



Appeal Decision

Site visit made on 20 November 2024

by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/E5330/W/24/3337667

Head Keepers Lodge, Swingate Lane, Greenwich, Plumstead SE18 2DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Nepali Temple against the decision of Royal Borough of Greenwich.
 - The application Ref 23/2364/SD sought approval of details pursuant to conditions Nos 2, 3, and 4 of a planning permission Ref 22/2093/F granted on 17 April 2023.
 - The application was refused by notice dated 11 September 2023.
 - The development proposed is retrospective planning consent for the construction of a single storey rear conservatory (Reconsultation)(Additional Information).
 - The details for which approval is sought are cycle parking (Condition no. 2); Travel Plan (Condition no. 3), and Car Parking Management Provision and Plan (Condition no. 4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission 22/2093/F was granted for retrospective planning consent for the construction of a single storey rear conservatory at the site, subject to various conditions. The appellant seeks to discharge details pursuant to conditions of this permission relating to cycle parking (condition no. 2); Travel Plan (condition no. 3), and Car Parking Management Provision and Plan (condition no. 4).

Main Issues

3. The main issues are whether the details submitted are acceptable having regard to: promotion of sustainable travel (conditions no. 2 and 3), and highway safety (conditions no. 3 and 4).

Reasons

4. The appeal site comprises the Shree Pushupati-Nath Mandir located on the eastern side of Swingate Lane, set within an otherwise primarily residential area. At ground floor it is in use as a temple, a community facility and place of worship that has been in operation for over ten years. The Council's evidence refers to objections received in relation to planning application 22/2093/F regarding car parking pressure in surrounding streets. Although my site visit was a snapshot in time, I observed on-street parking along Swingate Lane to be largely in use, with side streets also lined with vehicles. Taken together with the evidence before me, it appears that the immediate and surrounding area of the appeal site is heavily parked.

Condition no. 2

5. Condition no. 2 of planning permission 22/2093/F states that full details of the cycle parking spaces for the development shall be submitted for approval by the local planning authority, and that the approved cycle parking facilities shall be implemented. While the reasons given for this condition were to promote sustainable travel and to ensure that the appearance of any storage facilities would be acceptable in design terms, the Council has confirmed that such storage would be acceptable from a design perspective.
6. The appellant has submitted information showing 10 cycle spaces to be provided at the site, with 4 spaces in the existing outbuilding to the south-east of the main building, and a further 6 to be provided to the north-west of the main building. The main parties agree that the location and amount of such cycle parking would be acceptable and, based on my observations, I have no reason to disagree.
7. However, while the design of the existing outbuilding is acceptable, I observed its limited dimensions, which provide uncertainty as to whether it can house four, useable cycle parking spaces. The submitted plans show the outbuilding to provide limited manoeuvring space for the parked bikes such that, at full capacity, it may not be a convenient or useable option for cycle users. Concerns have also been raised that the dimensions of the additional cycle parking have not been provided, although I observed this to be noted on submitted plans. Nevertheless, on the plans, this too appears to be a cramped space with limited capacity to allow for manoeuvring or convenient, simultaneous use of neighbouring stands.
8. My findings are supported by the London Cycling Design Standards referred to by the Council and TfL. Although not policy, it remains a material consideration which, at Chapter 8, recommends a minimum spacing of 1 metre between stands. On the submitted plans, it appears that such spacing would not be accommodated at the proposed cycle parking on site. Given my observations above, the lack of adherence to this guidance could result in barriers to use of the spaces by visitors to the site.
9. In addition, further detail on the cycle parking spaces themselves is limited. There is no information on the precise type of cycle stand that will be provided, or whether some of the spaces will be noted as short-stay or long-stay spaces, to ensure that such parking will be an attractive and useable option to respond to the needs of visitors to the site.
10. For the reasons given, the details submitted in respect of condition no. 2 are not acceptable having regard to the promotion of sustainable transport. As such, they would not comply with Policies D3 and T5 of the London Plan 2021, and Policies DH1, DH(a), IM4, IM(b), and IM(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (the CS) in this regard.

Condition no. 3

11. Condition no. 3 of planning permission 22/2093/F states that a Travel Plan shall be submitted to, and approved in writing by, the local planning authority and that the development shall thereafter be implemented in accordance with the approved details. This condition was attached in order to safeguard amenity and pedestrian and traffic safety. However, it is clear from the policies

referenced within the reasons for the condition that it was also attached in order to promote sustainable transport.

