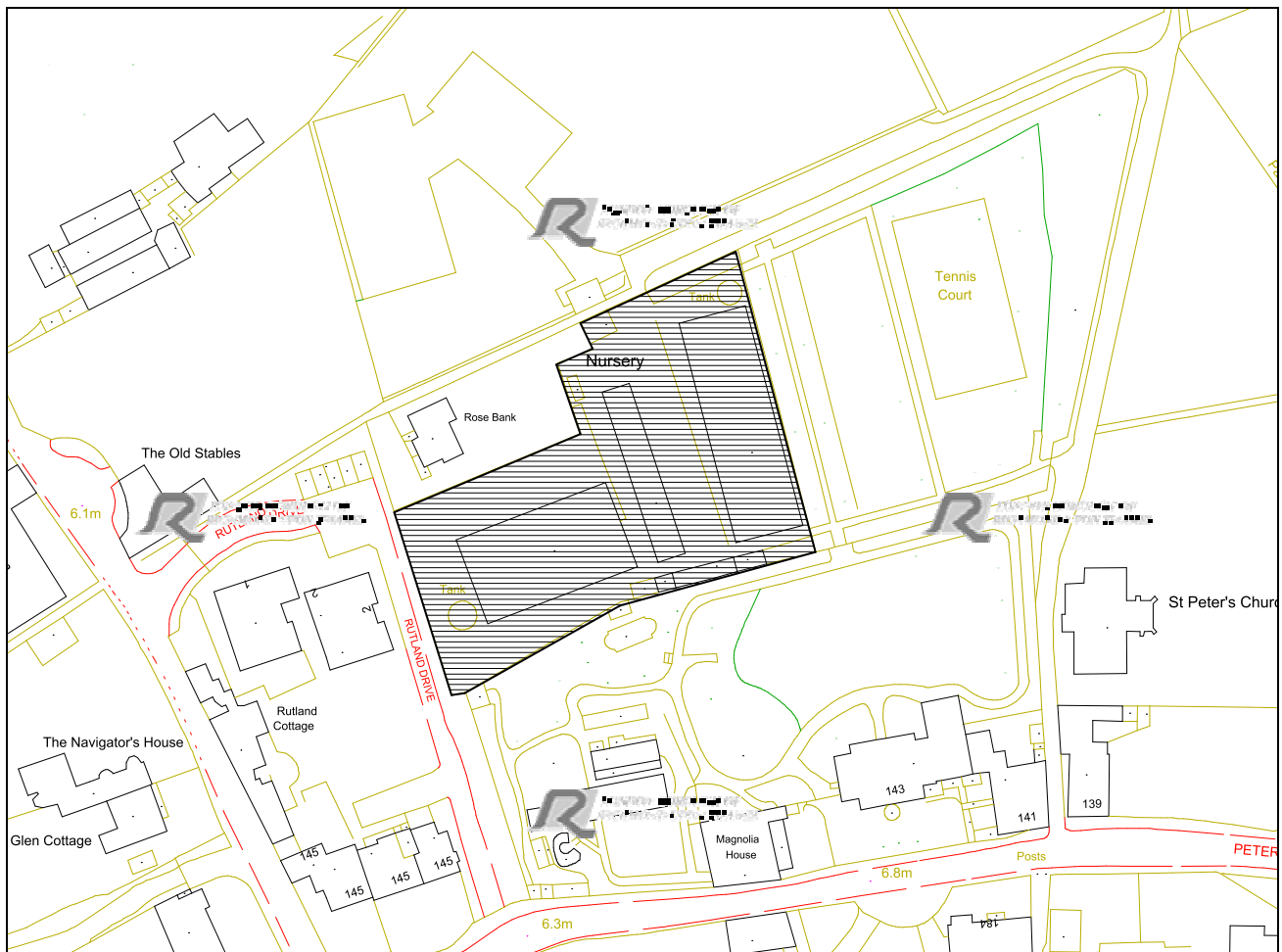


07/1235/FUL
PETERSHAM NURSERIES
PETERSHAM ROAD
RICHMOND

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



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Proposal: Proposed application for mixed used as a garden centre (Class A1) and café/restaurant (Class A3) and associated green travel plan

Applicant: Direct Planning Ltd on behalf of Petersham Nurseries

Application received: 3rd April 2007

Main development plan policies:

STG2, IMP2, ENV1, ENV5, BLT2, BLT16, TRN1, TRN2, TRN3, TRN4, CCE18 & TC9

SUMMARY OF APPLICATION:

It is accepted that the established lawful use of the site is an A1 (retail) garden centre. A café/restaurant (A3 use) has also been established at the site since at least 2003, at which time it was considered ancillary. However it is considered that the A3 use has intensified, becoming a destination in its own right (due in part to its success and popularity) to a point where it can no longer be considered an ancillary use. The current owner runs the site in an ecological, sustainable and conscientious manner adding to the sites' appeal.

