

Appendix 1

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – BREACH OF CONDITION

ISSUED BY THE LONDON BOROUGH OF RICHMOND UPON THAMES

Enforcement reference: 18/0025/EN/BCN

1. **THIS IS A FORMAL NOTICE** issued by the Council because it appears that there has been a breach of planning control under Section 171A(1)(b) of the above Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

Land at Petersham Nurseries, Petersham Road, Petersham, Richmond TW10 7AB in the London Borough of Richmond Upon Thames shown edged red on the attached Location Plan ('the Land').

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Planning permission reference 08/4312/FUL was granted by the Council on 29 July 2009 for 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), subject to conditions. A copy of planning permission reference 08/4312/FUL is attached ("the Planning Permission").

It appears to the Council that the following conditions attached to the Planning Permission have not been complied with:

U27543 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.

U27544 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.

These conditions are being breached because the café/restaurant is operating outside of the permitted hours (in breach of condition NS04 hours of use) and the extent of the café/restaurant area has increased in size beyond that permitted under

Approved Drawing Number DP7/2857 (in breach of condition NS05 café/restaurant areas).

4. REASONS FOR ISSUING THIS NOTICE

The café/restaurant operating outside of its permitted hours (in breach of condition NS04 hours of use) and the increase in size of the café/restaurant area beyond that permitted under Approved Drawing Number DP7/2857 (in breach of condition NS05 café/restaurant areas) has led to pedestrian, vehicular and commercial activity which is harming the amenity and living conditions of neighbouring residents and has an urbanising effect detrimental to the character and function of the Metropolitan Open Land (MOL).

This is contrary to the National Planning Policy Framework (2023), to policy G3 (MOL) of The London Plan (2021), to policies LP8 (Amenity and Living Conditions) and policy LP13 (Green Belt, MOL and Local Green Space) of the adopted Local Plan (2018), and to policies 46 (Amenity and Living Conditions) and 35 (Green Belt, MOL and Local Green Space) of the draft publication version, Reg 19, Local Plan (2023).

Notwithstanding this, a minor extension of the hours to those stipulated in paragraph 5(a) below and a confined area for café/restaurant use stipulated in paragraph 5(b) below, which despite being of a greater extent than the approved Planning Permission, would be of a lesser extent than currently in operation and would address the harm caused thus allowing for the continued use of the café/restaurant in an amended form that would achieve compliance with the policies cited above. For these reasons the requirements cited below effectively 'under-enforces' the hours and area specified in paragraphs 5(a) and 5(b).

5. WHAT YOU ARE REQUIRED TO DO


- a) Permanently restrict the sale of food for consumption on or off the premises to the following:
Tuesday to Sunday 10am to 5pm, and Bank Holidays 11am to 5pm
- b) Permanently restrict the café/restaurant uses areas to within the blue line, as shown on the attached Plan 2.

Time for Compliance: within two months from the date this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26 February 2024 unless an appeal is made against it beforehand.

Dated: 15 January 2024

Signed: 
Managing Director of South London Legal Partnership
On behalf of London Borough of Richmond Upon Thames

Address to which all communication should be sent:
Head of Legal Services, South London Legal Partnership, Merton Civic Centre, London
Road, Morden SM4 5DX(Ref: CS/LEG/RO/217/2343)

YOUR RIGHT OF APPEAL

You can appeal against this notice in writing to the Secretary of State, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the notice takes effect. The enclosed Explanatory Note and Information Sheet set out the procedure to be followed if you wish to appeal.

FEE PAYABLE FOR THE DEEMED APPLICATION

If your ground of appeal is or includes ground (a) that planning permission should be granted, an appeal fee is payable, which is double that payable for a normal planning application. The total fee payable is £924.00.

Please send a cheque for this amount with your appeal, made out to the London Borough of Richmond Upon Thames.

Joint appellants need only pay one set of fees.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

The Company Secretary
Petersham Nurseries Limited
Church Lane
Petersham
TW10 7AG

Mr Francesco Boglione
Petersham Nurseries Limited
Petersham Nurseries
Church Lane
Petersham
TW10 7AG

Mrs Gael Boglione
Petersham Nurseries Limited
Petersham Nurseries
Church Lane
Petersham
TW10 7AG

The Occupier
Petersham Nurseries Limited
Church Lane
Petersham
TW10 7AG

Petersham Nurseries Limited
278 Tudor Drive
Kingston Upon Thames
Surrey

Mr Francesco Boglione
Petersham House
Petersham Road
Richmond
TW10 7AA

Mrs Gael Boglione
Petersham House
Petersham Road
Richmond
TW10 7AA

Coutts & Company
440 Strand
London
WC2R 0QS

Barclays Security Trustee Limited
P.O. Box 16276
One Snowhill
Snowhill
Queensway
Birmingham
B2 2XE



Civic Centre, 44 York Street, Twickenham TW1 3BZ
tel: 020 8891 7300 text phone 020 8891 7120
fax: 020 8891 7789
email: envprotection@richmond.gov.uk
website: www.richmond.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990: DECISION NOTICE

Direct Planning Limited
95-97 Riverbank House
High Street
Orpington
Kent
BR5 3NH

APPLICATION GRANTED

Please contact: Planning Support

Please telephone: 0845 612 2660

Your ref:

Our ref:
DC/RON/08/4312/FUL/FUL

Letter Printed: 29 July 2009

FOR DECISION DATED
29.07.2009

Dear Sir/Madam

Applicant:

Agent: Direct Planning Limited

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **27 November 2008** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Petersham Nursery, Petersham Road, Richmond, Surrey.

for

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).

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule:-

Yours faithfully


Robert Angus
Development Control Manager

APPLICANT NAME	AGENT NAME Direct Planning Limited 95-97 Riverbank House High Street Orpington Kent BR5 3NH
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SITE:

Petersham Nursery, Petersham Road, Richmond, Surrey.

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).

SUMMARY OF CONDITIONS AND INFORMATIVES**CONDITIONS:**

U27539NS01 Green Travel Plan & Review U27540NS02 Cycle Parking U27541NS03 Servicing and Deliveries U27543NS04 Hours of Use - Café/Restaurant U27544NS05 Café/Restaurant Areas	U27545NS06 Extraction Equipment U27546NS07 - Air Conditioning Equipment U27547NS08 Personal Permission
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INFORMATIVES:

U41497 Reason for Granting: U41496 Decision Drawings:	U41498 Principal Policies:
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DETAILED CONDITIONS

U27539NS01 Green Travel Plan & Review

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.

U27540NS02 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.

U27541NS03 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 Monday- Saturday and at any time on Sunday and restrictions on the weights of vehicles allowed to visit the site.

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.

U27543NS04 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.

U27544NS05 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.

U27545NS06 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.

U27546NS07 - 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.

U27547NS08 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.

DETAILED INFORMATIVES

U41497 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.

U41496 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.

U41498 Principal Policies:

