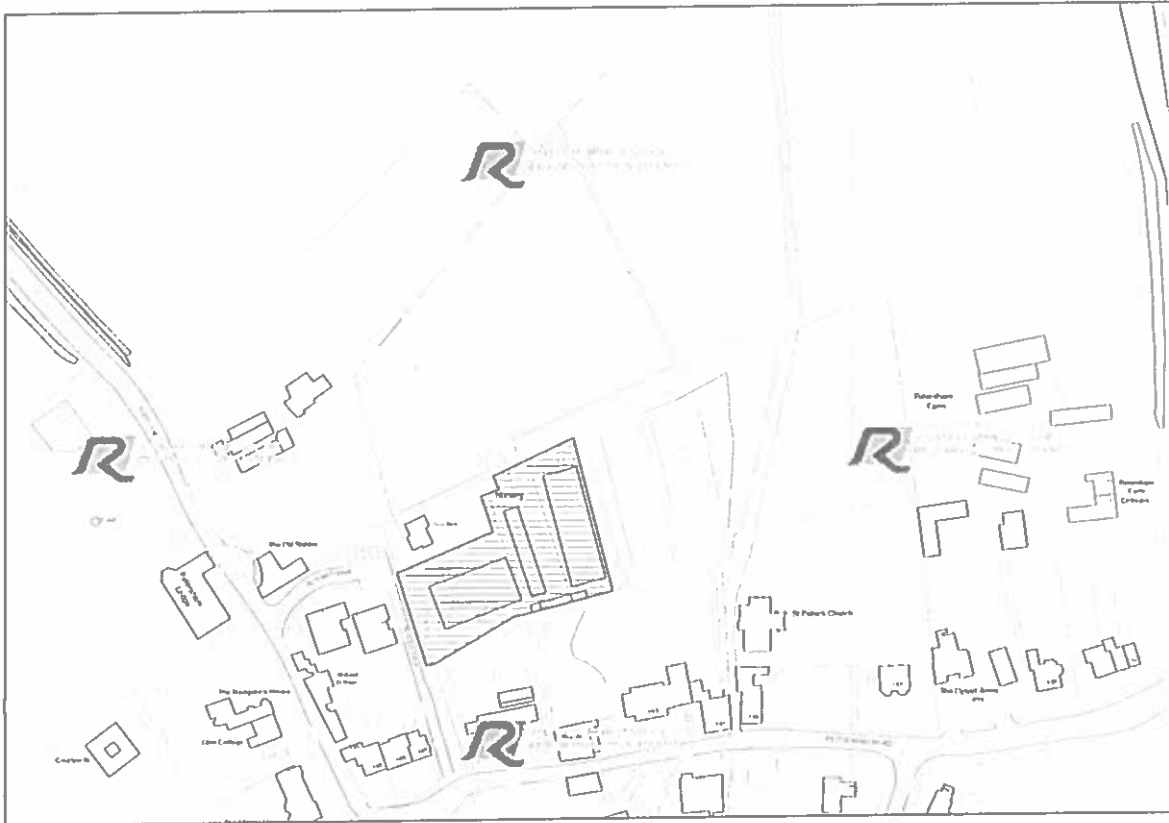


08/4312/VRC
 PETERSHAM NURSERIES
 PETERSHAM ROAD
 RICHMOND

HAM, PETERSHAM & RICHMOND RIVERSIDE WARD
 Contact Name:
 R Angus



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Proposal: Continuation of Planning Permission granted 11 December 2007 (07/1235/FUL), to allow permanent mixed use as garden centre (Class A1) and café/restaurant (Class A3).

