

Bidwells
Bidwells
Seacourt Tower
West Way
Oxford
OX2 2JJ

Letter Printed 3 August 2021

FOR DECISION DATED
3 August 2021

Dear Sir/Madam

The Town and Country Planning Act 1990, (as amended)
Decision Notice

Application: 21/1971/FUL
Your ref: Brindisa Kitchens, Richmond -...
Our ref: DC/KEM/21/1971/FUL
Applicant: Brindisa Kitchens
Agent: Bidwells

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 **1 June 2021** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

Hotham House 1 Heron Square Richmond

for

New hard surfacing to facilitate creation of external customer seating area and replacement waiter station.

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 **REFUSED** subject to the reasons and informatives summarised and listed on the attached schedule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 21/1971/FUL

APPLICANT NAME

Brindisa Kitchens
Hotham House
Ground Floor
1 Heron Square
Richmond
TW9 1EJ

AGENT NAME

Bidwells
Bidwells
Seacourt Tower
West Way
Oxford
OX2 2JJ

SITE

Hotham House 1 Heron Square Richmond

PROPOSAL

New hard surfacing to facilitate creation of external customer seating area and replacement waiter station.

SUMMARY OF REASONS AND INFORMATIVES

REASONS

U0106408	Reason for Refusal - Design/Heritage
U0106407	Reason for Refusal - MOL

INFORMATIVES

U0053137	NPPF REFUSAL- Para. 38-42
U0053136	Decision Drawing Numbers

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0106408 Reason for Refusal - Design/Heritage

The scheme by reason of its siting, coverage, cluttered nature and inappropriate material results in an incongruous and unsympathetic form of overdevelopment that fails to preserve or enhance the significance, character and appearance of the Conservation Area, host Building of Townscape Merit and the adjacent Listed Buildings. The harm has been assessed as 'less than substantial' as per para 202 of the NPPF. The public benefits do not outweigh the harm caused. The scheme is thereby contrary to the NPPF (2021) and policies, in particular, LP1, LP3 and LP4 of the Local Plan (2018).

U0106407 Reason for Refusal - MOL

The development would constitute inappropriate development within Metropolitan Open Land and by reason of its siting, scale, and the permanence of elements of the development and associated intensification of use and additional visual clutter, would be harmful to the open character of the Metropolitan Open Land and the riverside setting. No Very Special Circumstances have been demonstrated that clearly either individually or cumulatively outweigh the substantial harm to the MOL and the other harm identified and therefore the development conflicts with the aims and objectives of section 13 of the NPPF (2018), policy G3 of the London Plan (2021) and policy LP13 of the Local Plan (2018).

DETAILED INFORMATIVES

U0053137 NPPF REFUSAL- Para. 38-42

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The applicants did not seek formal pre-application advice, and the scheme was found to be contrary to policy and guidance, and subsequently refused. The Council is ready to enter into discussions, through the Council's formal pre-application service, to advise the applicants of relevant policy and guidance; and where possible assist in the preparation of a new planning permission. More information on the pre-application service and relevant fees can be found online at www.richmond.gov.uk/pre-application_for_developers.

U0053136 Decision Drawing Numbers

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows:- P001 & P011 received on 01 Jun 2021 and 21009-107, 21009-P101, 21009-P211, 21009-P391, & 21009-P396 received on 07 Jun 2021.

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
21/1971/FUL

FUL Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal:

Planning Application

Appeal time:

Within six months of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.

- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