The main issue of this application is the additional traffic and parking associated with this mixed A1/A3 use. The applicants have submitted a Green Travel Plan (GTP) in an attempt to reduce the traffic and parking in and around the site. The Council's Transport Planning Team's continue to have concerns about the ability of the GTP to deliver its outcomes, however considered that a reasonable approach could be for planning permission to be granted for a temporary period of one year. This would allow the overall effectiveness to be assessed. If the GTP proves to be a success then the other benefits will arise in terms of a reduced impact upon Metropolitan Open Land, the Conservation Area and residential amenity.

A survey will have to be carried out again prior to the lapse of any temporary permission granted to ascertain if there is any drop in the level of car parking on Church Lane/River Lane, which is associated with the garden centre and café/restaurant uses.

Therefore, subject to the imposition of suitable conditions, the change of use is considered acceptable for a temporary period of one year in this particular location.

RECOMMENDATION:

TEMPORARY PERMISSION FOR A PERIOD OF ONE YEAR, subject to conditions and informatives

Site, Location and History:

1. Petersham Nurseries is located on the northern side of Petersham Road, to the rear of 143 Petersham Road. The site is accessed by vehicles via a narrow road (Church Lane) running between 141 Petersham Road and St. Peters Church, while pedestrian access can also be achieved via a pathway leading from River Lane.
2. The site is located in the Petersham Conservation Area (CA6) and is located within Metropolitan Open Land (MOL). The surrounding area is fairly open providing a semi rural feel. Adjoining the site to the north is an open area consisting of a large meadow and an area of hardstanding adjoining tennis courts. The Council own the freehold of land adjacent to Petersham Nurseries, part of which has been subject to a licence agreement for the turning of delivery vehicles. Access and use of this land as a parking area has now ceased although access for use as a turning circle for service vehicles is still permitted.
3. The site is currently located on a designated bus route with a bus stop located on Petersham Road close to the junction with Church Lane served by the number 65 bus. The closest train and underground station is Richmond Station, which is served by the number 65 bus. There is also a ferry service across the Thames from Marble Hill Park to Ham House.
4. The site of 'Petersham Nurseries' has been used as a nursery for over forty years, since Petersham Nurseries Ltd commenced business in 1962. The planning history shows that four applications (Ref: 67/183, 67/884, 67/2117 and 70/560) for greenhouse structures were all approved and date back to 1967. In 1997 an application for the erection of a single residential dwelling house and a two storey gate house (Ref: 97/0569/FUL) was refused. There were various grounds of refusal, including the visual intrusion into MOL and the conservation area.

5. In 1998 an application was submitted to the Council for a Certificate of Lawful for use as a garden centre comprising open sales and display of plants and garden centre products, covered sales and display, storage and equipment plus a sales office, plant growing areas and public entrance courtyard and vehicle turning and loading area. This certificate was approved in June 1998. The plan (Ref: 97502/005TP) and "statement of the individual areas and buildings" attached to the permission indicated the overall footprint of the site and the use of the individual buildings. Therefore, the accepted lawful and primary use of the site was one of a garden centre for retail (no wholesale) purposes, and at that time there was no indication of any refreshment, café or restaurant facilities.
6. The garden centre currently operates the following Hours of Operation: 0900 – 1700 Tuesday to Saturday, and 1100 to 1700 Sunday – Monday. However, the restaurant opens at slightly different times mainly 1230 – 1445 Tuesday to Sunday (it is closed on Monday), while the café is available for teas, coffees, sandwiches etc from 1000 – 1630 Tuesday to Saturday and from 11.00 – 16.30 Sunday – Monday.
7. In October 2004 the Planning Enforcement Team received a complaint regarding the use at Petersham Nurseries, which related to an alleged unauthorised change of use and the introduction of a café at the site. An Enforcement Officer investigated the alleged breach of planning control and at that time concluded that the café use was ancillary to the primary use of the site as a garden centre. However, the Officer also indicated that there were concerns over the possibility of future expansion to the point where the use would cease to be considered as ancillary, and therefore requested a site map indicating the areas used for café facilities.
8. Previous Enforcement reports have been referred to the Planning Committee relating to the planning enforcement investigation over the alleged unauthorised change of use and consideration of a Section 191 application for the car park and whether the restaurant was considered ancillary in 27th July 2006 and 30th November 2006. The July Report was for information purposes only and indicated that the applicant had submitted a Section 191 application (Ref: 06/1916/ES191). However, this application was withdrawn by the applicant before it was reported to Committee on 19th October 2006.
9. The owners subsequently employed Planning Consultants (Direct Planning Ltd), who submitted two new and separate Section 191 applications. One of these applications sought to demonstrate that the use of the car park had been continuous for a period of ten years (Ref: 06/3828/ES191). The other application sought to demonstrate that the use of the restaurant/café was ancillary to the primary use of the premises as a garden centre (Ref: 06/3891/S191). However these applications were withdrawn and a mixed use application was prepared for submission following Officer recommendations. A report to the Planning Committee on 30th November 2006 advised that it was not expedient to take any enforcement action at that time, as the applicant was in the process of preparing the retrospective mixed use planning application.
10. Officers have maintained that the café/restaurant facility had intensified to a point where it could no longer be considered ancillary to primary retail function. Whilst it is acknowledged that the overall floorspace had not increased, the nature of the use and the popularity of the café/restaurant had intensified to the point where this part of the site was a destination in its own right, as bookings for tables were being taken and the site could accommodate approximately 120 covers. A recent publication on the Petersham Nurseries website indicates that the restaurant is currently taking bookings for a 'Special Christmas Feast' on 23rd December 2007 at £100.00 per head. Parking has been on an ad hoc basis with areas such as River Lane, Church Lane and the turning circle being utilised for traffic and parking for both the garden centre and café/restaurant uses.