Applicant: Direct Planning Ltd on behalf of Petersham Nurseries

Application received: 22nd January 2009

Main development plan policies:

Unitary Development Plan - First Review 2005 Policies IMP2, ENV1, ENV5, BLT2, BLT16, TRN2, TRN4, CCE18 & TC9

Local Development Framework Core Strategy (April 2009) – Policies CP1, CP5, CP7 and CP10

The London Plan (February 2008) Policies 2A.1 and 3C.1

SUMMARY OF APPLICATION:

The main issue of this application remains to be the additional traffic and parking associated with this mixed A1/A3 use. The applicants have submitted a Green Travel Plan (GTP) Review, an updated GTP and a Transport Statement to demonstrate that there has been a reduction in traffic and parking in and around the site. The Council's Transport Planning Team no longer have significant concerns about the ability of the GTP to deliver its outcomes and it is now considered that a reasonable approach would be for planning permission to be granted on a permanent basis. Since the GTP has proven to be a success then it is considered that other benefits would have arisen in terms of a reduced impact upon Metropolitan Open Land, the Conservation Area and residential amenity.

Relevant conditions will still need to be imposed, as per the original Permission 07/1235/FUL, including ones relating to the monitoring and review of the GTP. Therefore, subject to these conditions, the change of use is considered acceptable on a permanent basis in this particular location.

RECOMMENDATION:

PERMISSION, subject to conditions and informatives

Site, Location and History:

1. Full details of the site, location and history for Petersham Nurseries is set out in the Planning Committee report for Permission 07/1235/FUL, which is attached as Appendix 1 to this report.
2. The retrospective planning application the subject of the attached report was for a mixed use as a garden centre (Class A1) and café/restaurant (Class A3) and associated Green Travel Plan (GTP) and this was approved temporary permission for a period of one year by the Planning Committee on 29 November 2007. The reason for the temporary consent was for the Local Planning Authority to monitor and review the matter after the use has been experienced, with the implementation of a GTP. A further Condition (U18244 NS02) required the implementation of the GTP and for it to be monitored with a review after one year.
3. In order to assess the traffic and highway implications of the mixed use Petersham Nurseries instructed 'TBM Highway Consultants' to produce a 'Travel Plan Review' (December 2008), a 'Draft Travel Plan' (December 2008) and a 'Draft Transport Statement' (November 2008). An 'Application Supporting Statement' (January 2009) also accompanied the planning application submission. More recently Petersham Nurseries Travel Plan – 'Future Developments' document has been submitted.
4. A turning head arrangement on the adjacent Council land still allows for vehicles, including servicing and delivery vehicles to turn at the end of Church Lane.

Public and other representations:

5. This application has received 228 letters of representation. There have been 204 letters of support. In general the support letters raise the following issues:
 - Petersham Nurseries employ a number of local people and use local and sustainable produce.
 - The operation is a 'sustainable' enterprise in respect to the sourcing and selection of plants and items ancillary to the running of a garden centre.
 - The site is committed to a GTP to reduce car use at the site.
 - The site is a commercial benefit to the area.

- Recognition should be given to the individuality and unique nature of the site.
 - Provides educational workshops for children, families and adults.
 - The supporters urge Richmond Council to retain the existing use as it is.
6. In addition, Petersham Nurseries have submitted two documents entitled 'Letters of Support and Petitions', which include copies of 190 letters of support and state that 13,635 people have registered their support online on the Petersham Nurseries' website and include a separate petition with 2,887 signatures.
7. There have been 22 letters of objection to the proposal, which in general raise the following concerns:
- The site is not suitable for the considerable amount of traffic congestion generated by the restaurant.
 - The use does not serve the local needs. Whilst a small cafe attached to a nursery may be appropriate, the restaurant causes damage through increased traffic and is therefore not acceptable.
 - Possible grant of planning permission would enable future commercialisation of the site.
 - Noise and general disturbance associated with the additional vehicular activity.
 - Safety with regard to mixture of vehicles and pedestrians using the public right of way and highway.
 - Significant increase in servicing and deliveries in and around the surrounding area.
 - Increasing number of patrons using the playground and parking in the surrounding streets such as River Lane, Church Lane, Cedar Heights and Ashfield Close.
 - Despite efforts made by the owners of Petersham Nurseries with regard to parking problems there is still an acute issue in respect to the number vehicles in the area.
 - The current 'enterprise is too large for the local infrastructure, especially with regard to the vehicles accessing the site.
 - The café is no longer considered ancillary and the restaurant/café use is the main function at the site.
 - Concerns raised over the loss of the personal condition as the application has been made by 'Petersham Nurseries Ltd'.
 - The current use is not in keeping with the Conservation Area or the Metropolitan Open Land (MOL).
8. There are two representations that are neither for nor against the proposal.