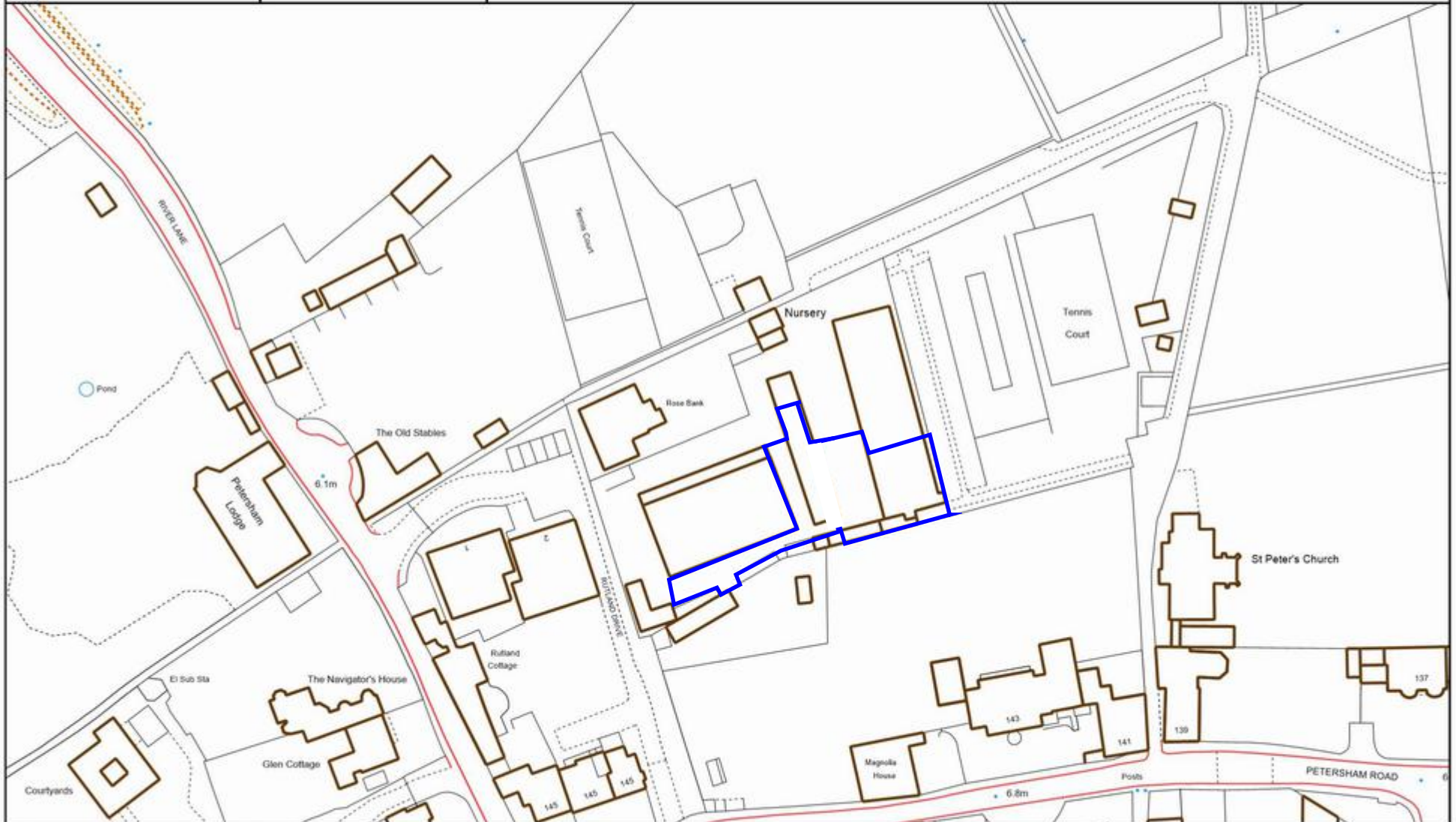
The following have been taken into account in the consideration of this proposal:-

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

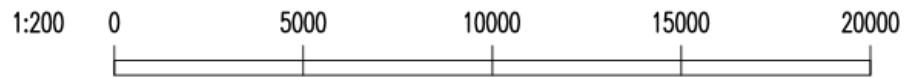
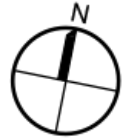
Local Development Framework Core Strategy (April 2009) – Policies CP1, CP5, CP7 and CP10

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

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 08/4312/FUL

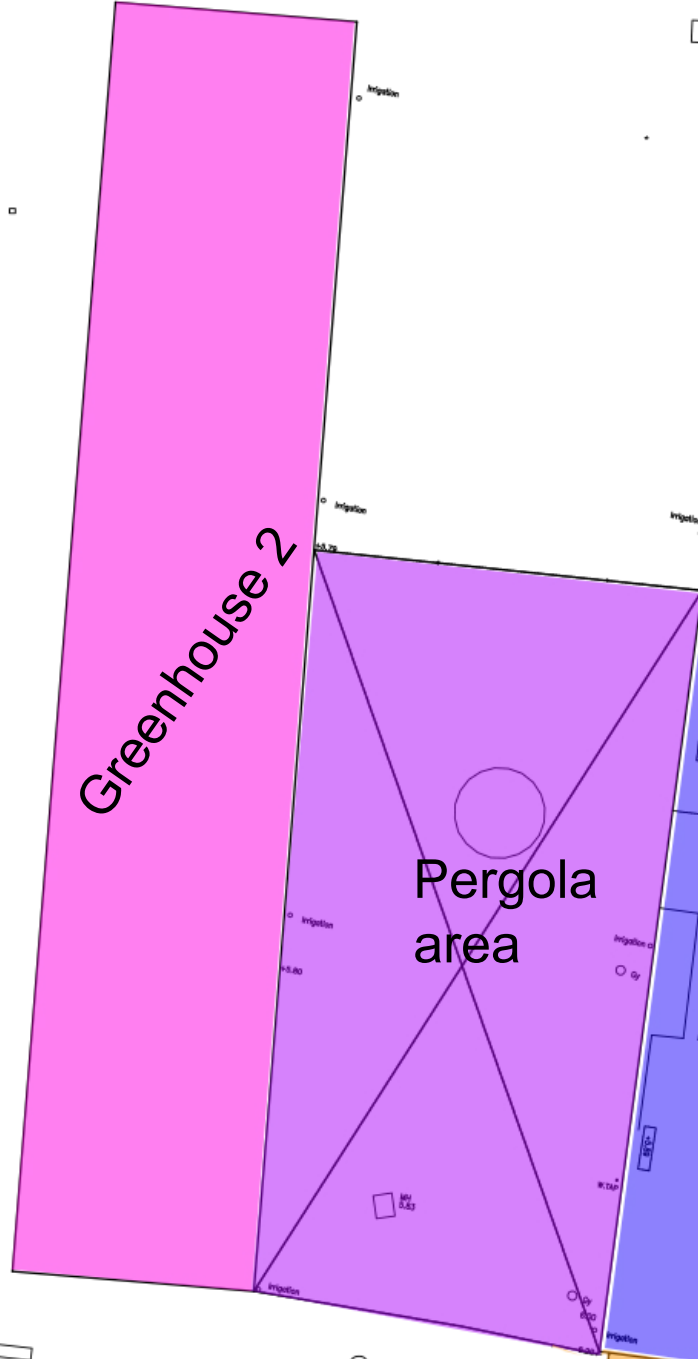
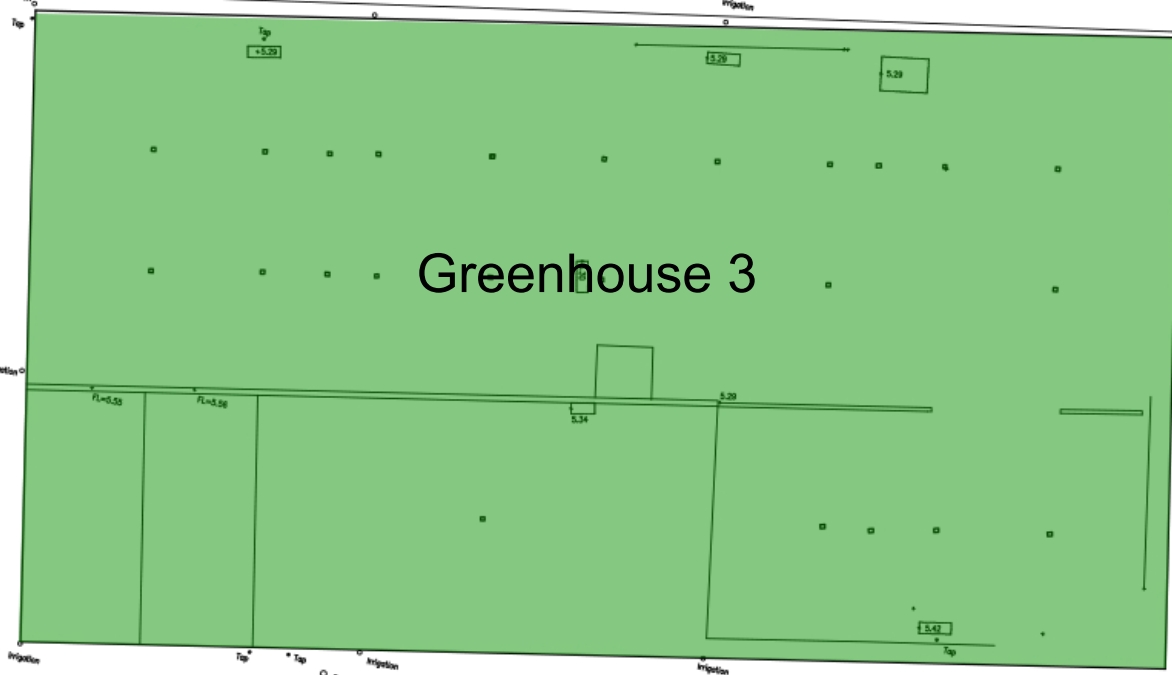


