



## Appeal Decision

Site visit made on 22 May 2014

**by Katie Peerless Dip Arch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 June 2014**

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### **Appeal Ref: APP/L5810/A/13/2206391 196 High Street, Teddington TW11 8HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Sainsbury's Supermarkets Limited against the decision of the Council of the London Borough of Richmond-upon-Thames.
  - The application Ref DC/SGS/12/3584/FUL, dated 15 November 2012, was refused by notice dated 29 July 2013.
  - The development proposed is external alterations to retail unit comprising replacement of rear extension incorporating a means of escape, external bin store, shopfront alterations including a sliding customer entrance door and ATM, use of the unit for food retail purposes as a convenience store and widening of existing vehicular crossover.
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### **Decision**

1. The appeal is allowed and planning permission is granted for external alterations to retail unit comprising replacement of rear extension incorporating a means of escape, external bin store, shopfront alterations including a sliding customer entrance door, use of the unit for food retail purposes as a convenience store and widening of existing vehicular crossover at 196 High Street, Teddington TW11 8HU in accordance with the terms of the application, Ref DC/SGS/12/3584/FUL, dated 15 November 2012, subject to the conditions attached as Annex 1 to this Decision.

### **Procedural matters**

2. Prior to the application being determined, the appellants removed the ATM from the proposals and increased the number of parking spaces from 6 to 8. The proposal to widen the exiting crossover was also taken out, but, as explained in subsequent paragraphs, I consider that this element of the proposal should be re-instated. I have considered the appeal on this basis.

### **Main Issues**

3. I consider that the main issues in this case are the effect of the proposed development on:
  - (i) highway safety and the free flow of traffic in particular in Langham Road and
  - (ii) residential amenity with particular reference to noise and disturbance.

## Site and surroundings

4. The appeal site is on a corner plot to Langham Road, at the north eastern end of the High Street, and presently contains a furniture retail outlet, with its own car park. The site is within the Teddington Lock Conservation Area and opposite Grade II listed buildings at 163 and 165 High Street. There is unrestricted on-street parking in Langham Road and adjacent to the site on the High Street. Further west, there is time-limited parking on the south side of the road and unrestricted parking on the north side.
5. The area in the immediate vicinity of the site is largely residential, although there is a series of individual shops at ground floor level on the south side of the High Street, up to Udney Park Road, after which commercial premises are found on both sides of the road. There is also a church Parish Hall on the opposite side of Langham Road.

## Planning history

6. Planning permission was granted in 2007 for a change of use from a *sui generis* car showroom to an A1 retail use, but with a condition imposed restricting sales to non-food items. The reason for the condition was the potential impact of the additional traffic that a 'convenience' food store use could attract.

## The proposals

7. As noted above, the application proposed the change of use of the site to a Sainsbury's 'Local' convenience store with the rebuilding of part of the premises and the provision of 8 parking spaces. Access would be taken from the existing point in Langham Road, although the appellants suggest that they would prefer to see a widened entrance that would result in the loss of an on street parking space.
8. The servicing proposals include the use of a non-restricted parking bay adjacent to the site on the High Street. This bay can accommodate about 3 cars but waiting there would be restricted to 'loading only' between the hours of 0600 and 1000 each day. An Automated Teller Machine (ATM) originally proposed in the application has now been omitted and the scheme also contains 2 more parking spaces than previously proposed.

## Reasons

### *Highway safety and traffic*

9. The application was accompanied by a Transport Assessment commissioned by the appellants and, during the time the application was under consideration, the Council was provided with additional information in an update to this Assessment. Local objectors have commissioned their own Transport Review which has also considered both these documents.
10. In particular, the additional information explained that, in response to the Council's comments and at its request, the appellants had compared the projected use levels at the appeal site with those recorded at another store owned by them in Tooting Bec. This store is smaller than that proposed at Teddington but has a larger population in its catchment area. It is also on a busier road where there is a greater volume of passing traffic.

