraph 5 above. When the issue of pedestrian access through the rear of the premises to the car park was first considered in April 1966 they were awaiting an appraisal report on the central area of Berkhamsted and approval could not be given to such an access lest it should prejudice redevelopment proposals. The report was received in January 1967, is on public display, but has not been considered, pending the receipt of public reaction, by the local authority. The plan is skeletal in nature and only a first consideration. Transportation surveys will have to be carried out prior to its finalisation (plan C).

11. The plan proposes a service road at the rear of the properties fronting High Street, in the vicinity of the appeal premises, and Lower Kings Road. This service road would form a loop with Greenfield Road and the area within it is shown as a car park. A second stage in the redevelopment would involve the construction of a multi storey car park. The timing of redevelopment is not known. Other towns in the county, e.g. Hertford and Tring, have a higher priority than Berkhamsted. It is conceded that without the land to be ceded by the appellants the scheme outlined on Action Area No. 1 would be more difficult to implement. If, however, rear pedestrian access to the proposed supermarket is permitted customers from the supermarket would have to cross the service road to reach the car park. Similar facility would be claimed in all probability by other nearby shop owners. They felt, therefore, that in view of the fact that full consideration of the redevelopment proposals has not yet been possible the desirability or otherwise of allowing pedestrian access for shoppers direct to the car park is in doubt. Their witness, when questioned directly, agreed that there now appears to be no reason why the Minister should not allow the appeal.

FINDINGS OF FACT

12. I find the following facts:-

- (1) The appeal premises, comprising an off licence, a confectionery shop and a grocery stores, front the northern side of High Street, A.41, over a length of about 72 feet and it is proposed to redevelop them to provide a supermarket and unit shop.
- (2) On the approved county development plan the southern portion of the site is allocated for shopping use and the remainder, together with most of the adjoining publicly owned car park to the north, for civic buildings.
- (3) The appeal premises lie within an area broadly allocated for business, civic, cultural and other special uses on the review of the county development plan.
- (4) Under the recently suggested redevelopment proposals for the area bounded by High Street, Lower Kings Road, Greenfield Road and Water Lane the

proposed supermarket would back on to a service road intended to serve business premises fronting High Street and Lower Kings Road; the existing car park would remain and later contain a multi storey car park.

- (5) The timing of the construction of the suggested service road and multi storey car park is not known.
- (6) The proposals of the appellant company include the ceding of the northern limb of the site for incorporation in the area of the proposed car park and service road.
- (7) The proposed rear access for shoppers would be divorced from the loading bay and vehicle manoeuvring area at the rear of the supermarket.
- (8) The greatest use of the proposed rear access would be made on Friday evenings and Saturdays when no bulk deliveries are made to a supermarket and the weights of shopping purchased by an average family at these times vary between about a half and one hundred weight.
- (9) The local planning authority has no objection to the location of the proposed supermarket nor to the design and external appearance of the building as shown on plan 345 WB/1A.

CONCLUSIONS

Bearing in mind the above findings of fact:-

13. The proposed supermarket is properly located and the appellant company's proposals constitute a logical stage in the redevelopment of this small portion of the central area and facilitate, by the ceding of land, its further redevelopment. The only issue in this case is whether rear access for shoppers, direct to the existing car park and in due time across a service road, should be allowed. The failure of the local planning authority to give a decision on the application hinges on this issue and on the fact that until relatively recently, due to prior commitments in other towns, serious consideration had not been given to redevelopment and land use allocation in the vicinity.

14. It is apparent that reasonably easy access for supermarket customers to their cars is desirable particularly at times of bulk buying but ideally the crossing of service roads should be effected at clearly defined points where visibility is adequate and crossing pedestrians are expected by drivers of lorries or cars and where pedestrians are unlikely to become involved with the manoeuvring of heavy vehicles into loading bays. In this case one alternative to shoppers at present, and it would appear for some years to come, to the proposed rear access is a hazardous walk along Water Lane which is one of the vehicular approaches to the car park. A second option is to attempt to park one's car on High Street near the premises. In view of all the circumstances and since the access requirements of a supermarket are peculiar and unlikely to set a precedent in respect of other commercial uses it seems reasonable on balance to permit the proposed rear access.