Appendix 2



REV DESCRIPTION DATE

GMA ARCHITECTURE Architects and Designers UK House 82 Heath Road Twickenham TW1 4BA Telephone 020 8891 5959 Fax 020 8607 9983 Email enquiries@gmaarchitecture.co.uk	Project	PETERSHAM NURSERIES RICHMOND	Date	Feb 24
	Drawing	AREAS OF USE	Scale	1:200@A3
			Project No.	02-277-03
			Drawing No.	AREA



Appendix 3



**LONDON BOROUGH OF
RICHMOND UPON THAMES**

TOWN AND COUNTRY PLANNING ACT 1990 : DECISION NOTICE

Reference No. 98/0525/S191

Date: 19 June, 1998

PETERSHAM NURSERIES LIMITED
c/o DAVID HICKEN ASSOCIATES
SOUTHGATE HOUSE
HIGH BANKS
LOOSE
MAIDSTONE KENT

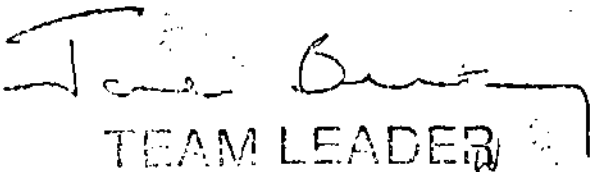
TOWN AND COUNTRY PLANNING ACT 1990, Sections 191 and 192 (as amended)
Town and Country Planning (General Development Procedure Order) 1995 Article 24

WHEREAS in accordance with the provisions of the Town and Country Planning Act, 1990 and any Orders made thereunder you have made an application received on 4 March, 1998 for a CERTIFICATE OF LAWFUL USE OR DEVELOPMENT relating to:

PETERSHAM NURSERY, CHURCH LANE, OFF PETERSHAM ROAD, PETERSHAM
for

USE AS A GARDEN CENTRE COMPRISING OPEN SALES AND DISPLAY OF PLANTS AND GARDEN CENTRE PRODUCTS, COVERED SALES AND DISPLAY OF GARDEN CENTRE PRODUCTS; ANCILLARY STORAGE AND EQUIPMENT PLUS SALES OFFICE, PLANT GROWING AREAS AND PUBLIC ENTRANCE COURTYARD/VEHICLE TURNAROUND AND LOADING AREA.

You are advised that the above works/use at the premises edged black on the plan attached to this Certificate were/was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) for the reason(s) given on the attached sheet:


TEAM LEADER
Signature
ON BEHALF OF THE COUNCIL
(SEE ATTACHED NOTES)

PETERSHAM NURSERIES LIMITED
c/o DAVID HICKEN ASSOCIATES
SOUTHGATE HOUSE
HIGH BANKS
LOOSE
MAIDSTONE KENT

Reference No. 98/0525/S191

The reason(s) and/or informative(s) applicable to this application are as follows:

REASON:

NS01U NON-STANDARD

The use of the site as a garden centre comprising open sales and display of plants and garden centre products, covered sales and display of garden centre products; ancillary storage and equipment plus sales office, plant growing areas and public entrance courtyard/vehicle turnaround and loading area began more than 10 years before the date of this application and is therefore considered lawful.

INFORMATIVES:

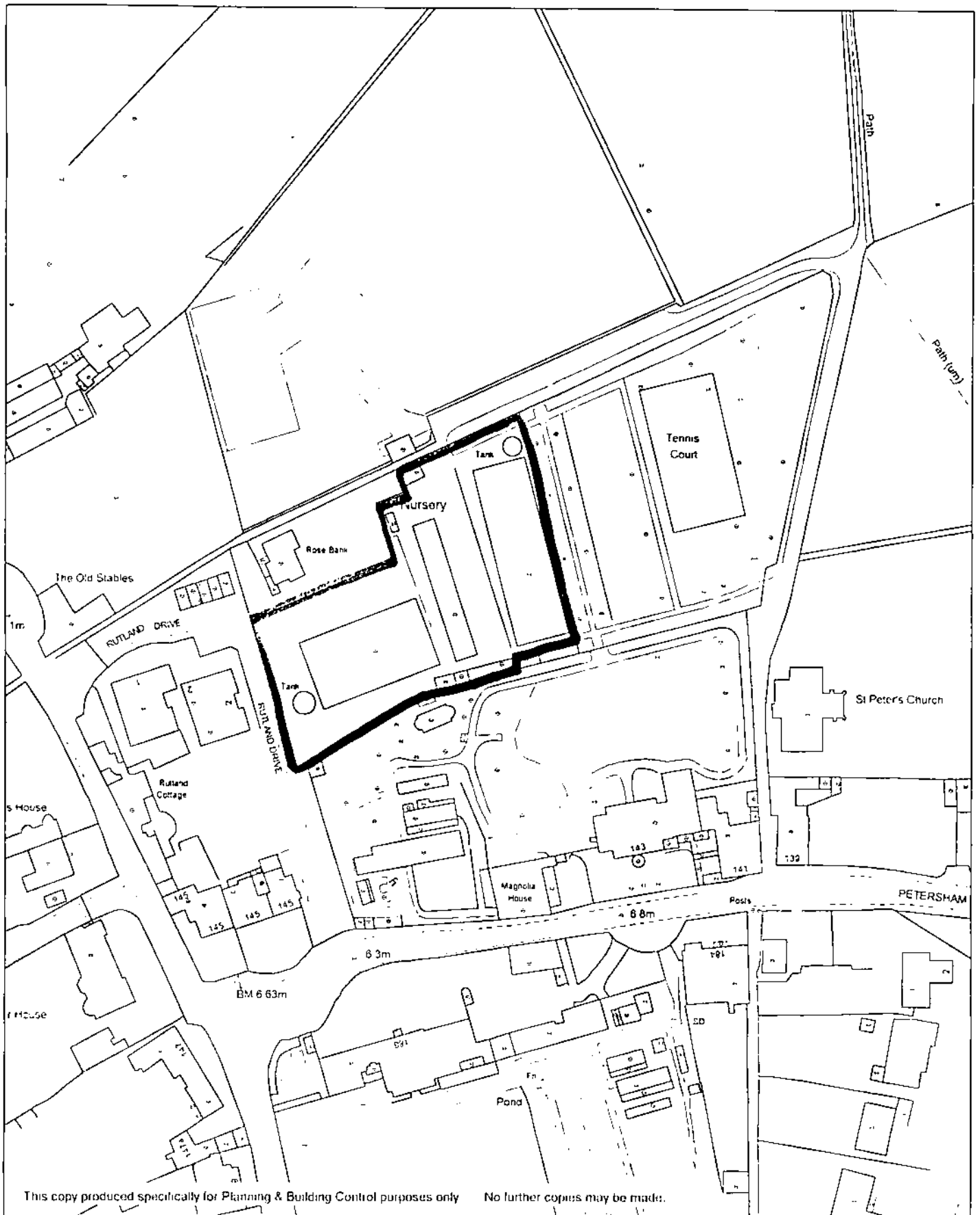
I44U DECISION DRAWING NUMBERS

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows: DHA/3066/01, statement from David Hicken Associates and letter from Petersham Nurseries Ltd dated 28th February 1998 received on 5th May 1998 and drawing number 005TP with schedule of accommodation received on 20th May 1998.

NOTES:

1. This certificate is issued solely for the purpose of section [191] [192] of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the [use] [operations] [matter] specified taking place on the land described above [was] [would have been] lawful on the specified date and, thus, [was not] [would not have been] liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the [use] [operations] [matter] described and to the land specified and identified on the attached plan. Any [use] [operations] [matter] which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of the described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.