Professional Comments:

9. Given the proposal is to seek a permanent mixed use as a garden centre (Class A1) and café/restaurant (Class A3) the main issues are the same as for Permission 07/1235/FUL and include impact on the character of the Metropolitan Open Land (MOL); impact on the character or appearance of the Petersham Conservation Area; impact on residential amenity and traffic and car parking associated with the proposal.

Impact upon Metropolitan Open Land:

10. The consideration of impact upon MOL remains the same as set out in Appendix 1 attached to this report. Whilst relevant UDP First Review policies include Policies ENV1 and ENV5, relevant Core Strategy policies now include Policies CP7 and CP10.
11. As previously explained a key test in this situation is whether an approval for the mixed A1/A3 use at this location would cause demonstrable harm to the open nature and character of the MOL designation and whether any harm could be mitigated through the imposition of appropriate conditions. Given that the mitigation measures set out in the

GTP are considered to have been successful, any demonstrable harm created by additional car parking or vehicular movements in the area and any possible adverse visual impact on the character of the open land would have been reduced since the last temporary permission was granted.

Impact on Character and Appearance of Conservation Area:

12. The consideration of impact upon the character and appearance of the conservation area remains the same as set out in Appendix 1 attached to this report. Whilst the relevant UDP policy was previously identified as Policy BLT2, the relevant Core Strategy policies now include Policies CP7 and CP10. These essentially seek to pay special attention to the preservation or enhancement of the character or appearance of the conservation areas by allowing development which would contribute positively to the character or appearance of the conservation area or leave it unharmed.
13. As with the impact upon MOL, the main impacts upon the Conservation Area are linked to the additional vehicular movements and car parking on site. However, given that the mitigation measures set out in the GTP are considered to have been successful, it is again considered that any demonstrable harm created by additional vehicular movements and car parking in the area and any undue visual impact on the character and appearance of this part of the Petersham Road Conservation Area would have been reduced since the last temporary permission was granted.
14. Any decision on both the impact upon the MOL and Conservation Area should take into account the issues relating to traffic and parking (see below section of the report) and whether the provision of the suggested conditions could continue to mitigate any undue harm.

Impact on Residential Amenity:

15. The consideration of impact upon residential amenity remains the same as set out in Appendix 1 attached to this report. Whilst relevant UDP policies were previously identified as Policies CCE18, TC9 and BLT16, a relevant Core Strategy policy now includes Policy CP7.
16. As previously explained, a significant test in this case is whether the proposed use would have a negative effect on the environment and amenity of residents. The previous assessment was made with specific regard to considerations relating to noise, smells and fumes, traffic and parking, hours of operation and refuse provision, which essentially remain the same. Therefore, subject to the previous conditions imposed it is considered that there would be no significant harm upon residential amenities.
17. In terms of the nuisance and disturbance created by additional traffic and car parking associated with the restaurant use this is considered in greater detail in the Traffic and Car Parking section of this report below.

Traffic and Car Parking:

18. When assessing the continuation of this use Policies TRN2 and TRN4 of the UDP remain relevant and have specific regard to the transport implications of any change of use proposals.
19. Policy TRN2 states the Council will only permit changes of use where it can be demonstrated that the transport infrastructure can accommodate it, or be adapted to do so, without creating congestion and hazards on the road network. Transport Assessments will be required to support development proposals where there are significant transport issues to be addressed. New development should meet specific

criterion as stated in the UDP. Policy TRN 4 relates to car and bicycle parking standards.