RECOMMENDATION

15. I recommend that the appeal be allowed.

I have the honour to be,
Sir,
Your obedient Servant,

APPEARANCES

FOR THE APPELLANTS

Mr. M. Rich

- of Counsel instructed by Messrs. Clifford Turner and Company, 11 Old Jewry, London, E.C.2.

He called:

(1) Mr. I.M. Collington,
A.R.I.C.S., A.A.I.

- Messrs. Montague Evens and Son, Awdry House, 11 Kingsway, London, W.C.2.

(2) Mr. G.C. Walton

- Chairman of the appellant company.

FOR THE PLANNING AUTHORITY

Mr. S.C. Redding

- Clerk to the Berkhamsted Urban District Council.

He called:

Mr. B.E.A. Badman A.I.Mun.E.

- Engineer and Surveyor, Berkhamsted Urban District Council.

INTERESTED PERSONS

None

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Notice of the inquiry with distribution list.
- Document 3 - Extracts from local authority minutes relating to the proposed development.
- Document 4 - Copy of letter from the appellants to the local authority.
- Document 5 - Statistics indicating average weights of family grocery purchases and numbers of customers using rear access to appellant company's stores.

PLANS

- PLAN A - Plans and elevations of proposed development submitted with their application by the appellants.
- PLAN B - Plan of appeal premises and surroundings - submitted at the inquiry by the appellants.
- PLAN C - Suggested development plan for area in which the appeal premises are situated - submitted at the inquiry by the local planning authority.

PHOTOGRAPHS

(Submitted at the Inquiry by the Appellants)

- Photos. 1 - 4 - Views of rear pedestrian access to appellants and Messrs. Boots premises at Dunstable.
- Photos. 5 & 6 - Views of rear pedestrian access to appellants premises at Henley.
- Photo. 7 - Views of rear pedestrian access to appellants premises at Reading.

w/2340/65

HERTFORDSHIRE COUNTY COUNCIL

BERKHAMSTED URBAN DISTRICT COUNCIL

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3. The appeal premises adjoin similar buildings used for commercial purposes on the eastern and western sides whilst to the north they adjoin a public car park, which has access from Water Lane, Mill Street and Greenfield Road, and land owned by the Rickmansworth and Uxbridge Valley Water Company. The area round the appeal premises forms the main shopping, commercial and civic centre of Berkhamsted.

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The material points are:-

10. They have no objection to the location of the proposed supermarket nor to the design and external appearance of the building shown on plan 345 WB/1A. They have agreed in principle to grant a right to the appellant company for vehicular access over the car park, which is owned by the local authority, in return for the dedication to car park use of the land referred to in paragraph 5 above. When the issue of pedestrian access through the rear of the premises to the car park was first considered in April 1966 they were awaiting an appraisal report on the central area of Berkhamsted and approval could not be given to such an access lest it should prejudice redevelopment proposals. The report was received in January 1967, is on public display, but has not been considered, pending the receipt of public reaction, by the local authority. The plan is skeletal in nature and only a first consideration. Transportation surveys will have to be carried out prior to its finalisation (plan C).

11. The plan proposes a service road at the rear of the properties fronting High Street, in the vicinity of the appeal premises, and Lower Kings Road. This service road would form a loop with Greenfield Road and the area within it is shown as a car park. A second stage in the redevelopment would involve the construction of a multi storey car park. The timing of redevelopment is not known. Other towns in the county, e.g. Hertford and Tring, have a higher priority than Berkhamsted. It is conceded that without the land to be ceded by the appellants the scheme outlined on Action Area No. 1 would be more difficult to implement. If, however, rear pedestrian access to the proposed supermarket is permitted customers from the supermarket would have to cross the service road to reach the car park. Similar facility would be claimed in all probability by other nearby shop owners. They felt, therefore, that in view of the fact that full consideration of the redevelopment proposals has not yet been possible the desirability or otherwise of allowing pedestrian access for shoppers direct to the car park is in doubt. Their witness, when questioned directly, agreed that there now appears to be no reason why the Minister should not allow the appeal.