11. In accordance with the Council's enforcement policy, officers have on several occasions suggested to the owner and their agent that a retrospective planning application for an A1/A3 mixed use scheme should be submitted to the Council for determination. The application subject to this report has been submitted pursuant to that suggestion.

12. Other recent applications of some relevance are:

- Planning permission (Ref: 06/4053/FUL) for the revised design for a previously approved facilities building (Ref: 03/2452/FUL) that was granted permission in February 2007, and the associated Listed Building Consent (Ref: 07/0307/LBC) granted in March 2007.
- Planning permission (Ref: 07/0808/FUL) for the erection of garden boundary railings and replacement fence was granted in May 2007 along with the associated Listed Building Consent (Ref: 07/0908/LBC).

Public and other representations:

13. This application has received 180 letters of representation. There have been 162 letters of support along with five petitions of support containing 239, 1187, 207, 434 and 228 signatures. In general the support letters raise the following issues:

- Petersham Nurseries employ a number of local people and use mainly local produce.
- The operation is a 'sustainable' enterprise that is committed to a Green Travel Plan to reduce car use at the site.
- The site is a commercial benefit to the area and should be applauded for its individuality and uniqueness
- Provides a 'peaceful' and 'tranquil' atmosphere
- Urges for Richmond Council to retain the use as it is.

14. There have been 18 letters of objection to the proposal, which in general raise the following concerns:

- Huge increase in vehicles parking in the local area.
- Noise and general disturbance created by the additional vehicles.
- Overall effectiveness of the submitted and amended Green Travel Plan (GTP)
- Despite efforts made by the owners of Petersham Nurseries with regard to parking officials there is still an acute problem.
- The current 'enterprise is too big for the local infrastructure' with regard to the vehicles accessing the site.
- 'Ancillary' nature of the restaurant/café use
- Servicing and deliveries
- Use and parking associated with River Lane
- Safety with regard to mixture of vehicles and pedestrians using the public right of way.
- Ownership and public right of way
- Conflict of proposal in relation to the Councils objectives associated with Conservation Areas, and in particular the loss of the 'rural' and 'tranquil' feel of the area
- Possible grant of planning permission would enable future commercialisation of the site.
- Hours of operation and in particular the reference to closing '30 mins after sunset'

15. There are also a number of non-planning related matters raised.

Amendments:

16. The documents entitled "Supporting Planning Statement"; "Letters of Support"; "Statement of Social Responsibility, Community, Sustainability & Events"; "Green Travel Plan"; "Articles from

the British Press”; and “Articles from International Press” were submitted following the original submission of this planning application (Ref: 07/1235/FUL). The applicant has recently submitted two letters dated 4th October 2007 from Mr Boglione and 18th October 2007 from Wendy Fogarty along with copies of their draft assessments of the letters of support and objection.

Professional Comments:

17. The main issues raised in this application are 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; traffic and car parking associated with the proposal; and other matters raised by third party representations.

Impact upon Metropolitan Open Land:

18. Policy ENV1 of the UDP First Review states that the Council will protect and conserve Metropolitan Open Land (MOL) as defined on the proposals map by keeping it in predominantly open use. There will be a presumption against inappropriate development. Changes of use of existing buildings for purposes not normally acceptable in MOL will be resisted. In considering development on sites adjoining MOL the Council will take into account any possible visual impact on the character of the open land.
19. Policy STR2 and Policy ENV5 are also relevant and state that the Council will seek to protect the quality of views especially those indicated on the proposals map, which include those from Richmond Hill. The Council is also seeking to protect and enhance the open and the built environment and seeks to ensure that developments enhance their surroundings and do not impair important views or skylines.
20. The site is located within the MOL, which generally has a presumption against any inappropriate development and the existing A1 use or proposed mixed A1/A3 use are not identified as appropriate uses. However, the policy also recognises that there may be exceptional cases where it will be appropriate to allow modest development. The current lawful use of the site is a garden centre and a Certificate of Lawful Use has previously been issued for this use. The lawful use is therefore a material planning consideration when assessing the proposed change of use application, which involves part of the A1 floorspace going to an A3 use rather than totally new A3 floorspace.
21. Whilst a small scale or low-key café use ancillary to the garden centre use is relatively common, even for such uses within MOL, this particular café/restaurant use (A3 use) is a destination in its own right. The 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. The previous car parking in the turning circle off Church Lane has now ceased, so previous concerns over the parking in this area by patrons and its impact upon the MOL and views from Richmond Hill have now been removed.
22. Given that the change of use does not relate to any additional overall floorspace or buildings on site, the other impacts upon the MOL are linked to the additional car parking and vehicular movements at the site. Subject to the mitigation measures set out in the GTP being successful, it is considered that 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 could be overcome.