20. London Plan Policies and Core Strategy policies also apply and include Policies 2A.1 and 3C.1 and CP1, CP5 and CP7 respectively, which relate to promoting sustainable development and travel and aim at locating mixed use developments in town centres, near to public transport to reduce the need to travel by car and encourage the development of GTPs.
21. Appendix 1 already fully sets out the background traffic and car parking issues relating to this site and the current application for the permanent mixed use. It also sets out the car parking arrangements for Petersham Nurseries, the details of their original GTP and previous survey work undertaken by both Petersham Nurseries and the Council.
22. In relation to the Council owned land adjacent to Petersham Nurseries this has continued not to be used for parking any vehicles using the Nurseries.
23. The previous decision to grant a temporary consent for a year was to provide the opportunity to establish whether car trips rates have been reduced sufficiently by the GTP to merit its approval permanently or for longer term.
24. Petersham Nurseries instructed 'TBM Highway Consultants' to produce a 'Travel Plan Review' (December 2008), a 'Draft Travel Plan' (December 2008) and a 'Draft Transport Statement' (November 2008). The summary results from these three reports are set out below.

Travel Plan Review

25. The previous 2007 GTP indicated that the targets set to reduce car journeys would be met through a number of measures. These included additional cycle parking facilities and maps of local cycle routes; parking spaces at Russell School allocated linked to table booking (weekends only); possible incentives offered to customers for travelling via public transport; the provision of a delivery service and a collection point, promotion of car sharing, the ferry service and of taxi and eco-friendly taxi services.
26. In order to review the GTP traffic counts and customer surveys (face to face and email) were carried out by traffic consultants on behalf of Petersham Nurseries in September 2008. The review of the approved GTP was required by Condition U18244 NS02 of Permission 07/1235/FUL and its main findings are:
 - 54% less cars during the peak period September 2008 survey than the Council March 2007 survey (parked cars).
 - The 50% target in the approved travel plan has already been achieved by loss of 50% of total car parking spaces in 2007 – (loss of 'turning circle' for parking).
 - 75% less parked cars during the peak period than the lawful use – 'TRAVL' data comparison.
 - 25% fewer customers are travelling by car, comparing modal split in the approved 2007 Travel Plan with modal split in September 2008 survey.
 - At least 19% of customers have been influenced to change their travel behaviour.

Draft Travel Plan

27. This updated GTP was provided in December 2008 in order to emphasise Petersham Nurseries' continuing commitment to sustainability. Its purpose is to provide additional measures and initiatives to further promote reduced car travel to the site and encourage

customers to instead use viable travel alternatives such as walking, cycling, the ferry and public transport. The aims are summarised below:

- The measures proposed would enable a target to further reduce car trips by 12%.
- Commitment and partnership working is also needed from other businesses to address traffic in the wider area.
- It is recommended that a Destination Travel Plan Network is set up for the area.
- Petersham Nurseries hope that projects such as the following will now be feasible:
 - Increased river access (referred to in Arcadias' Landscape Strategy).
 - Bike Hire (supported by the Mayor and TfL).
 - Park and stride site (supported by a large number of customers).

28. It is noteworthy that of the traffic surveys undertaken by Petersham Nurseries' consultants on Church Lane, Cedar Heights and River Lane in September 2008 the highest level of traffic was recorded as a total of 132 cars generated on a Saturday (8.30am to 5.30pm). The consultant has compared this figure with total traffic level volumes on Petersham Road, which averages 11,170 during this same period. Petersham Nurseries traffic forms 1.2% of the total traffic on the local road network on Saturday and therefore is negligible in terms of Transport Assessment standards. In terms of the amount of cars generated by the Nurseries, the GTP sets a target to shift 15% of single occupants to car share within 5 years, increase access to the site by public transport by 5%, increase cycle trips by 14% and increase walking by 2%.

29. Petersham Nurseries Travel Plan – 'Future Developments' document sets out further benefits resulting from other proposed and suggested measures, including improvements to the borough's sustainable travel infrastructure and their own operations.

