

Application reference: 20/3503/LBC
TWICKENHAM RIVERSIDE WARD

Date application received	Date made valid	Target report date	8 Week date
08.12.2020	10.12.2020	04.02.2021	04.02.2021

Site:

Telephone Kiosk, Richmond Road, Twickenham, TW1 2EB

Proposal:

Change of use of telephone kiosk to retail kiosk near Richmond Bridge - The kiosk will vend coffee, tea and other hot beverages, pre-prepared packed food items (sandwiches etc) and cold drinks. No food will be prepared or handled on the premises. No alcohol will be kept on the premises or sold from the premises

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

APPLICANT NAME

Dr Martin Duffy
5
St Stephens Gardens
Twickenham
TW1 2LT

AGENT NAME

DC Site Notice: printed on 11.12.2020 and posted on 18.12.2020 and due to expire on 08.01.2021

Consultations:

Internal/External:

Consultee
21D Urban D

Expiry Date
01.01.2021

Neighbours:

The Bridge Workspace,7B Parkshot,Richmond,TW9 2RD -
27 Ferry Road,Twickenham,TW1 3DW -
First Floor Flat,6 Staines Road,Twickenham,TW2 5AH -
104 VARSITY DRIVE,TWICKENHAM,TW1 1AJ -
31 Alexandra Road,Twickenham,TW1 2HE -

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

Development Management

Status: PDE Application:20/3502/FUL
Date: Change of use of telephone kiosk to retail kiosk - Near Richmond Bridge -
The kiosk will vend coffee, tea and other hot beverages, pre-prepared packed food items (sandwiches etc) and cold drinks. No food will be prepared or handled on the premises. No alcohol will be kept on the premises or sold from the premises

Development Management

Status: PDE Application:20/3503/LBC
Date: Change of use of telephone kiosk to retail kiosk near Richmond Bridge - The kiosk will vend coffee, tea and other hot beverages, pre-prepared packed food items (sandwiches etc) and cold drinks. No food will be prepared or handled on the premises. No alcohol will be kept on the premises or sold from the premises

Application Number	20/3503/LBC
Address	Telephone Kiosk, Richmond Road, Twickenham, TW1 2EB
Proposal	Change of use of telephone kiosk to retail kiosk - Near Richmond Bridge - The kiosk will vend coffee, tea and other hot beverages, pre-prepared packed food items (sandwiches etc) and cold drinks. No food will be prepared or handled on the premises. No alcohol will be kept on the premises or sold from the premises
Contact Officer	Sarah Griffiee
Target Determination Date	04.02.2021

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

Before preparing this summary report the planning officer has considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge and nearby residents.

By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The application site is located to the south side of Richmond Road at the end of the bridge footway and between the slip road.

The application site is situated within East Twickenham Village and is designated as:

- Archaeological Priority Area
- Area of Mixed Use
- Article 4 restricting basement development
- Richmond Hill Conservation Area
- Flood Zone 3a
- East Twickenham Village Planning Guidance: Character 9

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Change of use of telephone kiosk to retail kiosk - Near Richmond Bridge - The kiosk will vend coffee, tea and other hot beverages, pre-prepared packed food items (sandwiches etc) and cold drinks. No food will be prepared or handled on the premises. No alcohol will be kept on the premises or sold from the premises

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

There is no relevant planning history associated with the site.

4. CONSULTATIONS CARRIED OUT

The list of neighbours notified of this application are listed above.

3 letters of objection have been received and the comments can be summarised as follows:

- The change of use will impact the appearance of the surrounding area
- There are a number of other cafes in the area

1 letter of support have been received and the comments can be summarised as follows:

- Fully support

The Richmond Society also commented in objection raising the following points:

- Concern that application is invalid as information within Local Validation Checklist has not been provided
- Concern that the applicant has not served formal notice on owner of the kiosk/land

- Lack of elevation and cross section plan and details in regard to the removable modular unit
- Application does not address the impact on the setting of the Listed Bridge
- Operator and customers will block the highway for other users including pedestrians and potential conflict with vehicles using bridge and slip road
- Lack of information regarding realistic use such as in regard to water and electricity provision, disposal of waste including of waste water, ventilation of the unit

The application has been submitted concurrently with an application for planning permission under reference 20/3502/FUL which has also been subject to representations.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2019)

The key chapters applying to the site are:

- 4. Decision-making
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

London Plan (2016)

The main policies applying to the site are:

Policy 7.8 Heritage assets and archaeology

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan>

Richmond Local Plan (2018)

The main planning considerations applying to the site and the associated Local Plan policies are:

Issue	Local Plan Policy	Compliance
Local Character and Design Quality	LP1, LP39	Yes
Impact on Designated Heritage Assets	LP3	Yes

These policies can be found at

https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf

Supplementary Planning Documents

Transport
East Twickenham Village Plan

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Other Local Strategies or Publications

Other strategies or publications material to the proposal are:

Richmond Hill Conservation Area Statement

Determining applications in a Conservation Area

In considering whether to grant planning permission with respect to any buildings or other land in a conservation area, Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this context, "preserving", means doing no harm.