Impact on Character and Appearance of Conservation Area:

23. Policy BLT2 of the UDP First Review states that the Council will pay special attention to the preservation or enhancement of the character or appearance of the conservation areas by retaining buildings, or parts of buildings, and trees and other features which make a positive

contribution to the character or appearance of the area; and allowing development which would contribute positively to the character or appearance of the conservation area or leave it unharmed.

24. Petersham Conservation Area (CA6) is a distinctive well defined historic settlement. There are important views between the village and the surrounding green space of riverside meadows, parkland and Richmond Hill, a setting which contributes to its exceptional rural character. There is no specific reference to Petersham Nurseries in the Petersham Conservation Area Statement, however there is reference to River Lane that leads to the riverbank, and the surviving historic alleyways further contribute to the distinctive village character of this area, one of which that leads to the entrance of Petersham Nurseries.
25. The amount of buildings on the Petersham Nurseries site has not altered significantly since the approval of the Certificate of Lawful Use in 1998. As the lawful use of the site is one of retail facilities, one would expect a degree of traffic generation and parking experienced at the site, from patrons of the garden centre along with deliveries of plants, supplies and equipment. Furthermore, given the nature of the retail function of a garden centre often the products purchased at the site can be of bulky and/or awkward proportions, and therefore necessitate the use of a vehicle to transport them. Therefore, it is considered that the change of use of part of the sales building does at least preserve the character and appearance of the conservation area, in respect that there has been no overall increase of area or built form on the garden centre site.
26. It appears that the success and popularity of Petersham Nurseries site has lead to an increase in traffic levels and car parking experienced at the site. As above, the other impacts upon the Conservation Area are linked to the additional vehicular movements and car parking on site. Subject to the mitigation measures set out in the GTP being 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 could be overcome.
27. 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 mitigate any undue harm.

Impact on Residential Amenity:

28. The nearest residential properties to the kitchen serving the restaurant are 143 Petersham Road, Magnolia House and Rose Bank Cottage. These properties are approximately 40m, 45m and 50m from the kitchen respectively. 139 and 141 Petersham Road also comprise two houses, which flank the Church Lane junction to Petersham Road, which are also located over 60m from the site.
29. Given that the proposed change of use is to a mixed A1/A3 use, regard needs to be given to the neighbouring amenities of residents and therefore Policies CCE18, TC9 and BLT16 of the UDP.
30. Policy CCE18 states new or extended entertainment facilities to serve local communities should normally be located in mixed use areas and out-of-centre proposals will not normally be acceptable. All proposals will be considered in relation to the following factors: the effect on residential amenity and character of the area; accessibility to public transport; provision of car parking and effect on traffic movement, highway safety and amenity. Where appropriate, conditions will normally be imposed on any planning permission granted.
31. Policy TC9 states when considering planning applications for services such as restaurants the Council will need to be satisfied that the use will not have an adverse impact on the

environment and amenity of residents. Policy BLT16 also specifies that when considering proposals for development the Council will seek to protect adjoining properties from unreasonable loss of privacy, pollution, visual intrusion, noise and disturbance.

32. Whilst the introduction of an A3 use in this out-of-centre location would not normally be acceptable, the test in terms of this application is whether or not the change of use from retail (A1) use to mixed use (A1/A3) is considered acceptable at this particular site. Ultimately this judgement needs to be based on the planning merits of the case and relevant policies, rather than popularity of a use. Whilst it is acknowledged that there has been a significant amount of support and press coverage for this restaurant, which clearly shows the popularity and high reputation for Petersham Nurseries, these considerations can be afforded some weight, but should not be the deciding factor in the case.
33. The significant test in this case would be if the proposed use would have a negative effect on the environment and amenity of residents. This assessment would need to be made with specific regard to following considerations:

Noise, Smells and fumes

34. The applicant has indicated that noise, smells and fumes have never been a problem at this site, and indeed none of the representations submitted indicate any issue with these particular problems usually associated with mixed use scheme involving café/restaurant facilities. This may in part be a consequence of the proximity of the nearest residential occupiers to the café/restaurant, the nature of this particular A3 use and its opening hours. Commercial Environmental Health has confirmed that they have not received any complaints over noise and odours arising from the restaurant use.
35. In order to ensure that environmental health standards are maintained with regard to noise and odours emitted, details of any future extraction flues and apparatus would need to be submitted to the Local Planning Authority prior to installation. It is suggested that this should be controlled by way of a condition.

Traffic and Parking

36. It is acknowledged that nuisance and disturbance normally associated with A3 uses relates to traffic and parking, and movements and noise during anti-social times (generally in the evening and at night-time). In addition, general noise and disturbance can occur at these times when groups of customers leave the premises. However, this is not the case here as the current hours of operation do not extend into the evening. Nevertheless, the nuisance and disturbance created by additional traffic and car parking associated with the restaurant use is understandably a major concern for local residents, and a significant issue upon which this application should be assessed. This is fully considered in the below Traffic and Car Parking section of this report.

