

Application reference: 23/1214/FUL NORTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
04.05.2023	11.05.2023	06.07.2023	06.07.2023

Site:

The Richmond Club, 115 - 117 Kew Road, Kew, Richmond

Proposal:

The proposed reversion of use from commercial proprietary club to a public house

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

APPLICANT NAME

Ms Maureen Heffernan
115-117 The Richmond Club Kew
Road
Kew
Richmond Upon Thames
TW9 2PN

AGENT NAME

Mr Jonathan Phillips
Seacourt Tower
West Way
Oxford
OX2 2JJ
United Kingdom

DC Site Notice: printed on 11.05.2023 and posted on 19.05.2023 and due to expire on 09.06.2023

Consultations:**Internal/External:****Consultee**

LBRuT Waste Services
14D POL
14D Urban D
LBRUT Transport

Expiry Date

25.05.2023
25.05.2023
25.05.2023
25.05.2023

Neighbours:

74 Shaftesbury Way, Twickenham, TW2 5RP -
109A Kew Road, Richmond, TW9 2PN - 11.05.2023
109 Kew Road, Richmond, TW9 2PN, - 11.05.2023
64 Kew Road, Richmond, TW9 2PQ, - 11.05.2023
62 Kew Road, Richmond, TW9 2PQ, - 11.05.2023
111 Kew Road, Richmond, TW9 2PN, - 11.05.2023
111A Kew Road, Richmond, TW9 2PN - 11.05.2023
1 Spring Mews, Richmond, TW9 2PY, - 11.05.2023
60 Kew Road, Richmond, TW9 2PQ, - 11.05.2023
58 Kew Road, Richmond, TW9 2PQ, - 11.05.2023
Flat, Shaftesbury Arms, 121 - 123 Kew Road, Richmond, TW9 2PN, - 11.05.2023
The Shaftesbury Arms, 121 - 123 Kew Road, Richmond, TW9 2PN, - 11.05.2023
36 Rosedale Road, Richmond, TW9 2SX, - 11.05.2023
54A Kew Road, Richmond, TW9 2PQ, - 11.05.2023
56 Kew Road, Kew, Richmond, TW9 2PQ, - 11.05.2023
54 Kew Road, Richmond, TW9 2PQ, - 11.05.2023
Flat, 113 Kew Road, Richmond, TW9 2PN, - 11.05.2023
Flat, The Hope Of Richmond, 115 - 117 Kew Road, Richmond, TW9 2PN, - 11.05.2023
119 Kew Road, Richmond, TW9 2PN, - 11.05.2023
113 Kew Road, Richmond, TW9 2PN, - 11.05.2023

29 Hamble Court, 1 Broom Park, Teddington, TW11 9RW, - 11.05.2023

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

Status: GTD Application: 75/1183
 Date: 08/12/1975 Alterations to bar, provision of improved toilets and erection of a new bulkhead to new stairs.

Development Management

Status: WON Application: 14/1401/FUL
 Date: 09/06/2017 Single storey rear extension to public house

Development Management

Status: GTD Application: 16/0881/FUL
 Date: 21/04/2016 Flat roof smoking shelter to rear yard area.

Development Management

Status: GTD Application: 20/3043/ADV
 Date: 08/12/2020 Non illuminated fascia text (Retrospective)

Development Management

Status: GTD Application: 20/3762/FUL
 Date: 17/03/2021 The Change of use from Public House to Commercial Proprietary Club (Retrospective)

Development Management

Status: PCO Application: 23/1214/FUL
 Date: The proposed reversion of use from commercial proprietary club to a public house

Building Control

Deposit Date: 15.12.1995 Alterations to wc
 Reference: 95/1535/BN

Building Control

Deposit Date: 20.04.2006 Conversion of toilet accommodation into commercial kitchen
 Reference: 06/0801/FP

Building Control

Deposit Date: 18.10.2006 Conversion of toilet accommodation into commercial kitchen
 Reference: 06/0801/FP/1

Building Control

Deposit Date: 31.08.2012 Internal alteration and refurbishment of existing building
 Reference: 12/1616/IN

Building Control

Deposit Date: 03.12.2020 Install a gas-fired boiler
 Reference: 21/FEN00371/GASAFE