FINDINGS OF FACT

12. I find the following facts:-

- (1) The appeal premises, comprising an off licence, a confectionery shop and a grocery stores, front the northern side of High Street, A.41, over a length of about 72 feet and it is proposed to redevelop them to provide a supermarket and unit shop.
- (2) On the approved county development plan the southern portion of the site is allocated for shopping use and the remainder, together with most of the adjoining publicly owned car park to the north, for civic building.
- (3) The appeal premises lie within an area broadly allocated for business, civic, cultural and other special uses on the review of the county development plan.
- (4) Under the recently suggested redevelopment proposals for the area bounded by High Street, Lower Kings Road, Greenfield Road and Water Lane the

proposed supermarket would back on to a service road intended to serve business premises fronting High Street and Lower Kings Road; the existing car park would remain and later contain a multi storey car park.

- (5) The timing of the construction of the suggested service road and multi storey car park is not known.
- (6) The proposals of the appellant company include the ceding of the northern limb of the site for incorporation in the area of the proposed car park and service road.
- (7) The proposed rear access for shoppers would be divorced from the loading bay and vehicle manoeuvring area at the rear of the supermarket.
- (8) The greatest use of the proposed rear access would be made on Friday evenings and Saturdays when no bulk deliveries are made to a supermarket and the weights of shopping purchased by an average family at these times vary between about a half and one hundred weight.
- (9) The local planning authority has no objection to the location of the proposed supermarket nor to the design and external appearance of the building as shown on plan 3.5 WB/1A.

CONCLUSIONS

Bearing in mind the above findings of fact:-

13. The proposed supermarket is properly located and the appellant company's proposals constitute a logical stage in the redevelopment of this small portion of the central area and facilitate, by the ceding of land, its further redevelopment. The only issue in this case is whether rear access for shoppers, direct to the existing car park and in due time across a service road, should be allowed. The failure of the local planning authority to give a decision on the application hinges on this issue and on the fact that until relatively recently, due to prior commitments in other towns, serious consideration had not been given to redevelopment and land use allocation in the vicinity.

14. It is apparent that reasonably easy access for supermarket customers to their cars is desirable particularly at times of bulk buying but ideally the crossing of service roads should be effected at clearly defined points where visibility is adequate and crossing pedestrians are expected by drivers of lorries or cars and where pedestrians are unlikely to become involved with the manoeuvring of heavy vehicles into loading bays. In this case one alternative to shoppers at present, and it would appear for some years to come, to the proposed rear access is a hazardous walk along Water Lane which is one of the vehicular approaches to the car park. A second option is to attempt to park one's car on High Street near the premises. In view of all the circumstances and since the access requirements of a supermarket are peculiar and unlikely to set a precedent in respect of other commercial uses it seems reasonable on balance to permit the proposed rear access.

RECOMMENDATION

15. I recommend that the appeal be allowed.

I have the honour to be,
Sir,
Your obedient Servant,

APPEARANCES

FOR THE APPELLANTS

Mr. M. Rich

- of Counsel instructed by Messrs. Clifford Turner and Company, 11 Old Jewry, London, E.C.2.

He called:

(1) Mr. I.M. Collington,
A.R.I.C.S., A.A.I.

- Messrs. Montague Evens and Son, Awdry House, 11 Kingsway, London, W.C.2.

(2) Mr. G.C. Walton

- Chairman of the appellant company.

FOR THE PLANNING AUTHORITY

Mr. S.C. Redding

- Clerk to the Berkhamsted Urban District Council.

He called:

Mr. B.E.A. Badman A.I.Mun.E.

- Engineer and Surveyor, Berkhamsted Urban District Council.

INTERESTED PERSONS

None

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Notice of the inquiry with distribution list.
- Document 3 - Extracts from local authority minutes relating to the proposed development.
- Document 4 - Copy of letter from the appellants to the local authority.
- Document 5 - Statistics indicating average weights of family grocery purchases and numbers of customers using rear access to appellant company's stores.

PLANS

- PLAN A - Plans and elevations of proposed development submitted with their application by the appellants.
- PLAN B - Plan of appeal premises and surroundings - submitted at the inquiry by the appellants.
- PLAN C - Suggested development plan for area in which the appeal premises are situated - submitted at the inquiry by the local planning authority.

PHOTOGRAPHS

(Submitted at the Inquiry by the Appellants)

- Photos. 1 - 4 - Views of rear pedestrian access to appellants and Messrs. Boots premises at Dunstable.
- Photos. 5 & 6 - Views of rear pedestrian access to appellants premises at Henley.
- Photo. 7 - Views of rear pedestrian access to appellants premises at Reading.