Hours of operation

37. Any disturbance to residential amenity could be mitigated through the use of a condition controlling hours of operation, should members be minded to grant planning permission. It would be considered reasonable to suggest that the hours of operation to remain as they currently stand. These are 1230 – 1445 Tuesday to Sunday (it is closed on Monday), while the café is available for teas, coffees, sandwiches etc from 1000 – 1630 Tuesday to Saturday and from 11.00 – 16.30 Sunday – Monday. It is also noteworthy that the current lawful A1 use has no restrictive condition imposed limiting hours of operation.

Refuse provision

38. Currently the refuse is collected from the turning circle at the north of the premises. This provision is considered adequate and is proposed to continue.

Traffic and Car Parking:

39. When assessing such a change of use Policies TRN1, TRN2, TRN3 and TRN4 of the UDP are relevant and have specific regard to the transport implications of any change of use proposals. A summary of these policies is set out below:
40. Policy TRN1 states the Council will require the provision of non-residential development at the most local level practicable to reduce the need to travel. Furthermore, it requires the provision of non-residential development which attracts large numbers of people to be located in areas, which are highly accessible by public transport or where public transport can be suitably enhanced
41. 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.
42. Policy TRN3 states the Council will require the development of travel plans for significant new non-residential developments and events. Whilst Policy TRN4 states that maximum car parking standards are set for all types of development. The Council is committed to adopting a Public Transport Accessibility Level (PTAL) Model in future to determine parking standards.
43. Petersham Nurseries is located in a sensitive location. It is situated to the rear of 143 Petersham Road. Petersham Road is a London Distributor in the Council's Road Hierarchy. The purpose of this road is to provide links to strategic routes and to attract and serve traffic crossing the Borough. It should also provide access to strategic centres for short and medium distance traffic, provide attractive routes for bus services and act as a local route for heavy goods vehicles to attract through commercial traffic away from borough distributor and access roads.
44. The site can only be accessed by vehicles via Church Lane, which is small and narrow road leading to the entrance of Petersham Nurseries and the turning circle. Church Lane (between Petersham Road and where it turns left toward the nursery) is a Local Access Road in the Council's Road Hierarchy. The purpose of this road is to provide for local traffic and to provide access to land and buildings in the immediate vicinity. However, pedestrian access is also achieved via an alleyway that connects Church Lane with River Lane at the entrance of the site.
45. The Council owns the freehold of land adjacent to Petersham Nurseries, part of which is subject to a licence agreement for the turning of delivery vehicles. The terms of that license were the subject of a report to Cabinet on the 17th July 2006. At this Cabinet meeting it was resolved that the license be terminated and gave the owner of Petersham Nurseries a six month notice period. During this six month period the Council were to enter into discussions in respect to the possibility of alternative sites in the locality for some of the parking that takes place on the land. Formal legal notice was served in mid August so the six month period ended mid February 2007. Since which time the area has not been used for parking any vehicles using the Nurseries.
46. The main parking area at the site is along Church Lane on the northern boundary of the Nurseries, where there is space for approximately 30 vehicles to be parked in a reasonable fashion. Vehicles enter the site via Church Lane at the junction with Petersham Road and can proceed along this access road to the turning circle where they turn around and park in a 'herring bone' fashion along the northern boundary. The first few spaces are reserved for disabled visitors and from the corner the parking changes along the northern boundary into a 'nose to tail' fashion. There is also limited provision for vehicles to park along the eastern side

of Church Lane on the church side. The Nursery employs a dedicated parking assistant who directs vehicles along Church Lane and informs visitors of the parking facilities.