Enforcement

Opened Date: 30.11.2020 Enforcement Enquiry
 Reference: 20/0495/EN/UCU

Application Number	20/3762/FUL
Address	The Richmond Club, 115-117 Kew Road, Richmond, TW9 2PN
Proposal	The proposed reversion of use from commercial proprietary club to a public house
Contact Officer	Jack Davies
Legal Agreement	NO

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 comprises a three-storey end of terrace building with the ground floor having a commercial appearance in relation to its use as a Public House. The upper floors are formed of red brick with contrasting white sash windows that benefit from glazing bars and ornate detailing above the windows.

The application site is located within the Kew Foot Road Conservation Area and constitutes a Building of Townscape Merit. It is located within an Area of Mixed Use as well as part of a Secondary Shopping Frontage and the Richmond Main Centre Buffer Zone. The site is located within a Throughflow Catchment Area and the Royal Botanic Gardens Buffer Zone.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Planning permission is sought for the change of use from a commercial proprietary club to a public house.

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

16/0881/FUL - Flat roof smoking shelter to rear yard area. **Granted**

20/3762/FUL - The Change of use from Public House to Commercial Proprietary Club (Retrospective). **Granted**

4. CONSULTATIONS CARRIED OUT

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

One letter of support was received noting that the premises has historically been used as a public house.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2021)

The key chapters applying to the site are:

- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 9. Promoting sustainable transport
- 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_July_2021_revised.pdf

London Plan (2021)

The main policy applying to the site are:

Policy HC 7 Protecting public houses

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	No
Impact on Designated Heritage Assets	LP3	Yes	No
Impact on Non-Designated Heritage Assets	LP4	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Waste Management	LP24	Yes	No
Impact on Social Infrastructure	LP27, LP28	Yes	No
Sustainable Travel Choices	LP44	Yes	No
Parking Standards and Servicing	LP45	Yes	No

These policies can be found at

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

Supplementary Planning Documents

Buildings of Townscape Merit

Development Control for Noise Generating and Noise Sensitive Development

Transport

Refuse and Recycling Storage Requirements

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:

Community Infrastructure Levy

Kew Foot Road Conservation Area Statement

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) and its supporting documents, including all the Regulation 18 representations received, was considered at Full Council on 27 April. Approval was given to consult on the Regulation 19 Plan and, further, to submit the Local Plan to the Secretary of State for Examination in due course.

The Publication Version Local Plan, including its accompanying documents, have been published for consultation on 9 June 2023. Together with the evidence, the Plan is a material consideration for the purposes of decision-making on planning applications.

The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies.

Where relevant to the application under consideration, this is addressed in more detail in the assessment

below.

Issue	Draft Local Plan Policy	Compliance	
Local Character and Design Quality	LP15, LP28	Yes	
Impact on Amenity and Living Conditions	LP46	Yes	
Waste Management	LP7	Yes	
Impact on Social Infrastructure	LP49	Yes	
Parking Standards and Servicing	LP48	Yes	

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.

6. EXPLANATION OF OFFICER RECOMMENDATION

The key issues for consideration are:

- i Principle of Use
- ii Design and impact on heritage assets
- iii Impact on neighbour amenity
- iv Transport
- v Fire Safety

Issue i – Principle of Use

Policy HC7 of The London Plan 2021 states that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

Policy LP 27 of the Councils Local Plan aligns with this by resisting the loss of public houses, stating that before accepting the loss of any public house the Council will require satisfactory evidence of full and proper marketing evidence to establish that the pub is not viable. The pubs potential to provide a community service or function should be included in any marketing exercise.

Paragraph 7.3.5 states that when assessing a proposal for the change of use from a public house, the Council will take into account the following:

- Whether there is another pub within 400m;
- Whether the use is inappropriate in terms of access or amenity or living conditions; and
- Whether the proposed new use would provide a social or community service or function which outweighs the loss of the facility, meeting evidence of local need.

