



LONDON BOROUGH OF  
RICHMOND UPON THAMES

ENVIRONMENT DIRECTORATE

PLANNING REPORT

Printed for officer by  
Holly Eley on 16 February 2022

## Application reference: 21/4448/LBC EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
29.12.2021	29.12.2021	23.02.2022	23.02.2022

### Site:

Richmond Park, (Wall To Rear Of 15-17 Pallister Terrace And 102-114 Roehampton Vale), Kingston Upon Thames,

### Proposal:

Roehampton Vale extending Northwards from Chohole Gate towards Beverley Brook - Rebuilding of the collapsed and loose sections of the plinth. Partial dismantling and rebuilding of a further 25- 30 linear metres of the top of the plinth. Rebuilding the top of the wall.

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

### APPLICANT NAME

Ms Caroline McDonagh  
Blacksmiths  
Hyde Park  
London  
W2 2UH

### AGENT NAME

Ms Grace Howat  
Longhatch  
Lippen Lane  
SO32 3LE

**DC Site Notice:** printed on and posted on 14.01.2022 and due to expire on 04.02.2022

### Consultations:

#### Internal/External:

#### Consultee

21D Urban D  
Wandsworth Borough Council

#### Expiry Date

27.01.2022  
27.01.2022

### Neighbours:

-

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

#### Development Management

Status: PDE

Date:

Application:21/4448/LBC

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<b>Application Number</b>	<b>21/4448/LBC</b>
<b>Address</b>	Richmond Park (Wall To Rear Of 15-17 Pallister Terrace And 102-114 Roehampton Vale) Kingston Upon Thames
<b>Proposal</b>	Roehampton Vale extending Northwards from Chohole Gate towards Beverley Brook - Rebuilding of the collapsed and loose sections of the plinth. Partial dismantling and rebuilding of a further 25- 30 linear metres of the top of the plinth. Rebuilding the top of the wall.
<b>Contact Officer</b>	HEL
<b>Target Determination Date</b>	23/02/22

## 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 proposal refers to the boundary wall between 15-17 Pallister Terrace And 102-114 Roehampton Vale and Grade II Listed Richmond Park, on the south-western side. The boundary wall is curtilage listed. The site is located within the Richmond Park conservation area.

## 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

No relevant history. The full history is available to view above.

## 4. CONSULTATIONS CARRIED OUT

No requirement to consult.

## 5. MAIN POLICIES RELEVANT TO THE DECISION

### NPPF (2021)

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/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

### London Plan (2021)

- Policy D1 – London's form, character and capacity for growth
- Policy D3 – Optimising site capacity through design led approach
- Policy D4 – Delivering good design
- Policy D12 – Fire Safety
- Policy HC1 – Heritage conservation and growth

These policies can be found at: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/london-plan-2021>

## 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	Yes	Ne
Impact on Designated Heritage Assets	LP3	Yes	Ne
Green Belt, Metropolitan Open Land and Local Green Place	LP13	Yes	Ne

These policies can be found at

[https://www.richmond.gov.uk/media/15935/adopted\\_local\\_plan\\_interim.pdf](https://www.richmond.gov.uk/media/15935/adopted_local_plan_interim.pdf)

## Supplementary Planning Documents

Conservations Areas  
Listed Buildings

These policies can be found at:

[https://www.richmond.gov.uk/services/planning/planning\\_policy/local\\_plan/supplementary\\_planning\\_documents\\_and\\_guidance](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 Green 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 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
- ii Fire Safety

### **Issue i - Design and Impact on heritage assets**

*The NPPF (National Planning Policy Framework) advises good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. Local Plan Policy LP1 states that the Council will require all development to be of high architectural and urban design quality. The high-quality character and heritage of the borough and its villages will need to be maintained and enhanced where opportunities arise. Development proposals will have to demonstrate a thorough understanding of the site and how it relates to its existing context, including character and appearance, and take opportunities to improve the quality and character of buildings, spaces and the local area.*

*The NPPF states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset the greater the presumption in favour of its conservation should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*

Local Plan Policy LP3 states that *The Council will require development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal.*

The application seeks approval for repairs and rebuilding where necessary of the plinth and top courses which have degraded due to plant growth and loss of mortar jointing.

The Heritage Officer has been consulted on the application and outlines no objection. The information submitted with the application is thorough with appropriate detail. The proposals will extend the life of the wall as a whole whilst maintaining its character and appearance. Existing brick will be used as far as possible with appropriate lime mortar pointing as per the notes on the drawings and in the accompanying documentation.

The works would have a neutral impact on the character and setting of Richmond Park and the conservation area and would respond well to the aims and objectives of LP1, LP3 and LP13.

### **Issue iii – Fire Safety**

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications. The Fire Safety Statement should be presented as a standalone document with a clear structure that addresses the criteria set out in London Plan Policy D12 part A. The submitted drawings should address the requirements set out at paragraphs 3.12.3 and 3.12.4 of the London Plan. Where the applicant considers parts of or the whole policy do not apply, this should be justified in a Reasonable Exception Statement (RES).

A Fire Safety Statement was received by the Council on 29<sup>th</sup> December 2021.

The applicant is advised that alterations to existing buildings should comply with the Building Regulations. This permission is not a consent under the Building Regulations for which a separate application should be made.

A condition has been included to ensure this is adhered to on an ongoing basis. Overall, the scheme can therefore be considered consistent with this Policy D12 of the London Plan.

**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 not considered liable for the Mayoral or 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 LBC with conditions**

**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 in Uniform)  YES\*  NO  
(\*If yes, complete Development Condition Monitoring

This application has representations online  YES  NO

Case Officer (Initials): ...HEL.....

Dated: .....11/02/2022.....

**I agree the recommendation:**

Principal Planner

Dated: .....17/2/22.....

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

Head of Development Management: .....

Dated: .....

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

The following table will populate as a quick check by running the template once items have been entered into Uniform

**SUMMARY OF CONDITIONS AND INFORMATIVES**

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**CONDITIONS**

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**INFORMATIVES**

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U0058770	Composite Informative
U0058771	NPPF APPROVAL - Para. 38-42