47. During peak periods (mainly weekends) there are two additional parking assistants in contact via walkie-talkies, one at the end of Church Lane at the junction with Petersham Road and one located at Russell School. At weekends the Nurseries in conjunction with Russell School utilise 12 spaces in the school car park, in an attempt to alleviate traffic and parking pressures experienced at the nursery site. This scheme allocates one space at the school for each table booking and once the parking allocation is full, customers are informed and encouraged to travel by alternative means of transport.
48. It may appear logical to assume that more parking will be needed in areas with lower PTAL levels, such as this site, which has a PTAL of 1b. However the provision of high levels of parking would simply generate additional car journeys, contrary to current transport policies. To address this issue the Council would normally seek to locate non residential uses to areas with higher PTALs, such as town centres. In this instance a Travel Plan would be an essential tool to achieve sustainable travel patterns for the development and ensure that it is acceptable from a transport perspective. This will also help alleviate parking pressure on the residential roads close to the site.
49. As part of this application the applicant has submitted a Green Travel Plan (GTP). The objectives of the GTP demonstrate the applicant's commitment to encourage alternative means of travel to Petersham Nurseries by staff, visitors and customers, without effecting the viability of the enterprise. It is intended that the plan will be managed and monitored by a dedicated 'Travel Team' at the nurseries.
50. The GTP indicates that the applicants have undertaken a Travel Survey between 13th – 19th February 2007 in order to establish the methods of travel of the patrons of Petersham Nurseries. The results indicate that of approximately 1,000 visitors surveyed 48.4% used the car; 42.1% walked to the site; 2.6% used a taxi; 2.5% used a bicycle; 2.2% came by public transport and 2.1% came by other means.
51. There have also been two visitor surveys undertaken to show how visitors use the nurseries, which are included in the 'Supporting Planning Statement.'
52. Survey 2, was for 9 days during the Christmas period of 2006 and results were based upon 6 of these days, when both the nursery and restaurant were open. The survey counted the total visitors and the numbers buying at the nursery and the restaurant. The results showed a total of 1,709 visitors to the nursery of which 658 (39%) purchased from the nursery and 431 (25%) used the restaurant. The remainder did not purchase anything. From the survey the applicant has made the assumption from the till transactions at the Nursery (not including the restaurant) that the number of visitors per nursery till purchase is 2.6.
53. Survey 1, involved taking actual till transactions for 45 days in 2005 and 37 days in 2006 and estimating the total visitors to the nursery (by multiplying till transactions by 2.6). The 2005 results showed that there was an estimated 15,790 visitors during this period of which 2,468 visitors (15.59%) used the restaurant. The 2006 results showed that there was an estimated 12,966 visitors during this period of which 2,378 visitors (18.3%) used the restaurant.
54. It is noted that the figures for the Christmas 2006 survey have been added up incorrectly by the applicant. The total visitors were in fact 1,609 instead of 1,709 and therefore for every nursery till transaction there were 2.5 actual visitors. Therefore, the percentages of visitors to the restaurant are marginally different and should be 26.8% at Christmas 2006 and 15.9% and 19.1% for surveys 1 and 2 respectively.

55. These survey results show that many of the visitors to the nurseries used the car as a mode of travel. In addition, they show that whilst the estimated visits to the nursery have remained fairly constant for the 2005 and 2006 figures, the use of the restaurant has increased during this period.
56. The GTP indicates that there are a number of targets that it proposes to achieve in order to reduce the number of people who visit the site by car. The targets aim to increase the journeys to the site via walking by 25%; journeys via bicycle by 30%; journeys via taxi by 25%; whilst simultaneously reducing journeys made by car by 50%. It is acknowledged that the percentage figures would be difficult to monitor without the applicant providing the actual figures in relation to numbers of vehicles. Whilst Officers have requested this information, actual figures in relation to the targets have not been provided and as such it is recommended that travel plan targets for car trip reduction should be based on the average peak traffic counts for Church and Water Lane below. These figures should be reduced marginally to take into account other uses accessing these roads.
57. The recommendation that the consent for this use is temporary for a year provides the opportunity to establish whether car trips rates have been reduced sufficiently by the Travel Plan to merit its approval permanently or for longer term.
58. The Council's Transport Team undertook a number of traffic counts in January 2006, between 11.30am and 14.30pm. Officers counted the number of vehicles using the turning circle/car park and the Church Lane access road as areas in which to park. The results are as follows:

TABLE A:

Thursday 26 th January 2006 (11.30 – 14.30)		
No of Cars	Turning Circle	Church Lane
Low	7	3
Peak	16	16
Average	12	10
Saturday 28 th January 2006 (11.30 – 14.30)		
No of Cars	Turning Circle	Church Lane
Low	9	4
Peak	15	14
Average	11	7
Sunday 29 th January 2006 (11.30 – 14.30)		
No of Cars	Turning Circle	Church Lane
Low	10	8
Peak	19	13
Average	15	10
Tuesday 31 st January 2006 (11.30 – 14.30)		
No of Cars	Turning Circle	Church Lane
Low	5	2
Peak	10	9
Average	6	6

59. The parking survey also recorded the number of vehicles entering and exiting the site. The total trips (both in and out) of the car park in Church Lane were 43, 51, 61 and 34 respectively for the four days. The trips generated in Church Lane over the same period were 25, 26, 37, and 20. As a result this gives the total trips at the site 68, 77, 98 and 54, which when taken as a mean average would indicate that the trip generation experienced at the Petersham Nurseries site would be 74 vehicular movements during the surveyed lunchtime period (11.30am to 14.30pm).

60. The Transport Team undertook further traffic counts in February 2007, between 11.30am and 14.15pm. Officers counted the number of vehicles using River Lane as areas in which to park. The results are as follows:

TABLE B:

Tuesday 20 th February 2007 (11.30 – 14.15)	
No of Cars	River Lane
Low	27
Peak	37
Average	33
Thursday 22 nd February 2007 (11.30 – 14.15)	
No of Cars	River Lane
Low	19
Peak	40
Average	31
Saturday 24 th February 2007 (11.30 – 14.15)	
No of Cars	River Lane
Low	31
Peak	36
Average	33
Sunday 25 th February 2007 (11.30 – 14.15)	
No of Cars	River Lane
Low	22
Peak	44
Average	32

61. The survey recorded the total trips (both in and out) of River Lane as 114, 88, 93 and 78, which when taken as a mean average gives a trip generation of 93 vehicular movements during the surveyed lunchtime period.