11. Interested parties suggest that results of a survey taken at a Tesco Express store in Twickenham should also be used to inform the likely levels of traffic generation but the appellants have set out the differences between the 2 sites, including fewer local competitors, and the presence of an ATM. For these reasons, I agree that this location is not necessarily comparable to the Teddington site.
12. There are also disagreements between the parties on how the numbers of vehicles that would need to use the parking facilities at the proposed new store should be calculated, on the likely increase in traffic levels and on the resultant availability of parking spaces in the vicinity of the site, should the proposal go ahead.
13. However, I agree with the appellants' analysis that, at the Tooting Bec store, there is likely to be a greater number of visitors wanting to park on site than at the Teddington site. This is because of the greater volume of traffic passing the site at Tooting Bec, the larger residential population within that catchment area and the greater number of competing businesses close to the appeal site. Nevertheless, I shall take the peak number of cars arriving at the Tooting Bec site and the measured length of stay recorded at that outlet, for comparative purposes when assessing the data in subsequent paragraphs.
14. It is clear that parking spaces are at a premium in the immediate area of the appeal site and residents are very concerned that any additional demand would make it more difficult for them to park than at present. However, when the worst case scenario figures provided by the Council for typical parking levels on a Friday and Saturday are compared with the availability of spaces, including those to be provided on the appeal site, it seems to me that there would be no significant shortage of provision.
15. The Council found that, at one of the peak times, 1900 on Saturday, there were 18 on-street spaces available. From the Tooting Bec figures, it could be expected that 44 vehicles would arrive during the course of an hour at that time. The Council considers that this demonstrates that there would be a shortage of 26 spaces, but it does not appear to have taken into account that there would be 8 spaces available on site, or that the average parking duration at the Tooting Bec store is less than 10 minutes.
16. This would mean, firstly, that the shortage of spaces would reduce from 26 to 18. Secondly, the Council also seems to have assumed that each vehicle would occupy the space for an hour, when, in practice, each visitor is likely to stay less than 10 minutes, as confirmed in the Tooting Bec survey. Therefore, in effect, the availability of parking on-site would increase by a factor of at least 6 each hour above the Council's figures and the combination of on-site and roadside parking spaces available at any time would be capable of accommodating the maximum number of vehicles likely to visit the site. As previously noted, this is based on a worst case scenario that assumes that the numbers of visitors arriving by car at the appeal site would be proportionate to those at Tooting Bec, whereas, in practice, it is likely to be less.
17. Although 3 existing spaces would be unavailable between 0700 and 1000 to allow the loading bay to operate, the parking survey does not indicate that, even at these times and based on the assumptions set out above, there would be a shortage of parking spaces. This would also be the case if the existing entrance were to be widened, with the loss of one on-street space in Langham Road.

18. Even though the Tooting Bec store is better served by public transport, and consequently has a better PTAL rating than the Teddington site, the appellants note that this does not necessarily reflect on the number of visitors likely to visit the shop on foot. They submit that most journeys to convenience stores are likely to be on foot and drawn from the local catchment area and, being experienced providers of this form of retail outlet, I consider that their knowledge of this topic is likely to be better informed than that of the Council.
19. Although the provision of parking spaces falls below the number referred to in policy DP TP 8 of the London Borough of Richmond's Local Development Framework Development Management Plan 2011, (DMP) the policy does allow for the alternative of a reduced number of spaces where the applicant can demonstrate that there would be no adverse impact on the area in terms of street scene or on-street parking. I consider that to be the situation in this case.
20. In terms of the additional traffic generated by the proposal, it is acknowledged that the convenience store would attract more trips than the current use and that this would increase the number of vehicles using Langham Road in particular, at certain times of the day. However, the greatest traffic levels anticipated in the road after the opening of the store would not be significantly greater than the numbers that already use the road at current peak times and, at most, the traffic generated is predicted to equate to approximately 8% above the existing levels, at about 12 movements an hour. This level of increase would not be significant and, given that the junction of Langham Road and the High Street is already successfully coping with similar volumes of traffic, I find no reason to conclude that the proposed development would contribute to any increased risks to highway safety.
21. The planning policies from the Core Strategy 2009 (CS) and the DMP quoted by the Council in its reasons for refusal pre-date the issue of the National Planning Policy Framework (the Framework). Therefore, where the Framework notes, in paragraph 32, that development should only be refused on transport grounds where the impacts are severe, this more up-to-date statement will take precedence over any possible conflict with the policies of the adopted Development Plan. I consider that the appellants have demonstrated that the impact on traffic in local roads and on parking provision would not be severe and there is consequently no reason to refuse the development on grounds of a reduction in highway safety or a lack of parking provision.

#### *Noise and disturbance*

22. The Council believes that the increased traffic would prove disturbing for neighbouring occupiers, particularly in the largely residential Langham Road. However, the appellants have commissioned a noise impact assessment which considers the effects of both customer and delivery vehicles visiting the site, based on the predicted levels set out in the updated Transport Assessment. This report concludes that, whilst there would be an increase in daytime (0600 – 1900) noise levels from delivery vehicles, this would be insignificant and would not cause and adverse impact on the quality of life for the nearest receptors in residential properties. It would fall below the Lowest Observed Adverse Effect Level, as set out in the recently published National Planning Practice Guidance, and no specific mitigation measures would be required.

23. In respect of customer vehicles, the data for the hours between 0600 – 0000 similarly demonstrates that the increase in noise levels would be no more than 0.1dB at the nearest receptor, which would not be enough to be noticeable. In these circumstances, and in the absence of any contradictory figures from the Council, I find that there would be no conflict with either the Framework of the Development Plan in respect of the proposed development generating unacceptable levels of noise and disturbance.