R LONDON BOROUGH OF
RICHMOND UPON THAMES
Planning & Building Control Department

CIVIC CENTRE 44 YORK STREET
TWICKENHAM TW1 3BZ
TEL: 0181 891 1411 FAX: 0181 891 7702

Yvonne Trimmer BA MCD
Head of Planning & Building Control

ORDNANCE SURVEY
MAP EXTRACT

Co-ordinates at centre of map
Easting 518069 Northing 173360

Scale 1: 1250	Date 23/06/98	Section CSG	Drawn REC
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Produced by dataMAP the LB Richmond's
Geographic Information System

Reproduced from the
1996 Ordnance Survey
1:1250 mapping with
the permission of Her
Majesty's Stationery
Office (c) Crown
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reproduction infringes
Crown Copyright & may
lead to prosecution or
civil proceedings

LA086533

Appendix 4

Civic Centre, 44 York Street, Twickenham TW1 3BZ
tel: 020 8891 7300 text phone 020 8891 7120
fax: 020 8891 7789
email: envprotection@richmond.gov.uk
website: www.richmond.gov.uk

PLANNING

TOWN AND COUNTRY PLANNING ACT 1990: DECISION NOTICE

Petersham Nurseries Ltd
C/o Direct Planning Limited
River Bank House
95 / 97 High Street
St Mary Cray
Orpington
Kent
BR5 3NH

APPLICATION GRANTED

Please contact: Planning Support

Please telephone: 0845 612 2660

Your ref:

Our ref:
DC/RON/07/1235/FUL/FUL

Letter Printed: 11 December
2007

FOR DECISION DATED
11.12.2007

Dear Sir/Madam

Applicant: Petersham Nurseries Ltd

Agent: Direct Planning Limited

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **3 April 2007** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:


Petersham Nursery, Petersham Road, Richmond, Surrey.

for

Proposed application for continued mixed use as garden centre (class A1) and Cafe/restaurant (class A3).

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule:-

Yours faithfully



Robert Angus
Development Control Manager

APPLICANT NAME Petersham Nurseries Ltd C / O Agent	AGENT NAME Direct Planning Limited River Bank House 95 / 97 High Street St Mary Cray Orpington Kent BR5 3NH
---	---

SITE:
Petersham Nursery, Petersham Road, Richmond, Surrey.

PROPOSAL:
Proposed application for continued mixed use as garden centre (class A1) and Cafe/restaurant (classA3).

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:

U18243NS01 - Limited Period	U18251NS06 - Café/Restaurant Areas
U18244NS02 - Green Travel Plan & Review	U18252NS07 - Extraction Equipment
U18247NS03 - Cycle Parking	U18253NS08 - Air Conditioning Equipment
U18248NS04 - Servicing and Deliveries	U18254NS09 - Personal Permission
U18250NS05 - Hours of Use - Café/Restaurant	

INFORMATIVES:

U28988 Approved drawing numbers	U28990 Relevant policies/proposals FUL
U28989 Summary Reasons for Granting PP~	

DETAILED CONDITIONS

U18243NS01 - 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.

U18244NS02 - 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.

U18247NS03 - 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.

U18248NS04 - 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 Monday- Saturday and at any time on Sunday and restrictions on the weights of vehicles allowed to visit the site. 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.

U18250NS05 - 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.

U18251NS06 - 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.

U18252NS07 - 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.

U18253NS08 - 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.

U18254NS09 - 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.

DETAILED INFORMATIVES

U28988 Approved drawing numbers

If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Control Department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 7300).

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

U28989 Summary Reasons for Granting PP~

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.

U28990 Relevant policies/proposals FUL

This decision has taken into account the relevant policies of the London Plan and, in particular, 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.

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 07/1235/FUL

Appendix 5

Civic Centre, 44 York Street, Twickenham TW1 3BZ
tel: 020 8891 7300 text phone 020 8891 7120
fax: 020 8891 7789
email: envprotection@richmond.gov.uk
website: www.richmond.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990: DECISION NOTICE

Direct Planning Limited
95-97 Riverbank House
High Street
Orpington
Kent
BR5 3NH

APPLICATION GRANTED

Please contact: Planning Support

Please telephone: 0845 612 2660

Your ref:

Our ref:
DC/RON/08/4312/FUL/FUL

Letter Printed: 29 July 2009

FOR DECISION DATED
29.07.2009

Dear Sir/Madam

Applicant:

Agent: Direct Planning Limited

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **27 November 2008** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Petersham Nursery, Petersham Road, Richmond, Surrey.

for

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).

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule:-

Yours faithfully



Robert Angus
Development Control Manager

APPLICANT NAME	AGENT NAME Direct Planning Limited 95-97 Riverbank House High Street Orpington Kent BR5 3NH
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SITE:
Petersham Nursery, Petersham Road, Richmond, Surrey.

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).

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:

U27539NS01 Green Travel Plan & Review U27540NS02 Cycle Parking U27541NS03 Servicing and Deliveries U27543NS04 Hours of Use - Café/Restaurant U27544NS05 Café/Restaurant Areas	U27545NS06 Extraction Equipment U27546NS07 - Air Conditioning Equipment U27547NS08 Personal Permission
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INFORMATIVES:

U41497 Reason for Granting: U41496 Decision Drawings:	U41498 Principal Policies:
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DETAILED CONDITIONS

U27539NS01 Green Travel Plan & Review

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.

U27540NS02 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.

U27541NS03 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 Monday- Saturday and at any time on Sunday and restrictions on the weights of vehicles allowed to visit the site.

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.

U27543NS04 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.

U27544NS05 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.

U27545NS06 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.

U27546 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.

U27547 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.

DETAILED INFORMATIVES

U41497 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.

U41496 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.

U41498 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

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 08/4312/FUL

Civic Centre, 44 York Street, Twickenham TW1 3BZ
tel: 020 8891 7300 text phone 020 8891 7120
fax: 020 8891 7789
email: envprotection@richmond.gov.uk
website: www.richmond.gov.uk

RECEIVED

- 3 AUG 2009

TOWN AND COUNTRY PLANNING ACT 1990: DECISION NOTICE

Direct Planning Limited
95-97 Riverbank House
High Street
Orpington
Kent
BR5 3NH

APPLICATION GRANTED

Please contact: Planning Support

Please telephone: 0845 612 2660

Your ref:

Our ref:
DC/RON/08/4312/FUL/FUL

Letter Printed: 29 July 2009

FOR DECISION DATED
29.07.2009

Dear Sir/Madam

Applicant:

Agent: Direct Planning Limited

WHEREAS in accordance with the provisions of the Town and Country Planning Act 1990 and the orders made thereunder, you have made an application received on **27 November 2008** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Petersham Nursery, Petersham Road, Richmond, Surrey.

for

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).

NOW THEREFORE WE THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF RICHMOND UPON THAMES acting by the Council of the said Borough, the Local Planning Authority HEREBY GIVE YOU NOTICE pursuant to the said Act and the Orders made thereunder that permission to develop the said land in accordance with the said application is hereby **GRANTED** subject to the conditions and informatives summarised and listed on the attached schedule:-

Yours faithfully



Robert Angus
Development Control Manager

APPLICANT NAME	AGENT NAME Direct Planning Limited 95-97 Riverbank House High Street Orpington Kent BR5 3NH
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SITE:
Petersham Nursery, Petersham Road, Richmond, Surrey.

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).

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:

U27539NS01 Green Travel Plan & Review U27540NS02 Cycle Parking U27541NS03 Servicing and Deliveries U27543NS04 Hours of Use - Café/Restaurant U27544NS05 Café/Restaurant Areas	U27545NS06 Extraction Equipment U27546NS07 - Air Conditioning Equipment U27547NS08 Personal Permission
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INFORMATIVES:

U41497 Reason for Granting: U41496 Decision Drawings:	U41498 Principal Policies:
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DETAILED CONDITIONS

U27539NS01 Green Travel Plan & Review

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:

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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.

U27540NS02 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.

U27541NS03 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 Monday- Saturday and at any time on Sunday and restrictions on the weights of vehicles allowed to visit the site.

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.

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U27544NS05 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.

U27545NS06 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.

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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.

U27547NS08 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.

DETAILED INFORMATIVES

U41497 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.

U41496 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.

U41498 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.