Draft Transport Statement

30. This report prepared by Petersham Nurseries' consultants makes some of the following conclusions:

- 72% less car trip generation during the peak period, compared with existing lawful garden centre use ('TRAVL' Comparison sites).
- Only 9% (7) of all cars throughout the peak Saturday survey day were solely café/restaurant customers.
- A reduction of up to 53% of Nursery customer cars parking at Church Lane and River Lane between March 2007 and September 2008 surveys.
- Petersham Nurseries generates less than 1% (average) of daily traffic volumes on relevant section of Petersham Road.
- At peak lunchtime period on Saturday 20th September 2008 survey, there was never less than an average of 12 free parking spaces available on Church Lane - equivalent to 33% of all spaces provided; for total 9 hour survey, average free number of spaces at any one period was 21 or 55% of total.
- Only 15% and 4% respectively of total parking on River Lane and Cedar Heights were the Nurseries' customers.
- The surveys of 20th September demonstrate a quantifiable reduction in car trips, as a result of implementing the GTP.
- The approved GTP target of a 50% reduction in parking was met by the loss of 50% of the Nurseries' total spaces by the closure of the former 'turning circle' for parking purposes in mid 2007.
- 48% of all cars noted were already in the area visiting other attractions.

31. The previous advice of the Council's Transport Team was that the mixed use did have an affect upon highway conditions. However, given the Transport Team's previous

comments and applicant's submission of the 2007 GTP, it was considered that concern raised over traffic and parking conditions could be reduced, subject to the overall effectiveness of the GTP and the highway conditions imposed. In order for this to be reviewed and to assess whether the mitigation measures contained within the GTP had been successful, it was considered essential that a temporary permission was granted.

32. The Council's Travel Plan Officer has commented upon the GTP Review and Draft GTP and observes that whilst the reason for the GTP is the issue of traffic generated from the restaurant, it serves a dual purpose, serving both staff and visitors. Therefore, they are assessed as both a workplace travel plan and a destination travel plan. In addition, both travel plans are considered to contain good survey analysis, interpretation of results and understanding of how such information can realistically translate into workable initiatives at ground level. The following comprises a summary of Officers views on the GTP Review and the Draft GTP:

- The plan suggests that Petersham Nurseries' activities for promoting sustainable travel to/from their site are working successfully with locals (who represent 35% of their current market) choosing to walk.
- Visitors of the nurseries are undertaking multi-purpose trips, thereby reducing the need to make single-purpose trips and in turn reducing the need to travel.
- Good level of strategic thinking and motivation Petersham Nurseries displays for the formation of a 'network', since their evidence suggests 43% of customers were also in the area visiting other attractions.
- When comparing the 2007 and 2008 travel plans, it is clear that Petersham Nurseries have learnt a lot about travel plans, their purpose and the strategy behind them. This can be seen in the overall quality of the plans, where the 2007 plan sets extremely high targets for modal shift without providing any real incite as to how this will be achieved. Whilst it is considered 2007 targets were naively set, the 2008 plan sets a reasonable expectation to achieve a reduction of between 5-10% (of those travelling unsustainably) over 5 years.
- It is recognised that the 2007 plan sets an exceptionally ambitious target of reducing car journeys to/from their site by 50%. Ordinarily targets of this nature tend to aim for a reduction of between 2-5% over a three to five year period. It is therefore considered that Petersham Nurseries has been successful in achieving a 12% reduction in people travelling to/from their site by car. If the 2007 figures were standardised down to the 2008 figures, this would equate to an approximate reduction of 57 car journeys to/from the date of the surveys. In other words, the effort that the Nurseries is going to is transpiring on the ground, with less people travelling to the Nurseries by car and more people walking, taking public transport and cycling (changes of 3%, 4% and 2% respectively). With continuing efforts (as committed in the Draft GTP) it is not unrealistic to see Petersham Nurseries achieve additional change in travel behaviour of their staff and customers.
- In terms of other targets, the Nurseries have achieved significant change when compared to other travel plans. A 3% increase in walking, 4% increase in public transport use, 2% increase in cycling and nil change for taxi use is a noticeable achievement to be made within one year.
- Monitoring and reporting of the GTP will need to be provided over a five year period. It is suggested that this be secured by the imposition of planning conditions relating to the GTP and its review.

