



Application reference: 24/2167/FUL
SOUTH RICHMOND WARD

Date application received	Date made valid	Target report date	8 Week date
26.08.2024	02.09.2024	28.10.2024	28.10.2024

Site:

11 King Street, Richmond, TW9 1ND,

Proposal:

Replacement of two existing roof lanterns on single storey rear roof, alterations to fenestration and replacement shopfront.

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

APPLICANT NAME

BERTON GROUP UK LIMITED
 338A REGENTS PARK ROAD,
 OFFICE 3 AND 4
 London
 N3 2LN

AGENT NAME

AKART LIMITED MUHAMMET
 AKDERE
 Unit 119
 Omega Works
 4 Roach Road
 London
 E3 2PF
 United Kingdom

DC Site Notice: printed on 03.09.2024 and posted on 13.09.2024 and due to expire on 04.10.2024

Consultations:

Internal/External:

Consultee

14D Urban D
 LBRuT Non-Commercial Environmental Health Noise Issues

Expiry Date

17.09.2024
 17.09.2024

Neighbours:

- 20 King Street, Richmond, TW9 1ND, - 03.09.2024
- B1 Unit 2, Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- Unit 1, Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 13 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 6 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 2 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 3 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 4 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 5 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 8 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 10 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 11 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 9 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- 7 Times Court, Retreat Road, Richmond, TW9 1AF, - 03.09.2024
- Dimbleby Lodge, 8 Wickham House, 14 King Street, Richmond, TW9 1ND, - 03.09.2024
- Wodehouse, 7 Wickham House, 14 King Street, Richmond, TW9 1ND, - 03.09.2024

Conrad,6 Wickham House,14 King Street,Richmond,TW9 1ND, - 03.09.2024
 Huxley,4 Wickham House,14 King Street,Richmond,TW9 1ND, - 03.09.2024
 Orwell,5 Wickham House,14 King Street,Richmond,TW9 1ND, - 03.09.2024
 Brooke,3 Wickham House,14 King Street,Richmond,TW9 1ND, - 03.09.2024
 Shaw,2 Wickham House,14 King Street,Richmond,TW9 1ND, - 03.09.2024
 Christie,1 Wickham House,14 King Street,Richmond,TW9 1ND, - 03.09.2024
 9 King Street,Richmond,TW9 1ND, - 03.09.2024
 Flat,9 King Street,Richmond,TW9 1ND, - 03.09.2024
 Floor 2,9 King Street,Richmond,TW9 1ND, - 03.09.2024
 13 King Street,Richmond,TW9 1ND, - 03.09.2024
 Second Floor,12 - 13 King Street,Richmond,TW9 1ND, - 03.09.2024
 First Floor,12 - 13 King Street,Richmond,TW9 1ND, - 03.09.2024
 Flat Above,10 King Street,Richmond,TW9 1ND, - 03.09.2024
 Flat,11 King Street,Richmond,TW9 1ND, - 03.09.2024
 7B Parkshot,Richmond,TW9 2RD -

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

<u>Development Management</u>	
Status: GTD	Application:91/0344/FUL
Date:07/06/1991	Removal Of Existing And Installation Of New Shopfront
<u>Development Management</u>	
Status: REF	Application:80/1687/ADV
Date:06/04/1981	For Advertisements.
<u>Development Management</u>	
Status: GTD	Application:65/0256/DD01
Date:18/08/1965	Demolition and re-building of existing Fish Bar and living accommodation over. Planning permission 65/0256 dated 14th January, 1965.
<u>Development Management</u>	
Status: GTD	Application:66/2153
Date:05/01/1967	New shop front.
<u>Development Management</u>	
Status: REF	Application:66/2160/ADV
Date:29/12/1966	For Advertisements.
<u>Development Management</u>	
Status: GTD	Application:67/0006/ADV
Date:07/03/1967	For Advertisements.
<u>Development Management</u>	
Status: PCO	Application:24/2001/FUL
Date:	Replacement of the existing extraction duct at the rear elevation with two separate extraction ducts. Installation of AC Outdoor Units to the rear garden. New air discharge louvers to the rear elevation.
<u>Development Management</u>	
Status: PCO	Application:24/2167/FUL
Date:	Replacement of two existing roof lanterns on single storey rear roof, alterations to fenestration and replacement shopfront.
<u>Development Management</u>	
Status: PCO	Application:24/2168/ADV
Date:	1 x internally illuminated fascia sign and 1 x internally illuminated projecting sign
<u>Building Control</u>	
Deposit Date: 25.07.2011	Installed a Gas Boiler
Reference: 11/FEN03258/GASAFE	
<u>Building Control</u>	

Deposit Date: 09.08.2024

The interior and exterior renovation works of the newly opened restaurant, which includes complete interior decoration, expansion of the skylight lanterns on the roof, carry out the steel reinforcements, change of shop front, the implementation of a new extraction system, installing new exhaust, ventilation and A/C systems.