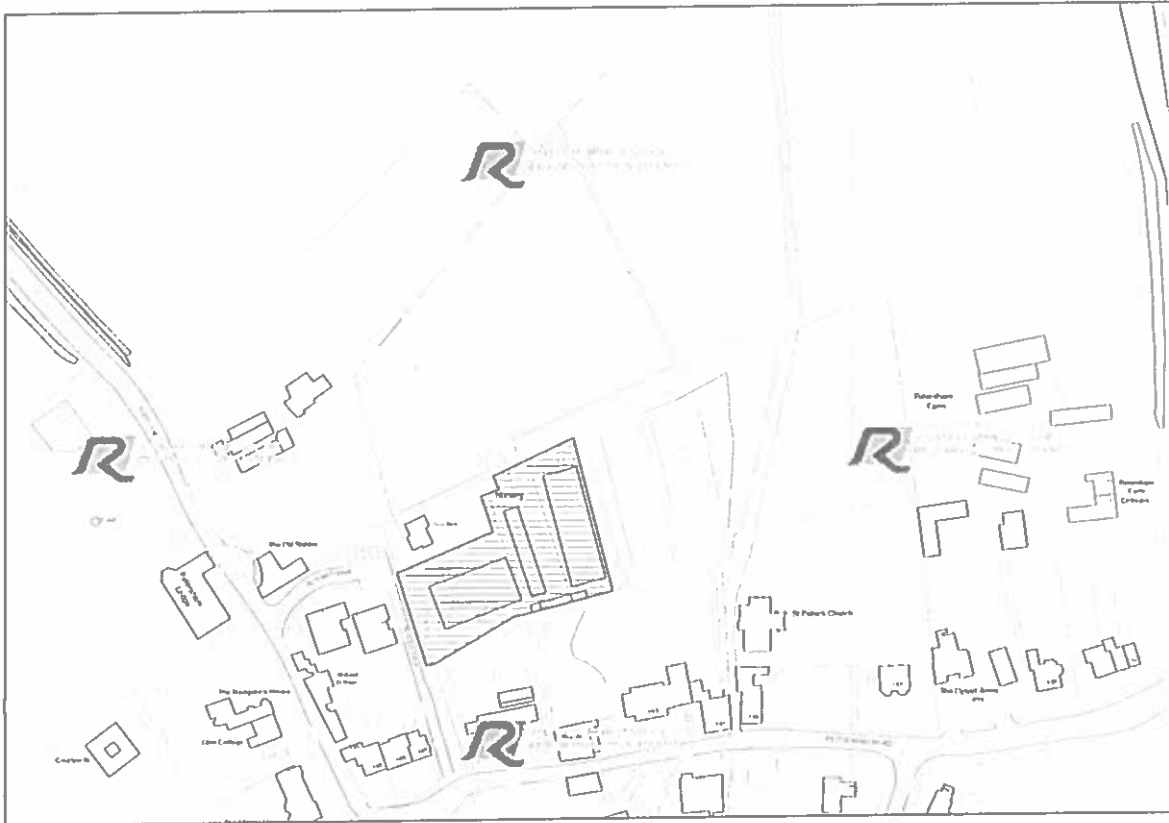
Local Development Framework Core Strategy (April 2009) – Policies CP1, CP5, CP7 and CP10

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

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION 08/4312/FUL

08/4312/VRC
 PETERSHAM NURSERIES
 PETERSHAM ROAD
 RICHMOND

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



© Crown copyright. All rights reserved. London Borough of Richmond Upon Thames LA 100019441[2009].'- Do not scale'

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

Appendix 6

Application reference: 10/2914/VRC
HAM, PETERSHAM, RICHMOND RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
07.10.2010	07.10.2010	02.12.2010	02.12.2010

Site:

Petersham Nursery, Petersham Road, Petersham, Richmond

Proposal:

Variation of condition NS04 of consent 08/4312/FUL to include opening between 1900-2300 hours Thursday, Friday and Saturday each week.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Petersham Nursery Limited

AGENT NAME

Direct Planning Limited
95-97 Riverbank House
High Street
Orpington
Kent
BR5 3NH

DC Site Notice: printed on 15.10.2010 and posted on 22.10.2010 and due to expire on 12.11.2010

Consultations:

Internal/External:

Consultee

LBRUT Transport

Expiry Date

01.11.2010

Neighbours:

Bute Cottage Meadow, Petersham Road, Petersham, Richmond, TW10 7AD, - 14.10.2010

Units 6 To 7, Forge Lane, Richmond, TW10 7BF, - 14.10.2010

147 Petersham Road, Petersham, Richmond, TW10 7AH, - 14.10.2010

Corner Cottage, 147 Petersham Road, Petersham, Richmond, TW10 7AH, - 14.10.2010

Unit 5, Petersham Farm, Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010

Unit 4, Petersham Farm, Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010

Unit 3, Petersham Farm, Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010

Unit 2, Petersham Farm, Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010

Unit 1, Petersham Farm, Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010

3 Forge Lane, Richmond, TW10 7BF, - 14.10.2010

4 Forge Lane, Richmond, TW10 7BF, - 14.10.2010

5 Forge Lane, Richmond, TW10 7BF, - 14.10.2010

2 Forge Lane, Richmond, TW10 7BF, - 14.10.2010

1 Forge Lane, Richmond, TW10 7BF, - 14.10.2010

The Glass House, River Lane, Petersham, TW10 7AG, - 14.10.2010

15 Tree Close, Petersham, TW10 7BA, - 14.10.2010

Mallory House, River Lane, Petersham, TW10 7AG, - 14.10.2010

The Dysart Arms, Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010

The Old Cottage, 198 Petersham Road, Petersham, Richmond, TW10 7AD, - 14.10.2010

Ham House, Petersham Road, Petersham, Richmond, TW10 7AH, - 14.10.2010

1 River Lane, Petersham, Richmond, TW10 7AG - 14.10.2010

Fox & Duck, Petersham Road, Petersham, Richmond, TW10 7AD, - 14.10.2010

Heads Flat, The German School, Petersham Road, Petersham, Richmond, TW10 7AH, - 14.10.2010

Magnolia House, 143A Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010

The House, River Lane, Petersham, TW10 7AG, - 14.10.2010

Rutland Cottage, 1 River Lane, Petersham, Richmond, TW10 7AG, - 14.10.2010

Bute Cottage, 7 Meadow Close, Petersham, TW10 7AJ, - 14.10.2010

121 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
135 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
Flat 1,Petersham Lodge,River Lane,Petersham,TW10 7AG, - 14.10.2010
St Peters Church,Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
135A Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
Flat 5,145 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
Flat 4,145 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
Flat 3,145 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
Flat 2,145 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
Flat 1,145 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
North Lodge,155A Petersham Road,Petersham,Richmond,TW10 7AH, - 14.10.2010
3 Tree Close,Petersham,TW10 7BA, - 14.10.2010
1 Tree Close,Petersham,TW10 7BA, - 14.10.2010
2 Rutland Drive,Petersham,TW10 7AQ, - 14.10.2010
The Old Stables,River Lane,Petersham,TW10 7AG, - 14.10.2010
The Manor House,River Lane,Petersham,TW10 7AG, - 14.10.2010
Glen Cottage,River Lane,Petersham,TW10 7AG, - 14.10.2010
Courtyards,River Lane,Petersham,TW10 7AG, - 14.10.2010
Manor Farm Yard,151 Petersham Road,Petersham,Richmond,TW10 7AH, - 14.10.2010
202 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
Rosedale,200 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
190 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
188 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
Montrose House,186 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
184 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
South Lodge,155 Petersham Road,Petersham,Richmond,TW10 7AH, - 14.10.2010
141 - 143 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
131 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
6 Meadow Close,Petersham,TW10 7AJ, - 14.10.2010
17 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
15 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
The Willows,13 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
11 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
9 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
6 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
4 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
2 Cedar Heights,Petersham,TW10 7AE, - 14.10.2010
8 Ashfield Close,Petersham,TW10 7AF, - 14.10.2010
6 Ashfield Close,Petersham,TW10 7AF, - 14.10.2010
4 Ashfield Close,Petersham,TW10 7AF, - 14.10.2010
2 Ashfield Close,Petersham,TW10 7AF, - 14.10.2010
2 Star Farm Cottages,Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
1 Star Farm Cottages,Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
Fox And Duck PH,194 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
Myrtle Cottage,Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
Garden Cottage,147 Petersham Road,Petersham,Richmond,TW10 7AH, - 14.10.2010
12 Tree Close,Petersham,TW10 7BA, - 14.10.2010
11 Tree Close,Petersham,TW10 7BA, - 14.10.2010
10 Tree Close,Petersham,TW10 7BA, - 14.10.2010
9 Tree Close,Petersham,TW10 7BA, - 14.10.2010
8 Tree Close,Petersham,TW10 7BA, - 14.10.2010
7 Tree Close,Petersham,TW10 7BA, - 14.10.2010
6 Tree Close,Petersham,TW10 7BA, - 14.10.2010
5 Tree Close,Petersham,TW10 7BA, - 14.10.2010
4 Tree Close,Petersham,TW10 7BA, - 14.10.2010
2 Tree Close,Petersham,TW10 7BA, - 14.10.2010
1 Rutland Drive,Petersham,Richmond,TW10 7AQ, - 14.10.2010
The Navigators House,River Lane,Petersham,TW10 7AG, - 14.10.2010
Rosebank,River Lane,Petersham,TW10 7AG, - 14.10.2010
Petersham Lodge,River Lane,Petersham,TW10 7AG, - 14.10.2010
Drum House,River Lane,Petersham,TW10 7AG, - 14.10.2010
182 Petersham Road,Petersham,Richmond,TW10 7AD, - 14.10.2010
Manor Farm House,149 Petersham Road,Petersham,Richmond,TW10 7AH, - 14.10.2010
139 Petersham Road,Petersham,Richmond,TW10 7AB, - 14.10.2010
137 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
133 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010
129 Petersham Road,Petersham,Richmond,TW10 7AA, - 14.10.2010