33. Given the above observations, overall it is considered that Petersham Nurseries set themselves ambitious targets in 2007, but despite this they have achieved impressive results over the past year. They have also shown a commitment to sustainable travel (and other practices) as demonstrated through the extent to which they have

implemented numerous initiatives all designed to change the travel behaviour of its staff and visitors towards more sustainable modes.

34. In terms of the Travel Plan Officer's observations, whilst it is noted that there were some discrepancies with the data provided, these were minor and overall the reported results of the GTP are in excess of that expected to be achieved over a year. However, it is considered that separate SMART targets need to be set for staff and visitors and made the subject of a condition. Similarly the discrepancy within the GTP and transport statement in relation to car parking availability in Church Lane and outside the nurseries (38 and 35 spaces) generally has minimal impact on any of the figures and conclusions.
35. With regard to the current application, the Council's Transport Team have commissioned and undertaken a number of traffic counts since the last temporary consent. Surveys have been undertaken on 27th February and 1st and 3rd March 2008, 8th and 23rd June 2008, and 5th, 7th, 9th and 10th November 2008. In particular, these recorded pedestrian and vehicular movements in Church Lane and River Lane at peak periods on those days (11.30am to 14.30pm). A comparison of information relating to pedestrian movements to the nursery and the vehicle movements on Church Lane between 2006 and 2008 is set out in the table below:

Dates	Number of pedestrians	Average number of vehicles
January 2006	335	74
February 2007	727	50
March 2007	675	48
March 08	494	Not known
June 08	457	49
Nov 08	536	55

36. The table below shows surveys carried out in River Lane where the drivers of vehicles entering River Lane were asked what their destination was and the time spent in River lane by the vehicle was recorded. The surveys were carried out for the same times as the Church Lane surveys above.

Date	No. of cars in to River Lane	Number of cars for nursery	Average time spent in River Lane
27/02/08	17	5	1min 30sec
01/03/08	9	1	54sec
03/03/08	8	3	1min 10sec

37. Overall this shows that there has been an increase in pedestrian movement to the site since 2006 particularly at the weekends. Conversely there is a reduction in the vehicle movements on Church Lane in the same time period, although specific generation attributed to the nursery cannot be segregated. Whilst it was difficult in the River Lane surveys to segregate nurseries visitors from other visitors to the area, the above survey does show that many vehicular movements in River Lane are not linked to visitors of the nurseries.
38. The transport assessment also provides information on trip generation from the Travel database (as is the accepted procedure) of another nursery with similar characteristics albeit that more parking is available at the site. The trip generation exercise and travel

plan information show that Petersham Nurseries generate less trips with the restaurant than would be expected if it were only a nursery.

39. Furthermore, since the previous temporary consent there continues to be no reported accidents (personal injury accidents) on Petersham Road in the vicinity of Church Lane.
40. The Transport Team have also re-analysed the reported data from the visitor surveys and have arrived at the following figures, which are slightly different from those arrived at by the consultant, but are still considered to be impressive. These reductions in car trips and increase in sustainable modes is normally achieved through a 5 year implementation of actions. These have also been compared to the survey figures originally provided in the 2007 travel plan.

MODE	%age journeys 2007	%age journeys 2008	%age change
Walking	42.1	46.7	+4.6
Public Transport	2.2	6.6	+4.4
Cycle	2.5	5	+2.5
Taxi	2.6	2.5	-0.1
Car (incl car share)	48.4	36.9	-11.5
Other (ferry, m/bike)	2.1	2.3	+0.2

41. In terms of other necessary conditions, it is suggested that the size of the restaurant is still limited to that currently proposed as this will manage the number of covers and therefore the trip generation to the site associated with this particular part of the use. It is also recommended that the permission continues to be personal as this will also enable continuing management and promotion of the sustainable travel aspects of the mixed use development as well as manage any growth of the uses. This would also enable the Council to review the uses again should the site change ownership and emphasis on use.
42. Overall it is considered that Petersham Nurseries have through their travel plan managed to reduce car trips to the site and increased trips by more sustainable modes. Although the analysis of the data collected is not quite correctly reported the differences in the analysis are small and still achieve a reduction in car trips to the site as originally intended through the temporary permission. Therefore, there is no objection in principle to permission being granted on a permanent basis subject to the suggested conditions.