Policy LP 28 resists the loss of social or community infrastructure. Proposals involving the loss of such infrastructure will need to demonstrate clearly:

- that there is no longer an identified community need for the facilities or they no longer meet the needs of users and cannot be adapted; or

- That the existing facilities are being adequately re-provided in a different way or elsewhere in a convenient alternative location accessible to the current community it supports, or that there are sufficient suitable alternative facilities in the locality; and
- The potential of re-using or redeveloping the existing site for the same or an alternative social infrastructure use for which there is a local need has been fully assessed.

This application is for change of use from a private members club into a public house. It is noted that this site has historically been used as a public house and has only recently been in operation as a private members club, benefiting from a change of use permission under application 20/3762/FUL.

The previous officer report noted that the private members club provided similar social and community benefits to a public house (albeit requiring a membership), and as such the change of use was allowed without a robust marketing exercise as required by Local Plan Policy LP27 and LP 28. In this instance, the scheme seeks permission to revert back to the public house use. Whilst the applicant evidenced in the previous application that the private members club operated on a similar basis to a public house, it is considered that a public house provides additional, not privatised benefits which would allow for a better community and social function. Given the similarities in use, the additional community benefits associated with a public house, and that the site has been historically used as a public house, it is not considered that marketing evidence is required in this instance to justify the loss of the private members club.

In regards to new community/social infrastructure, LP28 states:

B. Proposals for new or extensions to existing social and community infrastructure will be supported where:

- 1. it provides for an identified need;*
- 2. is of a high quality and inclusive design providing access for all; and*
- 3. where practicable is provided in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which increases public access.*

Given the historic use of the premises as a public house, and that the existing private members club operates similarly, it is considered that the Council can support this change of use and the scheme is considered to satisfy Local Plan Policy LP28.

Issue ii- Design and impact on heritage assets

There are no design alterations proposed under this application.

Issue iii- Impact on Neighbour Amenity

Policy LP8 requires all development to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties. This includes ensuring adequate light is achieved, preserving privacy and ensuring proposals are not visually intrusive.

Given no external alterations are proposed, it is not considered that the change of use would have any impact on neighbouring properties in terms of loss of light, over dominance or obtrusiveness.

Having regard to the similarities between the public house use and the private members club, it is not considered that there would be a material change in noise disturbance. It is noted that the previous permission was restricted to operating hours between 9.00am and 12.00am Monday – Thursday, 12.00pm and 12.00am Sunday, and between 9.00am and 1.00am on Fridays and Saturdays. These operating hours were consistent with the hours permitted by the former public houses licence at the application site, which was granted in 2005. The license also covers the outdoor areas, with conditions that the rear garden shall close and be cleared of customers by 23.00 every day.

As such, it is considered appropriate to condition the hours of operation in accordance with the previous permission, which aligns with the license. Subject to such it is considered that the proposal satisfies the requirements of Local Plan Policy LP8.

Issue iv – Transport

The application site is located in an area with a PTAL score of 6a which means that access to public transport is very good. The Councils Transport Officer has been consulted on the application and does not consider that there would be a material difference between a public house and a private members club in relation to traffic generations requirements for parking.

As such, whilst no parking provision is offered as part of the proposal, given the previous public house use

on site, and the highly accessible location, it is considered that lack of car parking provision would not constitute a reason for refusal in this instance.

It is noted that waste will be dealt with as existing and given the similarities between uses it is considered that the existing arrangement would be appropriate.

In accordance with the London Plan, cycle parking for Sui Generis uses is to be considered as the most relevant other standard. For restaurants and drinking establishments, 1 space is required per 175sqm for employees, and 1 space per 20sqm is required for customers. Whilst it is acknowledged that there would be sufficient space within the rear garden to house a cycle store, the only access to this would either be through the building itself, or down a narrow alleyway to the side of the building and through the refuse store. Furthermore, it is acknowledged that the previous public house use did not benefit from cycle parking provision and nor does the existing private members club.

As such, having regard to the existing situation in relation to the provision of cycle parking, as well as the constraints of the site, it is not considered that the absence of cycle parking would justify a refusal in this instance.

Issue v – Fire Safety

A fire safety strategy has been submitted. This is considered sufficient to satisfy London Plan Policy D12.

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 planning permission 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):DAV.....

Dated:27/06/2023.....

I agree the recommendation:

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.

Senior Planner

VAA

Dated: 27.06.23