7 Petersham Road, Petersham, Richmond, TW10 7AA, - 14.10.2010
 5 Meadow Close, Petersham, TW10 7AJ, - 14.10.2010
 4 Meadow Close, Petersham, TW10 7AJ, - 14.10.2010
 3 Meadow Close, Petersham, TW10 7AJ, - 14.10.2010
 2 Meadow Close, Petersham, TW10 7AJ, - 14.10.2010
 1 Meadow Close, Petersham, TW10 7AJ, - 14.10.2010
 18 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 16 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 14 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 12 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 10 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 8 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 7 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 5 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 3 Cedar Heights, Petersham, TW10 7AE, - 14.10.2010
 7 Ashfield Close, Petersham, TW10 7AF, - 14.10.2010
 5 Ashfield Close, Petersham, TW10 7AF, - 14.10.2010
 3 Ashfield Close, Petersham, TW10 7AF, - 14.10.2010
 1 Ashfield Close, Petersham, TW10 7AF, - 14.10.2010

History: Development Management, Appeals, Building Control, Enforcements:

Development Management Application:00/T0726
 Status: GTD
 Date:10/05/2000 Fir - Fell

Development Management Application:00/T0727
 Status: GTD
 Date:10/05/2000 Fir - Fell

Development Management Application:00/T0728
 Status: GTD
 Date:10/05/2000 Conifer - Reduce Height

Development Management Application:00/T0729
 Status: GTD
 Date:10/05/2000 Conifer - Reduce Height

Development Management Application:03/2480/CAC
 Status: WNA
 Date:16/09/2003 Existing Timber Shed To Be Demolished.

Development Management Application:03/2452
 Status: GTD
 Date:27/10/2003 Demolition Of Existing Changing And Storage Facility, construction Of New Facilities Building To Provide Accessible Disabled Wc For Public Use, Staff Changing Area, Toilet And Kitchen. Erection Of Adjacent Lean-to Roof To Provide Covered Sto

Development Management Application:97/0569
 Status: REF
 Date:12/08/1997 Erection Of A Single Residential Dwelling On Two Levels And A Two Storey Gatehouse

Development Management Application:97/0577
 Status: GTD
 Date:12/08/1997 Demolition Of Glasshouses.

<u>Development Management</u> Status: GTD Date:22/06/1998	Application:98/0525 Use As A Garden Centre Comprising Open Sales And Display Of Plants And Garden Centre Products, Covered Sales And Display Of Garden Centre Products; Ancillary Storage And Equipment Plus Sales Office, Plant Growing Areas And Public Entrance C
<u>Development Management</u> Status: WTD Date:27/04/1998	Application:98/0551 Erection Of One Dwelling, Detached Garaging And Landscaping.
<u>Development Management</u> Status: GTD Date:08/09/2004	Application:04/2167/FUL Retention of single storey building of green oak structure clad in cedar replacing similar building in disrepair.
<u>Development Management</u> Status: WDN Date:13/10/2006	Application:06/1916/ES191 Part use of land for restaurant use and part car park use on existing garden centre site.
<u>Development Management</u> Status: WDN Date:19/02/2007	Application:06/3891/ES191 Retainment of Nursery / Garden Centre and Cafe / Restaurant ancillary.
<u>Development Management</u> Status: GTD Date:23/02/2007	Application:06/4053/FUL Revised design for facilities building. (Approved Ref 03/2452)
<u>Development Management</u> Status: GTD Date:24/04/2007	Application:07/0307/LBC Erection of single storey building within nursery for staff use
<u>Development Management</u> Status: GTD Date:11/12/2007	Application:07/1235/FUL Proposed application for continued mixed use as garden centre (class A1) and Cafe/restaurant (classA3).
<u>Development Management</u> Status: GTD Date:29/07/2009	Application:08/4312/FUL 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).
<u>Development Management</u> Status: REC Date:	Application:09/2294/VRC Continuation of planning permission granted 11 December 2007 (07/1235/FUL), to allow permanent mixed use as garden centre (class 1) and cage/restaurant (class A3).
<u>Development Management</u> Status: PCO Date:	Application:08/4312/DD01 Details pursuant to conditions U27545 (Extract System), U27541 NS03 (Servicing Deliveries) and U27540 NS02 (Cycle Parking) of planning permission 08/4312/FUL.

Development Management
Status: PCO
Date:

Application: 10/2914/VRC

Variation of condition NS04 of consent 08/4312/FUL to include opening between 1900-2300 hours Thursday, Friday and Saturday each week.

Appeal
Validation Date:
03.07.1998
Reference:
98/0551

Development Appeal

Appeal
Validation Date:
11.06.2008
Reference:
08/0063/AP/CON

Proposed application for continued mixed use as garden centre (class A1) and Cafe/restaurant (class A3).

Building Control
Deposit Date:
08.12.2003
Reference:
03/2409/BN

Installation of septic tank and associated pipework and drainage for new staff building.

Building Control
Deposit Date:
09.12.2009
Reference:
09/2068/FP

Single storey detached facilities building

Enforcement
Opened Date:
09.11.2005
Reference:
05/0556/EN/UCU

Enforcement Enquiry

Enforcement
Opened Date:
04.03.2009
Reference:
09/0098/EN/ADV

Enforcement Enquiry

Enforcement
Opened Date:
21.05.2010
Reference:
10/0248/EN/UBW

Enforcement Enquiry

Enforcement
Opened Date:
23.06.2010
Reference:
10/0313/EN/NAP

Enforcement Enquiry

Constraints:

10/2914/VRC

PETERSHAM NURSERIES
PETERSHAM ROAD
RICHMOND

HAM, PETERSHAM & RICHMOND
RIVERSIDE WARD
CONTACT NAME: Jim Thomson

Proposal: Variation of condition U27544 NS04 of planning permission granted on 29 July 2009 (08/4312/FUL) for the 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); namely, to include opening between 19.00 to 23.00 hours on Thursday, Friday and Saturday every week..

Applicant: Direct Planning Ltd on behalf of Petersham Nurseries

Application received: 7 October 2010

Main development plan policies:

Unitary Development Plan - First Review (March 2005) policies: STG 2, IMP2, ENV1, BLT2, BLT16, TRN2, TRN4, CCE18 and TC9;

Local Development Framework Core Strategy (April 2009) policies: CP1, CP5, CP7 and CP10;

Development Management DPD (post EiP Hearing) policies: DM OS 2, DM HD 1, DM TP 2, DM TC 5 and DM DC 5;

SUMMARY OF APPLICATION:

This proposal seeks to extend the hours of use of the restaurant element of Petersham Nurseries, to allow opening between 19.00 and 23.00 hours on Thursdays, Fridays and Saturdays. At present the restaurant use is permitted to operate only within the hours that the garden centre is in use, although it currently opens in the evening on an occasional basis. By extending the hours of use into the evening on three days per week, the proposal will expand an inappropriate use within Metropolitan Open Land to the detriment of its character. Although the Green Travel Plan that is in operation at Petersham Nurseries appears to be mitigating the impact of the existing mixed garden centre and café/restaurant use during the currently permitted hours and officers are satisfied that no nuisance arises from the current use from within the site itself, it is considered that the proposed extension of hours, will result in an unacceptably harmful impact on the amenities of neighbouring occupiers by reason of noise nuisance and disturbance from increased traffic generation and customers leaving the premises late at night.

RECOMMENDATION: REFUSE

Site, Location and History:

Petersham Nurseries is located on the northern side of Petersham Road, to the rear of no.143. Vehicular access is from Church Lane, which runs between no.141 Petersham Road and St Peters Church. A pedestrian access is via a pathway which runs from River Lane.

The site is located within the Petersham Conservation Area and is located within Metropolitan Open Land (MOL). The surrounding area is open in nature, with a semi-rural character. An open area of meadow and a hardstanding adjoin the site to the

north. The Nursery has a licence agreement with the Council, which owns the adjacent land, to use it as a turning area for service vehicles.