Other Planning Matters:

43. The applicant has offered the imposition of a condition to restrict the number of covers in the restaurant to 90. However, given that the previous operation has been specifically restricted by condition to a defined area for cafe/restaurant use and all previous assessments of the mixed use has been on this basis, it is not considered to be necessary in this instance.
44. Whilst previous conditions relating to the submission of details of cycle parking facilities and a servicing and delivery schedule were previously imposed, it has become apparent that these have not been formally submitted to and discharged by the Local Planning Authority. Whilst Petersham Nurseries has confirmed that cycle racks have been provided and they do operate a servicing and delivery schedule it is considered that these details still need to be submitted, as per the requirements of the previous conditions.

45. Circular 11/95 – Use of Planning Conditions states that permission usually runs with the land. However personal permissions can be granted where exceptional circumstances exist to allow a use that would not normally be permitted in such a location. These exceptional circumstances should only be based on some strong compassionate or other personal grounds. In this case, clearly a different A3 operation could be detrimental to the MOL, conservation area, residential amenity and highways conditions and therefore a personal consent in this case would remain appropriate. Another reason is that the GTP is specifically geared to the personal business.
46. Circular 11/95 also provides advice on temporary permissions, by recognising that such consents will normally be appropriate when a trial run is needed in order to assess the effect of the development on the area. The Circular makes it clear that a second temporary permission should not normally be granted and such a trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer.

Conclusion:

47. The main issue of this application remains to be the additional traffic and parking associated with this mixed A1/A3 use. The applicants have submitted a Green Travel Plan (GTP) Review, an updated GTP and a Transport Statement to demonstrate that there has been a reduction in traffic and parking in and around the site. The Council's Transport Planning Team no longer have significant concerns about the ability of the GTP to deliver its outcomes and it is now considered that a reasonable approach would be for planning permission to be granted on a permanent basis. Since the GTP has proven to be a success then it is considered that other benefits would have arisen in terms of a reduced impact upon Metropolitan Open Land, the Conservation Area and residential amenity.
48. Relevant conditions will still need to be imposed, as per the original Permission 07/1235/FUL, including one relating to the monitoring and review of the GTP. Therefore, subject to these conditions, the change of use is considered acceptable on a permanent basis in this particular location

Recommendation:

PERMISSION, subject to the following conditions and informatives:

Conditions

NS01 - Green Travel Plan

Within 3 months of the date of this permission a full travel plan which accords with Transport for London's "Guidance for Workplace Travel Planning for Development (2008)" shall be developed and submitted to and approved by the local planning authority in writing ("first approval date") and shall be implemented on the first approval date and shall be reviewed and revised annually by each anniversary of the first approval date and in accordance with the requirements set out in i) to i v) below:

- i) by a date no later than 10 months after the first approval date a survey methodology shall be submitted for the travel plan which shall be iTrace compliant to the local planning authority for its approval in writing
- ii) by a date no later than 12 months after the first approval date a revised travel plan incorporating the results arising from the approved survey methodology shall be submitted to the local planning authority for its approval and the approved revised travel plan including any revisions or suggestions made by the local planning authority shall be implemented upon receipt of such approval

iii) by a date no later than 2 months prior to the submission of a revised travel plan each year in accordance with iv) below, a survey methodology for the travel plan which is iTrace compliant shall be submitted to and approved by the local planning authority

iv) a revised travel plan shall be submitted to the local planning authority for its approval annually by each anniversary of the first approval date for a period of 10 years from the first approval date and on each occasion the approved revised travel plan including any revisions or suggestions made by the local planning authority shall be implemented upon receipt of such approval

Reason: In order to comply with the objectives of national and local planning policies within the UDP which promote sustainable development with particular regard to transport.

