

**Place Division / Development Management**

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

Letter Printed 11 April 2024

**FOR DECISION DATED**  
11 April 2024

Dear Sir/Madam

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

**Application:** 24/0382/FUL  
**Your ref:** Kew Summer 2024 Exhibition  
**Our ref:** DC/VAA/24/0382/FUL/FUL  
**Applicant:** c/o Agent  
**Agent:** Lindsay Egner

**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 **15 February 2024** and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

**Royal Botanic Gardens Kew Green Kew Richmond**

for

**Temporary installation of the Summer 2024 exhibition.**

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 **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 24/0382/FUL

## APPLICANT NAME

c/o Agent  
c/o Agent  
c/o Agent  
c/o Agent  
TW9 3AB  
c/o Agent

## AGENT NAME

Lindsay Egner  
Somerset House  
South Wing  
London  
WC2R 1LA

## SITE

Royal Botanic Gardens Kew Green Kew Richmond

## PROPOSAL

Temporary installation of the Summer 2024 exhibition.

## SUMMARY OF CONDITIONS AND INFORMATIVES

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### CONDITIONS

U0178627	Temporary Permission - Time Limit
U0178628	Approved drawings
U0178629	Visitor Management

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### INFORMATIVES

U0090954	NPPF APPROVAL - Para. 38-42
U0090953	Composite Informative

# DETAILED CONDITIONS AND INFORMATIVES

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## DETAILED CONDITIONS

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### **U0178627 Temporary Permission - Time Limit**

This permission is for a limited period only commencing in April 2024 and finishing by end of October 2024. All development and associated works carried out under this permission shall be removed by the 30th October 2024, and the land reinstated to its former condition to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing.

REASON: To comply with the terms upon which this application has been assessed and as it would be inappropriate to grant a permanent permission for inappropriate buildings in designated Metropolitan Open Land, World Heritage site, the Royal Botanic Gardens Kew Conservation Area and on the English Heritage Register of Historic Parks and Gardens and the setting of listed buildings.

### **U0178628 Approved drawings**

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

- Site Location Plan;
- Design and Access Statement Marc Quinn: Light into Life 2024), prepared by RBGK, including  
Appendix A (Locations of Marc Quinn structures)  
Appendix B (Marc Quinn Light into Life Sculpture Visualisations and Drawings)  
(All received 15.02.24).

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

### **U0178629 Visitor Management**

The Visitor Management measures for the ten after hours ticketing event as described within the approved Design & Access Statement - at Kew, Royal Botanical Gardens, Kew that will take place during June - August Summer 2024 shall be adhered to for the duration of the exhibition and shall not be open to members of the public outside the hours of 19:30 and 22:00 unless otherwise agreed and confirmed in writing by the Local Planning Authority

REASON: To comply with the terms upon which this application has been assessed and to safeguard local residential amenity.

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## DETAILED INFORMATIVES

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### **U0090954 NPPF APPROVAL - 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 application was acceptable as submitted, and approved without delay.

## **U0090953 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:-

Adopted Local Plan 2018

Local Character and Design Quality LP1  
Heritage LP3, LP4  
Royal Botanic Gardens, Kew World heritage Site LP6  
Archaeology LP7  
Impact on Amenity and Living Conditions LP8  
Local Environmental Impacts, Pollution and Land Contamination LP10  
Green Infrastructure, Green Belt, Metropolitan Open Land and Local green Space  
LP12, LP13  
Biodiversity LP15  
Trees, Woodland and Landscapes LP16  
Impact on Flood Risk and Sustainable Drainage LP21  
Sustainable Design and Construction LP20, LP22  
Flood Risk and Sustainable Drainage LP21  
Waste Management LP24  
Social Infrastructure LP28  
Education LP29  
Health and Wellbeing LP30  
Public Open Space, Play Space, Sport and Recreation LP31  
Sustainable Travel Choices LP44  
Parking Standards and Servicing LP45

### **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  
24/0382/FUL

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# **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](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