A retrospective planning application for a mixed use as a garden centre (Class A1) and café/restaurant (Class A3) was granted temporary permission on 29 November 2007 for a period of one year by the Planning Committee. The reason for the temporary consent was to enable the Council to monitor and review the use after it had been in operation, to see if its impact had been successfully mitigated, particularly by the implementation of a Green Travel Plan (07/4312/FUL).

Planning permission was subsequently granted on 23 July 2009 for the continuation of the mixed garden centre and café/restaurant use on a permanent basis. Condition U27544 NS04 restricted the hours of use of the café/restaurant element to between 10.00 and 16.30 on Tuesday to Saturday, 11.00 and 16:30 on Sundays and not at all on Mondays (08/4312/FUL).

The current application seeks to vary this condition by allowing the café/restaurant element to operate from 19.00 to 23.00 on Thursday, Friday and Saturday every week.

Public and other representations:

A total of 36 representations were received to the initial consultation exercise on this proposal. 26 letters, including one from the Ham and Petersham Association, were received objecting or raising concerns on the following issues:

- Impact on the character of the conservation area;
- Impact on Metropolitan Open Land;
- Increased traffic generation;
- Inadequacy of vehicular access;
- Highway safety;
- Increased pressure for parking;
- Noise nuisance and disturbance from customers, music, bottle disposal and general increase in activity;
- Impact on nature conservation and ecology from noise and light pollution;
- Increased commercialization of primarily quiet residential area;
- Increase in smells.

8 letters have been received in support of the proposal, raising the following points:

- The extension in hours is modest;
- The number of customers and Petersham Nurseries promotion of sustainable travel will not give rise to large numbers of cars;
- The operator is a successful local business and employer;
- The clientele are more mature, the restaurant only takes pre-bookings and noise is not likely to arise;
- The use will make a positive contribution to the range of facilities available in the area.

There are two representations that are neither for nor against the proposal. One requests more information about anticipated traffic generation and the other suggests that the proposal ought to be carried out for a trial period in order for the effects to be fully assessed.

The applicants have responded to the objections raised in two letters, one from Mr Bogleione dated 19 November 2010 and one from Mrs Bogleione dated 29 June 2011,

the main points of which are expanded in more detail in the main body of the report and summarised below:

- Customer surveys have been undertaken of evening events which reveal an average demand for parking spaces of 6.5, with 9% of customers travelling by car;
- Parking in River Lane is unregulated and Petersham Nurseries is not to blame for the traffic and parking in the area. Staff and customers are discouraged from parking in River Lane;
- No music has been played at evening events and would not be in future;
- Customers are firmly told to leave promptly and quietly by 11pm;
- The clientele and the nature of the restaurant do not give rise to noise nuisance
- Delivery times are regulated by condition attached to the planning permission;
- Part of the attraction of the venue is that it is in harmony with and respects its surroundings.

Following on from these responses, a reconsultation exercise was undertaken and 10 letters of further letters of objection were received, on the following grounds:

- In practice, late night disturbance from customers leaving the restaurant, slamming car doors and traffic noise and headlights will occur long after 23.00 when the restaurant closes, and even later when staff leave;
- Noise and disturbance arises from taxis as well as private cars;
- Residents do experience noise and disturbance from the 'supper club' events and have complained to staff;
- Car traffic is likely to be higher when weather is bad and public transport is less frequent late at night;
- Later hours of operation will lead to greater need for additional servicing.

Professional Comments:

The main issues raised in this application are the impact on the character of the Metropolitan Open Land (MOL); impact on the character 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.

Subsequent to the original permissions for the existing mixed use of the site having been granted, the Councils Development Management Plan has emerged, and is due to supersede the Unitary Development Plan policies. The Development Management DPD underwent an Examination in Public in May 2011. A number of changes were proposed just before and during the Examination. Minor changes were introduced to policies relevant to the current application, though none that would materially effect its consideration. The Examiner indicated at the Examination that he is not intending to propose any further changes in his report. The Council is therefore using the submitted version of the DMDPD together with the proposed changes for development control purposes until the final version is adopted in November 2011 and maintains that this now has considerable weight in any decision making.

Impact upon Metropolitan Open Land:

Policy ENV1 of the UDP First Review states that the Council will protect and conserve Metropolitan Open Land (MOL) 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.

Policy STG2 is also relevant and states that the Council will seek to protect and enhance the open and the built environments, safeguard metropolitan open land and ensure that developments enhance their surroundings and do not impair important views or skylines.

Core Strategy policy CP10 states metropolitan open land will be safeguarded and improved for biodiversity, sport and recreation and heritage, and for visual reasons.

Policy DM OS 2 of the DMDPD states that:

"Metropolitan Open Land will be protected and retained in predominantly open use. Appropriate uses include public and private open spaces and playing fields, open recreation and sport, biodiversity including rivers and bodies of water and open community uses including allotments and cemeteries.

It will be recognised that there may be exceptional cases where appropriate development such as small scale structures is acceptable, but only if it:

- 1. does not harm the character and openness of the MOL; and*
- 2. is linked to the functional use of the MOL or supports outdoor open space uses; or*
- 3. is for essential utility infrastructure and facilities, for which it needs to be demonstrated that no alternative locations are available and that they do not have any adverse impacts on the character and openness of the MOL."*

The site is located within the MOL, which generally has a presumption against any inappropriate development and the existing mixed A1/A3 use is not identified as an appropriate use. The policies do, however, recognise that there may be exceptional cases where it will be appropriate to allow modest development. Paragraph 4.1.3 of the DMDPD states that:

"new uses will only be considered if they are by their nature open or depend upon open uses for their enjoyment and if they conserve and enhance the open nature, character and biodiversity of MOL."

The lawful use of the site as a garden centre was a material planning consideration when assessing the original change of use applications, which involved part of the Class A1 floorspace going to a Class A3 use rather than totally new Class A3 floorspace.

A small scale or low-key café use ancillary to a garden centre use is relatively common, even for such uses within MOL, but it is recognised that this particular café/restaurant use (A3 use) is a destination in its own right, with a national and international reputation. In determining the previous applications, the Committee considered that the stringent conditions that had been recommended were sufficient to mitigate the impact of the proposal, the restrictions on the hours of operation being a key component of that consideration. It is considered that an extension to the hours of operation for the Class A3 restaurant element of the permitted mixed use would cause demonstrable harm to the character of the Metropolitan Open Land, by reason of it being an intensification of an inappropriate use, and the proposal is therefore contrary to the Council's policies in respect of MOL.

Impact on Character and Appearance of Conservation Area:

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.

Core Strategy policy CP7 states that existing buildings and areas of high quality and historic interest will be protected from inappropriate development and enhanced sensitively.

Policy DM HD 1 of the DMDPD states that new development or other proposals should conserve and enhance the character and appearance of the area.

The 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.

The amount of building 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 and a café/restaurant, traffic generation and parking is a feature at the site, from customers, together 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. It is considered that, up to now, the mixed use of the site has at least preserved the character and appearance of the conservation area, in so far as there has been no overall increase of area or built form on the garden centre site. The other impacts upon the conservation area are linked to the additional vehicular movements and car parking on site. In considering the previous application to retain the mixed use on a permanent basis, the Committee considered that the mitigation measures set out in the Green Travel Plan had been successful. The issue with the current proposal to extend the hours of use is whether any demonstrable harm would be created by additional vehicular movements and car parking in the area and if there would be any undue visual impact on the character and appearance of this part of the Petersham Road Conservation Area. In officers' opinion, this is less likely to be a sustainable objection, the visual impact being difficult to identify.

Impact on Residential Amenity:

The nearest residential properties to the kitchen serving the restaurant are no.143 Petersham Road, Magnolia House and Rose Bank Cottage. These properties are approximately 40m, 45m and 50m from the kitchen respectively. Nos.139 and 141 Petersham Road are two houses which flank the Church Lane junction to Petersham Road, which are also located over 60m from the site.

Given that the proposal seeks to extend the operating hours of the restaurant element of the current operation, regard needs to be given to the amenities of neighbouring residents.

UDP policy IMP 2 states that the Council will seek to concentrate uses which serve the local community or attract visitors in areas of mixed use. Outside these areas, mixed use schemes will be encouraged subject to non-residential uses being limited in scale to that compatible with local character, and not giving rise to unacceptable levels of traffic or disturbance to local residents.

UDP policy CCE18 states that 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.

UDP policy TC9 states that 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. UDP 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.