The Transport Team undertook another traffic count in March 2007, between 11.30am and 14.15pm. Officers counted the number of vehicles using River Lane and Church Lane access road as areas in which to park. The results are as follows:

TABLE C:

Tuesday 20 th March 2007 (11.30 – 14.15)		
No of Cars	River Lane	Church Lane
Low	29	9
Peak	39	23
Average	35	18
Thursday 22 nd March 2007 (11.30 – 14.15)		
No of Cars	River Lane	Church Lane
Low	22	9
Peak	31	37
Average	26	26
Saturday 24 th March 2007 (11.30 – 14.15)		
No of Cars	River Lane	Church Lane
Low	28	10
Peak	39	21
Average	33	14
Sunday 25 th March 2007 (11.30 – 14.15)		
No of Cars	River Lane	Church Lane
Low	38	12
Peak	67	36

Average	52	26
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62. The survey recorded the total trips (both in and out) of River Lane and Church Lane as 67, 100, 77 and 138 trips and as 64, 82, 73 and 101 trips respectively. When taken as mean averages this gives trip generations of 95 trips at River Lane and 80 trips at Church Lane during the surveyed lunchtime period. These figures would be fairly comparable with other similar uses.
63. These results show that parking in these areas at peak times is sometimes at or reaching capacity, especially at the time of undertaking the two 2007 surveys. Whilst the turning circle is no longer used for car parking, a comparison between the 2006 and 2007 surveys show that there is a noticeable increase in parking in Church Lane during these periods. The results also show that there was a high level of vehicular movements at these times, in what are essentially local access roads. Whilst not all the car parking or vehicular movements can be directly attributed to the garden centre and restaurant within River Lane, it is likely that many of the movements along Church Lane are associated with these uses.
64. The results of both the Transport Team and the applicant show that the garden centre and restaurant are well visited and that a number of the vehicular movements are directly related to these uses. The Council's surveys also show high levels of vehicular movements within Church Lane, the turning circle and within River Lane. Observations have also been made that numerous pedestrians came to the site via River Lane.
65. The surveys show that Church Lane is often heavily parked and most pedestrians use this road to access the site. River Lane is more heavily used by pedestrians for access to the nursery, on Saturday and Sunday, although the surveys showed that it also has a heavy traffic flow. There is a trend in terms of pedestrian and vehicle movements, which peaks within the surrounding area along River Lane and Church Lane, in particular between the periods of 13.00pm to 14.30pm when the restaurant is open.
66. The accident statistics for Petersham Road show that there have not been any personal injury accidents at the Church Lane/Petersham Road junction for the last 10 years. However, in that period there have been 4 accidents at the River Lane junction with Petersham Road.
67. The GTP indicates that the targets set to reduce car journeys will be met through a number of measures. These will include 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.
68. The Transport Team has had the opportunity to view and comment on this application and the GTP. The Transport Team requested the following recommendations be added:
- A) Re-evaluation of the target dates if necessary, revised to provide a greater time frame to achieve objectives; and
 - B) Details of commitment within the GTP of annual reviews and a 3-4 year re-write.
69. These amendments were submitted, but it is still considered that actual figures of the vehicular movements are required as part of future amendments submitted to the GTP, in order to measure its overall effectiveness. It is also important to ensure that the plan is implemented and annual monitoring of the plan is undertaken and additional cycle parking provision is provided. Should permission be granted these could be secured by way of conditions. A Survey will have to be carried out again prior to the lapse of any temporary permission to

ascertain if there is a reduction in car parking on River Lane and Church Lane, which is associated with the Nursery and restaurant. Funds for this survey will be sought by the applicant.

70. The Transport Team recognises that there is some potential conflict between pedestrians and vehicles, with particular regard to the access to the site through Church Lane. The Team have some concern over whether the implementation of the GTP will achieve the various targets set in order to reduce the number of people who visit the site by car. They also have some concern in relation to servicing vehicles using Church Lane during peak hours. The Transport Team would like to reduce these potential conflicts and reduce the impact on the access/egress at Church Lane particularly during peak hours. These measures could be achieved through the imposition of conditions entitled "Green Travel Plan and Review" and "Servicing and Deliveries", which are suggested.
71. It is acknowledged that the nature of the existing garden centre use (Class A1) does generate a degree of journeys via motorised transport, due its retail function and servicing requirements. In particular, the sale of bulky and/or heavy items associated with a garden centre use does make it difficult to transport some goods by foot or cycle. It is also important to note that additional vehicle movements could be generated from the further intensification of the garden centre use. However, additional visitor car movements and servicing is certainly created by the restaurant use (Class A3) and there is inevitably a greater demand for car parking on site and in surrounding roads. Given the parking situation and access arrangements for the site, it is essential that monitoring and review is undertaken for any permission be granted for the current mixed use.
72. The advice of the Transport Team is that the mixed use does have an affect upon highway conditions. However, given the Transport Team's comments and applicants submission of a GTP, it is considered that concerns raised over traffic and parking conditions could be reduced, subject to the overall effectiveness of the GTP and the highway conditions suggested. In order for this to be reviewed and to assess whether the mitigation measures contained within the GTP have been successful, it is essential that only a temporary permission be granted for a period of one year.

