

**Place Division / Development Management**

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Lindsay Egner  
The Planning Lab  
Somerset House  
South Wing  
London  
WC2R 1LA

Letter Printed 13 March 2024

**FOR DECISION DATED**  
13 March 2024

Dear Sir/Madam

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

**Application:** 24/0108/LBC  
**Your ref:** RBGK Japanese Gateway  
**Our ref:** DC/LDU/24/0108/LBC/LBC  
**Applicant:** c/o Agent  
**Agent:** Lindsay Egner

**WHEREAS** in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, and any Orders or Regulations thereunder, you have made an application received on **17 January 2024** and illustrated by plans for Listed Building Consent for works at:

**Royal Botanic Gardens Kew Green Kew Richmond**

for

**Proposed repair and refurbishment works at the Japanese Gateway, to include the redecoration of the gateway and balustrade, bat mitigation measures, and bird deterrent measures.**

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 and regulations made thereunder that consent is hereby **GRANTED** subject to the conditions 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 CONDITIONS AND INFORMATIVES FOR APPLICATION 24/0108/LBC

## APPLICANT NAME

c/o Agent  
c/o Agent  
c/o Agent  
c/o Agent

## AGENT NAME

Lindsay Egner  
Somerset House  
South Wing  
London  
WC2R 1LA

## SITE

Royal Botanic Gardens Kew Green Kew Richmond

## PROPOSAL

Proposed repair and refurbishment works at the Japanese Gateway, to include the redecoration of the gateway and balustrade, bat mitigation measures, and bird deterrent measures.

## SUMMARY OF CONDITIONS AND INFORMATIVES

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### CONDITIONS

U0176661	Commence works - LBC
U0176662	Materials
U0176665	Details of redecoration
U0176664	Details of bird deterrent measure
U0176663	Approved drawings

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### INFORMATIVES

U0089802	NPPF approval
U0089805	Bird deterrent measures
U0089804	Bats
U0089803	Composite informative

## DETAILED CONDITIONS AND INFORMATIVES

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### DETAILED CONDITIONS

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#### **U0176661 Commence works - LBC**

The works to which this Listed Building Consent relates must be begun before the expiration of three years beginning with the date of this consent.

REASON: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

#### **U0176662 Materials**

No new external finishes, including works of making good, shall be carried out other than in materials to match the existing, except where indicated otherwise on the submitted application form and drawings.

REASON: To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality.

#### **U0176665 Details of redecoration**

Prior to the commencement of relevant works, further details of the redecoration, which describes the intended appearance, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details.

Reason: To protect the special interest of the Listed Building and the character and appearance of the conservation area.

#### **U0176664 Details of bird deterrent measure**

Notwithstanding what is shown on the approved drawings, prior to the commencement of relevant works, details of the proposed bird deterrent measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall not be carried out other than in accordance with the approved details.

Reason: To protect the special interest of the Listed Building and the character and appearance of the conservation area.

#### **U0176663 Approved drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable:

110 A, 111A, 210A, 211B, 212B, 214B, 100A, 213B, Bat Emergence Survey (Furesfen, November 2023) - received 17 January 2024

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

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### DETAILED INFORMATIVES

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#### **U0089802 NPPF approval**

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 application was acceptable, subject to conditions, and a decision was made within the agreed timeframe.

#### **U0089805      Bird deterrent measures**

The applicant is advised that the Council's Conservation Officer has recommended the use of netting as a bird deterrent measure. If netting were to be used, this would not need listed building consent and so details of such would not need to be provided in response to the condition requesting further details. Should an alternative measure be proposed that does require listed building consent, details will be required to be submitted to and approved in writing by the Local Planning Authority. The LPA do not consider the use of spikes to be appropriate as these would be harmful to the fabric and risk future deterioration of the timber.

#### **U0089804      Bats**

Under no circumstances are adhesive insect traps to be used within the roof space of the building or structure as these have potential to trap bats.

#### **U0089803      Composite informative**

##### **Reason for granting:**

The proposal has been considered in the light of the Development Plan, comments from statutory consultees and third parties (where relevant) and compliance with Supplementary Planning Guidance as appropriate. It has been concluded that there is not a demonstrable harm to interests of acknowledged importance caused by the development that justifies withholding planning permission.

##### **Principal Policies:**

Where relevant, the following have been taken into account in the consideration of this proposal:-

London Plan Policies:

D4 Delivering good design

D12 Fire Safety

HC1 Heritage conservation and growth

Local Plan Policies:

- o LP 3 Impact on Designated Heritage Assets

- o LP 15 Biodiversity

Supplementary Planning Guidance:

Royal Botanic Gardens Kew Conservation Area (CA63) Statement

##### **Building Regulations:**

The applicant is advised that the erection of new buildings or 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. For application forms and advice please contact the Building Control department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

If you alter your proposals in any way, including to comply with the Building Regulations, a further planning application may be required. If you wish to deviate in any way from the proposals shown on the approved drawings you should contact the Development Management department, 2nd floor, Civic Centre, 44 York Street, Twickenham, TW1 3BZ. (Tel: 020 8891 1411).

**Damage to the public highway:**

Care should be taken to ensure that no damage is caused to the public highway adjacent to the site during demolition and (or) construction. The Council will seek to recover any expenses incurred in repairing or making good such damage from the owner of the land in question or the person causing or responsible for the damage.

BEFORE ANY WORK COMMENCES you MUST contact the London Borough of Richmond upon Thames, 44 York Street, Twickenham TW1 3BZ, Telephone 020 8891 1411 to arrange a pre-commencement photographic survey of the public highways adjacent to and within the vicinity of the site. The precondition survey will ensure you are not charged for any damage which existed prior to commencement of your works.

If you fail to contact us to arrange a pre commencement survey then it will be assumed that any damage to the highway was caused by your activities and you will be charged the full cost of repair.

Once the site works are completed you need to contact us again to arrange for a post construction inspection to be carried out. If there is no further damage then the case will be closed. If damage or further damage is found to have occurred then you will be asked to pay for repairs to be carried out.

**Noise control - Building sites:**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise and vibration on construction and demolition sites. Application, under section 61 of the Act for prior consent to the works, can be made to the Environmental Health department.

Under the Act the Council has certain powers to control noise from construction sites. Typically the council will limit the times during which sites are permitted to make noise that their neighbours can hear.

For general construction works the Council usually imposes (when necessary) the following limits on noisy works:-

Monday to Friday 8am to 6pm

Saturdays 8am to 1pm

Sundays and Public Holidays - No noisy activities allowed

Applicants should also be aware of the guidance contained in British Standard BS 5228-1:2009+A1:2014 - Noise and vibration control on construction and open sites.

Any enquiries for further information should be made to the Noise & Nuisance Team, Regulatory Services Partnership [NoiseandNuisance@merton.gov.uk](mailto:NoiseandNuisance@merton.gov.uk).

END OF SCHEDULE OF CONDITIONS AND INFORMATIVES FOR APPLICATION  
24/0108/LBC

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## **LBC 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:**

Listed Building Consent 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](http://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](http://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](http://www.planninginspectorate.gov.uk)

Email [enquiries@pins.gsi.gov.uk](mailto: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](http://www.richmond.gov.uk/planning)

Email [planningappeals@richmond.gov.uk](mailto: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