Policy DM TC 5 of the DMDPD states that uses that support the evening economy, such as restaurants, will be supported if there is not an adverse effect on the amenity of nearby uses, and surrounding residential areas, including a cumulative adverse effect. The policy suggests that impacts from the building, its curtilage (including gardens) and the surrounding environs should not negatively affect the amenity of nearby areas, particularly residential areas. It identifies negative impacts as including on street parking, noise and disturbance from equipment, music or customers smoking or drinking outside or leaving the premises.

Whilst the introduction of a Class A3 use in this out-of-centre location would not normally be acceptable, the Committee has previously accepted that the circumstances of the case, and the conditions suggested to mitigate the impact of the proposal, were sufficient to overcome the objections to the scheme.

In the case of the current application, a significant test 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 (from within the site)

Whilst some of the objections to the current submission have referred to problems with fumes and smells, there appear to have been no formal complaints to the Council. In granting the previous permission for the use, the Committee accepted the need for a condition requiring details of a ventilation and extraction system. Details of a system have been submitted to discharge this condition, but whilst not yet formally approved, the Environmental Health Team has raised no objection to the proposal. The distance of the restaurant building from neighbouring houses means that it is unlikely that noise from within the premises would present a problem. The applicant, responding to a number of objectors' complaints about music, has categorically stated that no music will be played at the premises. This can be secured by condition. Noise from customers arriving at and departing from the premises is more difficult to assess, although there is anecdotal evidence from neighbouring occupiers that noise and disturbance does currently occur when the current evening events take place. The applicants claim that the effects of this impact are exaggerated and stress that every effort is made by staff, who advise customers of the need to depart

the premises promptly and quietly by 23.00. Reminders to customers are also included on the menu.

Noise and disturbance outside the site

It is acknowledged that nuisance and disturbance commonly associated with Class A3 uses relates to traffic and parking, vehicular and pedestrian movements and noise at 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 and staff clear up and leave. This should not have been the case here as the current permitted hours of operation do not extend into the evening.

Nevertheless, the nuisance and disturbance created by additional traffic, car parking and customer noise associated with the restaurant use is understandably a major concern for local residents, and is a significant issue upon which this application should be assessed. A number of objectors have referred to problems of traffic generation, parking issues and customer noise in association with current evening activity at the restaurant, which are strongly refuted by the applicants. Matters relating to traffic and car parking are considered further in the Traffic and Car Parking section of this report, below. Notwithstanding the assertions of the applicants that objectors' claims are exaggerated, it is considered that the level of anecdotal evidence of nuisance arising from the existing occasional ' Supper Club' evening events at the premises is indicative that there is significant potential for further loss of amenity to neighbouring residential occupiers if evening opening was permitted on an even wider basis. This could result from increased numbers of vehicle movements, including taxis, passing down the currently very quiet lanes, car doors slamming, engine noise and noise from customers and staff leaving the premises late at night, together with noise and disturbance from clearing up (including collection and disposal of bottles. In officers' view, noise nuisance and general disturbance would be sufficient to justify the refusal of permission

Hours of operation

The Committee previously considered that any disturbance to residential amenity could be mitigated through the use of a condition controlling hours of operation, agreeing to the suggested hours of 1000 – 1630 Tuesday to Saturday and from 11.00 – 16.30 on Sundays and no opening on Mondays. Officers take the view that the current proposal to extend the hours of use of the restaurant would be unacceptable for the reasons stated above.

Refuse provision and servicing

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. The applicants have provided letters from two of their main suppliers, advising that they do not anticipate a need for additional deliveries, nor any change in the size of vehicle or delivery times from those existing at present.

Traffic and Car Parking:

UDP 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 sets out car and bicycle parking standards.

Core Strategy policies CP1, CP5 and CP7 are also relevant, 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 also encourage the development of Green Travel Plans (GTPs).

Appendix 1 sets out the background traffic and car parking issues relating to the previous application for the permanent mixed use. The original decision to grant a temporary consent for a year was to provide the opportunity to establish whether car trip rates could be reduced sufficiently by the GTP to merit its approval permanently and in considering the last application the Committee was satisfied that the objectives of the GTP were being met.

Petersham Nurseries subsequently instructed MVA Consultancy to produce a 'Final Travel Plan' (October 2010), in order to discharge the Travel Plan condition attached to the previous permission. Whilst of interest as a demonstration of the applicants' intentions to encourage sustainable modes of transport in connection with the operation of their business, this document mainly deals with the use as currently permitted rather than as proposed, although the same principles will apply. The Transport Officer, in her assessment of the Travel Plan, points out that its surveys were not carried out at the same time of year as the original ones and that a further survey should be carried out in September, to more accurately compare like with like. Further, the Travel Plan does not document the use of the parking spaces at Russell School.

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.

The site can only be accessed by vehicles via Church Lane, which is a 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. Pedestrian access is also achieved via an alleyway that connects Church Lane with River Lane at the entrance of the site.

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 (in the Travel Plan it is suggested that there are 24 parking spaces, including three disabled, outside the nursery entrance and a further 14 spaces along Church Lane). 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.

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 is believed to allocate 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. When booking, customers are advised of the limited parking available and are made aware of alternative means of transport. Those that do come by car are allocated a space in Church Lane or at Russell School, if it is a weekend.

As was stated in the previous report, and accepted by the Committee, Petersham Nurseries has 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.

During the operation of their occasional 'Supper Club' evenings, the applicants have carried out surveys of travel arrangements of guests attending. From the information provided, the number of attendees ranged from 51 to 98 and the number of parking spaces required ranged from 3 to 18. The table below identifies nine 'supper club' events:

Date	Day	No. of guests	Parking spaces req'd
28.05.11	Saturday	82	10
02.06.11	Thursday	75	13
04.06.11	Saturday	97	13
09.09.11	Thursday	77	11
11.06.11	Saturday	94	18
16.06.11	Thursday	96	16
18.06.11	Saturday	98	15
23.06.11	Thursday	95	12
25.06.11	Saturday	95	17

Whilst this information is of assistance in anticipating the potential impact of the proposal on traffic generation and parking in the area, no comprehensive surveys of traffic and parking conditions in Church Lane, River Lane and surrounding roads has been undertaken, showing conditions on 'Supper Club' event evenings in comparison to evenings when these events do not take place.

The Transport Officer shares this view and suggests that this application is premature and is concerned that the applicants have not backed up their assertion that no problems have arisen with full and comprehensive surveys of traffic generation for the current 'Supper Club' evening events. She considers that permission should only be granted for a limited number of late evenings per month and subject to a condition requiring traffic generation/parking surveys of Church Lane, River Lane and surrounding roads to be provided for Thursday to Saturday and also for days when there is no evening opening, the scope of the surveys to be agreed with Transport Officers. Any permission should initially be for one year only to allow for the surveys to be undertaken and assessed by the Council.

Conclusion:

This proposal seeks to extend the hours of use of the restaurant element of Petersham Nurseries, to allow opening between 19.00 and 23.00 hours on Thursdays, Fridays and Saturdays. At present the restaurant use is permitted to operate only within the hours that the garden centre is in use, although it currently

opens in the evening on an occasional basis. By extending the hours of use into the evening on three days per week, the proposal will expand an inappropriate use within Metropolitan Open Land to the detriment of its character. Although the Green Travel Plan that is in operation at Petersham Nurseries appears to be mitigating the impact of the existing mixed garden centre and café/restaurant use during the currently permitted hours, and officers are satisfied that no nuisance arises from the current use from within the site itself, it is considered that the proposed extension of hours, will result in an unacceptably harmful impact on the amenities of neighbouring occupiers by reason of noise nuisance and disturbance from increased traffic generation and customers leaving the premises late at night.

I therefore recommend **REFUSAL** on the following grounds:

The proposal would result in the expansion of an inappropriate use to the detriment of the character of Metropolitan Open Land and would result in an adverse effect on the amenities of neighbouring residential occupiers and the area generally. As such the proposal would be contrary to policies STG 2, IMP 1, ENV 1, BLT 16, CCE 18 and TC 9 of the London Borough of Richmond upon Thames Unitary Development Plan – First Review adopted March 2005, policy CP10 of the Council's Local Development Framework Core Strategy adopted April 2009 and policies DM OS 1, DM TC 5 and DM DC 5 of the Council's Development Management Development Plan Document (post Examination in Public).

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - ~~YES~~ NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

Case Officer (Initials): JT.

Dated: 8.8.2011

I agree the recommendation:

Jim Thomson

Team Leader/Development Control Manager

Dated: 8.8.2011

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

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SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:	
INFORMATIVES:	

ADDITIONAL NOTES CONTINUED FROM ABOVE:

Professional Comments:

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