Other Planning Matters:

73. Respondents have expressed concern that should planning permission be granted the current owner and operator at Petersham Nurseries could then sell on the premises and permission to an operator that would not be considered acceptable in this location. The applicant is aware of this concern and has accepted the imposition of a condition to restrict the permission to a personal consent should members be minded to approve the application.
74. 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 have a detrimental to the MOL, CA6, residential amenity and highways conditions and therefore a personal consent in this case would be appropriate. Another reason is that the GTP is specifically geared to the personal business.

Conclusion:

75. It is accepted that the established lawful use at the site is an A1 (retail) garden centre, but in 1998 there was no associated café/restaurant. There are currently no conditions attached to

previous application restricting the hours of operation of the Nursery and an ancillary café has been established at the site since at least 2003.

76. The applicant operates the site in an ecological, sustainable and conscientious manner adding to its appeal. Whilst it is acknowledged that the overall footprint of the café/restaurant use has not altered, it is considered that this use has intensified, becoming a destination in its own right (due in part to its success and popularity) to a point where it can no longer be considered an ancillary café/restaurant use.
77. The overriding issue with regard to this particular case is the issue of traffic and parking associated with the additional A3 use. Following consultations with the Council's Transport Engineers they continue to have concerns about the ability of the GTP to deliver its outcomes, however considered that a reasonable approach could be for planning permission to be granted for a temporary period of one year. Based on this advice, it is considered planning permission should be granted for a temporary in order to assess the overall effectiveness of the GTP. If the GTP proves to be a success then the other benefit will arise in terms of a reduced impact upon MOL, CA6 and residential amenity.
78. A survey will have to be carried out again prior to the lapse of any temporary permission given to ascertain if there is any drop in the level of car parking on Church Lane/River Lane, which is associated with the nursery. Furthermore the figures relating to the mode of transport should be included as actual numbers rather than percentages in order to assess the overall effectiveness of the GTP.
79. It is considered that the introduction of the A3 use in this particular location, whilst a departure from Policy, would at least preserve the MOL and CA, in as much as the site is well established and already experiences a degree of vehicular movements associated with that of the existing A1 use. Any additional vehicle movements relating the A3 element are proposed to be mitigated through the use of the GTP.
80. With regard to residential amenity, noise smells and fumes from the kitchen and general noise and disturbance resulting for the traffic and parking associated with the use, this could be mitigated by the conditions suggested.
81. As previous stated, it is considered that exceptional circumstances exist in this case to warrant a personal condition to be attached to a temporary approval, in order that the mixed use is continued to be run in a responsible manner and the GTP designed for this business is monitored.
82. Therefore, subject to the imposition of suitable conditions, it is consider that the change of use is acceptable for a temporary period of one year in this particular location.

Recommendation:

83. I therefore recommend **TEMPORARY PERMISSION FOR A PERIOD OF ONE YEAR**, subject to the following conditions and informatives:

Standard conditions

- NS01 - Limited Period: That this permission be for a limited period of one year only, expiring on 30th November 2008 when the mixed use hereby permitted shall be discontinued. REASON: In order that the Local Planning Authority can monitor and review the matter after the use has been experienced, with the implementation of a Green Travel Plan.
- NS02 - Green Travel Plan & Review: The Green Travel Plan as submitted to, and hereby approved by, the Local Planning Authority, includes details of the provision/encouragement of alternative modes of transport to the car for all users of the site, together with the phasing of measures as appropriate. The approved Green Travel

Plan shall be implemented on the use hereby permitted, and shall be monitored with a review of the Green Travel Plan after one year. REASON: In order to comply with the objectives of national and local Planning Policies (within the Council's Unitary Development Plan) which promote sustainable development with particular regard to transport.

- NS03 - 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.
- NS04 - 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.
- NS05 - 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.
- NS06 - Café/Restaurant Areas: The café/restaurant areas shall be confined solely to the areas identified for these purposes on Approved Drawing Number DP7/2857. REASON: To safeguard the MOL, conservation area, amenities of nearby residential properties and the area generally.
- NS07 - 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.
- NS08 - 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.
- NS09 - Personal Permission: The A1/A3 mixed use hereby permitted shall only be carried out by Mr Francesco Boglione and shall be for a limited period being the period of one year from the date of this decision, or the period during which the premises are owned by Mr Francesco Boglione whichever is shorter. REASON: To safeguard the amenities of the adjoining residents and the area generally.

Informatives

- IL12 - Decision Drawings: For the avoidance of doubt the drawing numbers to which this decision refers are as follows:- site location plan received on 03/04/07; and plan number DP7/2857 received 03/04/07
- 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 is subject to a temporary and personal permission, and subject to the successful implementation of the submitted Green Travel Plan, would not

result in undue harm to neighbouring residential amenities and highway and parking conditions in the area. Furthermore, 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.

IL6HA - Principal Policies: The following have been taken into account in the consideration of this proposal:- Unitary Development Plan - First Review 2005 policies STG2, IMP2, ENV1, ENV5, BLT2, BLT16, TRN1, TRN2, TRN3, TRN4, CCE18 & TC9.

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