Reference: 24/0966/IN

Application Number	24/2167/FUL
Address	11 King Street Richmond TW9 1ND
Proposal	Replacement of two existing roof lanterns on single storey rear roof, alterations to fenestration and replacement shopfront.
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 conducted a desktop review, 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 site comprises a three-storey building on the western side of King Street.

The application site is identified as a Building of Townscape Merit (BTM) and is within the Richmond Green Conservation Area (CA3) Key Shop Frontage and Key Office Area. The site is also within flood zone 1 and is in an area susceptible to groundwater flooding.

The site is also located adjacent to the Richmond Riverside Conservation Area as well as being in the setting of a number of Listed Buildings.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The proposed scheme is for replacement of two existing roof lanterns on single storey rear roof, alterations to fenestration and replacement shopfront.

Planning history is outlined above. The most relevant planning history is outlined below –

91/0344/FUL – Removal Of Existing And Installation Of New Shopfront. **Granted 06/06/1991.**

66/2153 - New shop front. – **Granted 05/01/1967**

4. CONSULTATIONS CARRIED OUT

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

1 x objection was received, which raised concerns regarding:

- Object to painting of the building due to being out of character
- Details of proposed windows are unclear
- Detail of grease separators and kitchen waste have not been provided
- Fire risk

It is noted that detail of kitchen waste is not a material planning consideration. The other issues will be addressed in the assessment section below.

5. MAIN POLICIES RELEVANT TO THE DECISION

NPPF (2023)

The key chapters applying to the site are:

Section 4: Decision-making
 Section 12: Achieving well-designed places
 Section 15: Conserving and enhancing the natural environment
 Section 16: Conserving and enhancing the historic environment

These policies can be found at:

https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf

London Plan (2023)

The main policies applying to the site are:

HC1 Heritage conservation and growth
 D4 Delivering good design

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

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 Heritage Assets	LP3, LP4	Yes	No
Impact on Amenity and Living Conditions	LP8	Yes	No
Flood Risk	LP21	Yes	No

These policies can be found at

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

Supplementary Planning Documents

Conservation Areas
 Shopfronts

These policies can be found at:

https://www.richmond.gov.uk/services/planning/planning_policy/local_plan/supplementary_planning_documents_and_guidance

Richmond Publication Local Plan (Regulation 19 version)

The Richmond Publication Version Local Plan (Regulation 19 version) was published on 9 June 2023 for public consultation which ended on 24 July 2023.

The Publication Version Local Plan, together with all the representations received during the representation period, the plan and its supporting documents were submitted to the Secretary of State for examination on 19 January 2024. The submission documents do not form part of the statutory development plan for the Borough, however, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the Publication Plan.

The Publication Version Local Plan, including its evidence base, are material considerations for decision-making. 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 Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below where it is relevant to the application.

Note that it was agreed by Full Council on 27 April, when the Publication Plan was approved, that no weight will be given to Policy 4 in relation to the increased carbon offset rate, and therefore the existing rate of £95 will continue to be used; in addition, no weight will be given to Policy 39 in relation to the 20% biodiversity net gain requirement; all other aspects and requirements of these policies will apply.

Issue	Draft Local Plan Policy	Compliance	
Local Character and Design Quality	LP28	Yes	
Impact on Heritage Assets	LP29, LP30	Yes	
Impact on Amenity and Living Conditions	LP46	Yes	
Flood Risk	LP8	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 Design and impact on heritage assets
- ii Impact on Neighbour Amenity
- iii Flood Risk

Issue i – Design/Heritage

Policy LP1 states that development must be of a high architectural and urban design quality. Development must be inclusive, respect local character including the nature of a particular road, and connect with, and contribute positively, to its surroundings based on a thorough understanding of the site and its context. Particular regard should be had to the compatibility with local character, detailing and materials.