*Other matters*

24. As the site lies within a conservation area I have considered whether the proposed development would cause harm to the character and appearance of that area. However, the premises is already a retail unit, the proposed physical alterations to the building would have no harmful impact and would, in fact, bring about some improvement in terms of the rebuilding of its more run down parts. There is a separate signage application that is not before me for consideration and it would be for the Council to consider the impacts of any proposed signage, illuminated or otherwise, on the wider area. As noted above, I have concluded that there would be no adverse impacts in terms of parking or additional traffic in surrounding roads and consequently no harm to the character and appearance of the conservation area in this respect.
25. Similarly, the setting of the listed buildings on the opposite side of the High Street would not be harmed by the proposed change from a furniture store to a food retailer, for the reasons explained above.

**Conditions**

26. I have considered the conditions requested by the Council in the event of the appeal succeeding and planning permission being granted for the proposal, in the light of the advice in the National Planning Practice Guidance. In addition to the standard commencement condition, I shall impose a condition requiring the development to be carried out in accordance with the relevant drawings, for the avoidance of doubt, because the scheme has been modified from the initial submission. I have omitted the references to drawings relating to the signage application, because, as previously explained, that is not part of this appeal.
27. To ensure an acceptable standard, I shall require details of the materials proposed for the rebuilt areas of the building to be submitted for approval. To encourage travel other than by private car, a condition will be imposed to ensure that cycle storage is provided before the proposed development is first occupied.
28. In the interests of highway safety, I shall require details of the loading bay and crossovers and a construction method statement to be submitted to and approved in writing by the local planning authority before the development is commenced and subsequently implemented. The Road Safety Assessment submitted by the appellants has concluded that the widening of the Langham Road access is desirable and I therefore consider that this should be included in the crossover proposals. As noted above, the loss of one parking space to achieve this is not considered to be significant in terms of overall parking provision. For the same reason conditions will be imposed to ensure that the Delivery and Service Plan already submitted is implemented and the proposed on-site car parking arrangements are provided, before the store opens for business.

29. To protect the amenities of neighbouring residents, the times at which staff and customers can access the store will be limited by conditions. For the same reason, the location of refuse storage will also be controlled by condition. Because of the previous use of the site, a condition will be imposed to ensure that a site investigation is carried out, and potential contamination identified and any remediation measures implemented prior to the commencement of the development.

**Conclusions**

30. For the reasons given above, and having taken all other matters into account, I conclude that the appeal should be allowed.

*Katie Peerless*

**Inspector**

## **Annex 1**

### **Conditions to be attached to planning permission DC/SGS/12/3584/FUL.**

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision.
- 2) Other than any modifications required by the terms of condition 5 below, the development hereby permitted shall be carried out in accordance with the following approved plans; P-2452-100, 101, 201, 110C and 210B.
- 3) Prior to the commencement of the development hereby permitted, samples and details of the materials proposed for the external surfaces of the building (including fenestration) shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details before the building is first occupied for the approved use.
- 4) The use hereby permitted shall not be commenced until the cycle parking facilities shown on the approved drawings have been provided and they shall be thereafter retained.
- 5) Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the local planning authority to allow for the provision of a loading bay on the High Street and associated works to crossovers in Langham Road. The approved scheme shall be put in place before the use hereby permitted is first commenced.
- 6) The development hereby permitted shall not be operated other than in accordance with the provisions set out in the 'Delivery and Servicing Plan' dated March 2013 prepared by Vectos.
- 7) Before the use hereby permitted is first commenced, the parking spaces shown on drawing P-2452-110C shall be clearly marked out on site and thereafter shall be used only for purposes of vehicle parking by customers or visitors to the premises. They shall not be used for staff car parking.
- 8) No work or associated activities including deliveries, loading /unloading, servicing or parking or manoeuvring of vehicles by staff and/or visitors (not including customers) shall be carried out before 0600 hrs or after 2200 hrs.
- 9) Customers shall not be present on the premises before 0700 hrs or after 2300 hrs. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside.
- 10) 1. No development shall take place until:
  - (a) an intrusive site investigation has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater in locations and at depths stipulated by the local planning authority. Such work to be carried out by suitably qualified and accredited geo-environmental consultants in accordance with the current U.K. requirements for sampling and testing.
  - (b) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed

remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the local planning authority.

2. The use hereby approved shall not be commenced until:

(a) the remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with condition 10 above and an adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.

(b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the local planning authority. Such report to include i) details of the remediation works carried out and ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

- 11) No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.
- 12) No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) size and routing of construction vehicles and holding areas for these on site;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) the loading and unloading of plant and materials;
  - iv) the storage of plant and materials used in constructing the development;
  - v) the erection and maintenance of security hoarding;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling and disposing of waste resulting from demolition and construction work;
  - viii) membership of construction contractors to the Considerate Contractors Scheme.