12. A Travel Plan has been submitted by the appellant, setting out a strategy for active and sustainable travel by centre users. It refers to on and off site car parking and public transport links in the vicinity, in addition to opportunities for walking, cycling, and car club vehicles, and is accompanied by a parking management plan and a pedestrian and cycle management plan. The Travel Plan outlines how it will be managed, monitored, and reviewed, and refers to the provision of information to centre users and the encouragement of sustainable modes of transport, and car and taxi sharing.
13. However, the monitoring refers to spot checks of on-site cycle parking and the on-site noticeboard of local transport services and active travel routes only. It does not refer to reviewing the other travel modes outlined, or how information on these modes would be gathered and reported. In addition, although an action plan is set out which references monitoring and reviews, no specific targets linked to the objectives of the plan for these purposes are outlined. Furthermore, it is not clear from the Travel Plan how the monitoring or action plans are to be funded.
14. The appellant's evidence suggests that a maximum of 10 people at any time will usually be present at the appeal site, but is also clear that 4 larger annual events of up to 40 people take place. There is no reference within the Travel Plan to specific measures, targets, or reviews for these larger events. While other documents refer to minibuses for such events, this does not form part of the Travel Plan.
15. Given my findings in these regards, it is unclear from the Travel Plan precisely how the proposal would mitigate the transport impacts of the proposal through the reduction of private car trips and associated parking in the immediate highway network, or promote sustainable transport.
16. Further suggestions have been made by TfL, in encouraging "hard" measures to promote sustainable transport measures. This includes the reduction in car parking spaces over time. However, given my findings below, while such a measure would promote sustainable transport, give the specific circumstances of the appeal site and surrounding streets, this would be at odds with the aims and purposes of the Car Parking Management Provision and Plan. While TfL also refers to showering and changing facilities, this is a suggestion rather than a requirement, the absence of which would not, in its own right, result in the Travel Plan being unsuitable.
17. Nevertheless, for the other reasons given, the details submitted in respect of condition no. 3 are not acceptable having regard to the promotion of sustainable travel and highway safety. As such, they would not comply with Policy T4 of the London Plan 2021, and Policies IM3 and E1 of the CS in this regard.

Condition no. 4

18. Condition no. 4 of planning permission 22/2093/F states that a Car Parking Management Provision and Plan shall be submitted to, and approved in writing by, the local planning authority and that the development shall thereafter be

implemented in accordance with the approved details. This condition was attached in order to safeguard amenity and pedestrian and traffic safety.

19. A Car Parking Management Provision and Plan has been submitted by the appellant. It outlines that no additional car parking would be provided beyond the four spaces already present at the site. While the Council has raised concerns as to how spaces will be allocated, used, or enforced to prevent undesirable parking, it is clear that a sliding gate will be in use to prevent unauthorised use of the spaced.
20. Nevertheless, even noting the promotion of other transport modes, and wider policy aims to reduce reliance on private car as referred to by TfL, it remains unlikely that 4 off-street parking spaces would be adequate to continue to fully meet the demands of the site, particularly given the reference to the 4 annual larger events. There is a reasonable likelihood that this would lead to overspill parking in the surrounding highway network.
21. Given my observations on the heavily parked nature of the area, this would increase parking pressure and has the potential to result in obstructions, giving rise to collision risk and highway safety concerns. While the appellant refers to minibuses for larger events, limited information is provided on this, including where such minibuses would pick-up, drop-off, or park. As such, I cannot be certain that such minibuses would not, in themselves, also result in similar highway safety implications.
22. Furthermore, it has been raised that, in accordance with Policy T6 of the London Plan 2021, blue badge parking should be provided at the appeal site. Such parking is not demonstrated on the Car Parking Management Provision and Plan. In the event that such parking is to be provided within the existing spaces, this would further reduce the availability of general parking to serve the needs of the site.
23. For the reasons given, the details submitted in respect of condition no. 4 are not acceptable having regard to highway safety. As such, they would not comply with Policy T4 of the London Plan 2021, and Policies IM(a), and IM(c) of the CS in this regard.

Conclusion

24. For the reasons given, the appeal is dismissed.

C Rafferty

INSPECTOR