NS02 - Cycle Parking

Additional cycle parking facilities shall be provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. REASON: To accord with this Council's policy to discourage the use of the car wherever possible.

NS03 - Servicing and Deliveries

Within 6 weeks of the permission hereby granted the applicant is required to submit a servicing and delivery schedule to be submitted to and approved in writing by the Local Planning Authority, and should include measures to prevent servicing and delivery taking place during the peak hours of 11.30 to 15.00 hours. REASON: To ensure that the proposed development does not prejudice the free flow of traffic and the conditions of safety along the neighbouring highway, with particular regard to the junction of Church Lane with Petersham Road.

NS04 - Hours of Use – Café/Restaurant

There shall be no sale of food for consumption on or off the premises during the following times: Tuesday to Sunday – before 1000hrs and after 1630hrs and on Sundays – before 1100hrs and after 1630hrs. The A3 premises shall not be open on Mondays. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside. REASON: To safeguard the MOL, conservation area, amenities of nearby residential properties and the area generally.

NS05 - Café/Restaurant

Areas

The café/restaurant areas shall be confined solely to the areas identified for these purposes on Approved Drawing Number DP7/2857 for Permission 07/1235/FUL.

REASON: To safeguard the MOL, conservation area, amenities of nearby residential properties and the area generally.

NS06 - Extraction Equipment

Any equipment required to effectively suppress the emission of fumes or smell and obviate any other nuisance from cooking processes carried out in the premises to be installed shall be submitted to and approved in writing by the Local Planning Authority. REASON: To ensure that the proposed business is carried out in such a way that no undue nuisance is caused through smell or from any other source to the detriment of the occupiers of adjoining properties and the area generally.

NS07 - Air Conditioning Equipment

No air conditioning apparatus, equipment or ducting shall be erected, placed or fixed to any part of the roof or external faces of the building(s), otherwise than as submitted to and agreed in writing by the Local Planning Authority. REASON: To safeguard the amenities of neighbouring properties and the area in general.

NS08 - Personal Permission

The A1/A3 mixed use hereby permitted shall only be carried out by Mr Francesco Boglione for the period during which the premises are owned by Mr Francesco Boglione. REASON: To safeguard the amenities of the adjoining residents and the area generally.

Informatives

IL12A - Decision Drawings:

For the avoidance of doubt the drawing numbers to which this decision refers are as follows:-

Site location plan received on 27/11/08; plan number DP7/2857 received 03/04/07 (under Permission 07/1235/FUL), Application Support Statement dated January 2009, Petersham Nurseries Travel Plan Review dated 06/12/08, Petersham Nurseries Draft Travel Plan dated 01/12/08 and Petersham Nurseries Draft Transport Statement dated November 2008.

IL19 - Reason for Granting:

The proposal has been considered in the light of the Development Plan, comments from statutory consultees and third parties (where relevant) and compliance with Supplementary Planning Guidance as appropriate. It has been concluded that there is not a demonstrable harm to interests of acknowledged importance caused by the development that justifies withholding planning permission. The proposed development has previously been subject to a temporary permission and the monitoring and review of the submitted Green Travel Plan shows that the continued use would not result in undue harm to neighbouring residential amenities and highway and parking conditions in the area. Furthermore, subject to the imposed conditions, it would not detract from the open nature and character and appearance of the Metropolitan Open Land in which it lies or important views from Richmond Hill.

Principal Policies:

The following have been taken into account in the consideration of this proposal:-

Unitary Development Plan - First Review 2005 Policies IMP2, ENV1, ENV5, BLT2, BLT16, TRN2, TRN4, CCE18 & TC9.

Local Development Framework Core Strategy (April 2009) – Policies CP1, CP5, CP7 and CP10

The London Plan (February 2008) Policies 2A.1 and 3C.1

Background papers

Application form, drawings and associated documents

Letters of representation and other forms of representation

Previous planning decisions/files for planning applications and Certificate of Lawfulness applications