To give effect to that duty, decisions of the court have confirmed that for development proposed to be carried out in a conservation area, a decision-maker should accord "considerable importance and weight" to the desirability of preserving or enhancing the character or appearance of the conservation area, when weighing Officer Planning Report – Application 20/3503/LBC Page 3 Of 6

this factor in the balance with other material considerations which have not been given this special statutory status. This creates a strong presumption against granting planning permission where harm to the character or appearance of a conservation area is identified. The presumption can be rebutted by material considerations powerful enough to do so.

In applications where the decision-maker is satisfied that there will be no harm to the character or appearance of a conservation area, the statutory presumption against granting planning permission described above falls away. In such cases the development should be permitted or refused in accordance with the policies of the development plan and other material considerations.

Determining applications affecting a Listed Building

Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

To give effect to this duty decisions of the court have confirmed that a decision-maker should accord "considerable importance and weight" to the desirability of preserving the listed building or its setting when weighing this factor in the balance with other material considerations which have not been given this special statutory status. However, this does not mean that the weight that the decision-maker must give to the desirability of preserving the building or its setting is uniform. It will depend on, among other things, the extent of the assessed harm and the heritage value of the asset in question. This creates a strong presumption against granting planning permission where harm to a listed building or its setting is identified. The presumption can be rebutted by material considerations powerful enough to do so.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Design and impact on heritage assets

Issue i - Design and impact on heritage assets

The telephone box is a Grade II Listed Structure located within Richmond Hill Conservation Area and forms part of the setting of the Grade I Listed Richmond Bridge and the nearby Buildings of Townscape Merit. In accordance with the National Planning Policy Framework (NPPF) 2019, para 193, great weight shall be given to a heritage asset's conservation and as heritage assets are irreplaceable, any harm or loss of significance will require clear and convincing justification.

In considering whether to grant Listed Building Consent, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The demolition works associated with the proposal are limited to the removal of the phone apparatus which is not objected to as this is not considered to be of historic or architectural significance and will not have a large impact on the external appearance.

The physical changes beyond maintenance and repair are the installation of a hinge behind the PULL plate to allow for access to the proposed five-lever mortice lock. While the formation of this could result in less than substantial harm to the fabric of the Listed structure, the proposal will secure the long-term maintenance of the unit which is a public benefit. The proposed internal paraphernalia required for the change of use to a retail kiosk (Use Class E) is the formation of a modular unit which is stated to not require any fittings or fixtures to the retained shell or floor plate and to easily removable. As a result of the lack of fixing required, the proposal is not considered to result in physical harm to the listed structure and its removability means the works are also easily reversible so do not cause long term harm.

The works include the replacement of existing glass with toughened safety glass which is not proposed to be obscure glazed. This is supported as the existing unit does not appear to suffer from any advertisements to the sides of the kiosk and so the retention of transparency is supported. While the modular unit required internally will limit views through the unit, it would not block any existing important views such as of the Grade I Listed Bridge due to the existing orientation of the unit.

Given that the works seeking to refurbish the unit consist of re-using existing key features such as the red and black paint, the proposal is considered to secure the long term maintenance of the asset as a Grade II Listed Structure.

The Design and Access Statement also confirms that no external paraphernalia such as seating or parasols will be used which avoids obscuring the listed structure as a feature of the streetscene.

Given the above, the proposal is considered to preserve the setting of the neighbouring Listed Bridge, the setting of neighbouring BTMs and the wider character and appearance of the Conservation Area.

Paragraph 193 of the NPPF states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. In this instance, whilst the installation of a lock would lead to less than substantial harm, the public benefits of the proposal by way of bringing a heritage asset back into use and securing its future maintenance are considered to outweigh that harm.

7. LOCAL FINANCE CONSIDERATIONS AND OTHER MATTERS

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Richmond CIL are therefore material considerations.

On initial assessment this development is considered liable for the Mayoral and Richmond CIL however this is subject to confirmation by the CIL Administration Team.

8. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the application process. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in Chapter 16 of the NPPF.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this application falls to be determined in accordance with the test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

Grant listed building consent with conditions

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

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials):SGR..... Dated:03/02/2021.....

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated:

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management / South Area Team 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.

South Area Team Manager: 

Dated:04.02.2021.....