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 **Shop front SPD** states that It is important to consider how shopfronts relate to the character of the street as a whole. The effect of proportions, materials and detailing should relate to and compliment surrounding shops and buildings. For instance, stallrisers and fascias may vary to suit different buildings, but they should always respect group value.*

It is proposed to replace the shopfront with new. The current shopfront is sympathetic to the character of the host. For the purposes of the Shopfronts SPD (Section 3; 3.1), the current shopfront is considered a Grade B shopfront - that is a shopfront making a positive contribution to the street scene, where whole replacement will be discouraged.

The Shopfront SPD notes it seeks to avoid:

- i.) the removal of shopfronts of architectural or historic interest*
- ii.) the fixing of external roller shutters and shutter boxes and*
- iii.) the use aluminium or plastic.*

It is proposed to remove the current timber shopfront and replace it with a wrap-around green limewashed box frame (pilasters and fascia). The fenestration would be oak with protective oil. It is proposed to install luminaires to light wash the façade.

A projection of the frame c.25cm deep x c.0.5m wide would create a thick, bulky frame which does not appear relative to its finer historic neighbours, and could form an awkward relationship with adjacent corbels and pilasters. The frame should form a proportionate and complementary relationship with these features. At present, the frame is considered incongruous and would be intrusive and is not supported.

The proposed replacement fenestration, shopfront and entrance door joinery, has the potential to be high-quality in of itself, subject to details of materials and finishes. However, in its proposed form the shopfront removes sympathetic features such as the stallriser which would detract from historic shopping parade and result in harm to the host BTM and surrounding Conservation Area.

Further, the detail of the proposed uplighters is unclear in regards to proposed brightness and colour. Notwithstanding such, it is considered this aspect could be harmful to the host BTM. Particularly noting that no other shopfronts along the terraced row are externally illuminated.

The submission also refers to the windows being 'renewed', there is no further information in this regard for the council to make a clear assessment. Had this scheme been acceptable further detail could have been secured by way of condition.

It is proposed to replace 2 existing skylights with larger versions in the large ground floor rear extension. These are of no inherent interest and not visible in public view from the Conservation Area. The replacements are of satisfactory scale and appearance and there is no objection.

It is not required to obtain planning permission to paint a building. However, the council discourage this given the prevailing character of the street is facing brickwork.

Overall, the current proposal would harm the character, appearance and significance of the BTM and also the surrounding Conservation Area. The proposals would result in less than substantial harm to heritage assets and there is no public benefit to outweigh this harm.

This application is in contrary to the shopfronts SPD, policies LP1, LP3 and LP4 of the adopted Local Plan as well as policies 28, 29 and 30 of the Publication Local Plan.

Issue ii - Impact on Neighbour Amenity

Local Plan Policy LP8 states that: *'All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties'*.

The proposed shopfront will not appear overbearing nor result in loss of light to any neighbouring properties.

The fenestration alterations will not afford additional views of neighbouring properties. Likewise the replacement rooflights will have no impact on neighbour privacy.

In consideration of this, the proposed development accords with the aims and objectives of Local Plan Policy LP8.

Issue iii – Flood Risk

A flood risk assessment has been submitted with this application. It is noted that the site is at low risk of flooding. There will be no increase in hardstanding as a result of the proposed development. It is not considered that the risk of flooding will be increased as a result of the proposals.

Issue iv - Fire Safety

London Plan policy D12 requires the submission of a Fire Safety Statement on all planning applications.

A Fire Safety Statement have been submitted to the Council which is considered to satisfy the requirements of London Plan Policy D12.

Other

The proposals are considered to be exempt from biodiversity net gain as they are:
A development that does not impact a priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows

It is unclear whether the shopfront will be step-free. If further applications are made it should be made clear that the shop will be accessible.

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 and 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.

For the reasons set out above, it is considered that the adverse impacts of allowing this planning application would significantly outweigh the benefits, when assessed against the policies in NPPF (2023) and Development Plan, when taken as a whole.

REFUSE

Reason for refusal – Design/Heritage

The proposed shopfront by reason of its inappropriate design and materials, including loss of important

heritage features, would appear incongruous in the street scene and would detract from the host Building of Townscape Merit, the neighbouring buildings and surrounding Conservation Area. The development would result in less than substantial harm to heritage assets and there is no public benefit to outweigh this harm. The proposals are thereby contrary to Local Plan Policy LP1, LP3 and LP4 as well as publication Local Plan Policy 28, 29 and 30 and the Shopfronts SPD.

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: 04.10.2024

I agree the recommendation:



Principal Planner

Dated: ..04/10/2024.....