

APPENDIX 1

Decision Notice – Planning Permission 85/0139

Reference No. 85/139
(which please quote in all correspondence)

London Borough of Richmond upon Thames

TOWN AND COUNTRY PLANNING ACT 1971

To R J Turk & Son
Thames Side
KINGSTON UPON THAMES
Surrey.

WHEREAS in accordance with the provisions of the Town and Country Planning Act, 1971 and the Orders made thereunder you have made application received on 5th February 1985 and illustrated by plans for the permission of the Local Planning Authority to develop land situated at Thames Skiff Hire, Bridge Boathouse, Richmond Bridge, Richmond. by Engineering operations in connection with the location of a floating pontoon for use of hiring out motor boats and rowing skiffs.

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 following conditions:—

- (a) The development to which this permission relates must be begun not later than the expiration of five years beginning with the date of this permission.
- (b) No alterations to the railings on the river bank shall take place until detailed drawings have been submitted to and approved in writing by the Local Planning Authority, and the development shall not thereafter be carried out otherwise than in accordance with such drawings.

The reasons why the conditions are imposed are:—

To conform with the requirements of Section 41 of the Town and Country Planning Act 1971.

(Applicable to condition (a))

To ensure a satisfactory form of development and to ensure that it does not prejudice the appearance of the locality. (Applicable to condition (b)).

Date 22 MAY 1985

Signature

Chief Planning Officer
Dept. of Technical Services
Regal House (2nd Floor)
London Road
Twickenham TW1 3OB

Director of Technical Services

- NOTES: (i) Attention is particularly drawn to the Schedule to this Notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
- (ii) This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1976 or under any enactment other than the Town and Country Planning Act 1971.

THE SCHEDULE REFERRED TO

Rights of Applicants Aggrieved by Decision of Local Planning Authority

(1) If the Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may by notice served within six months of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act 1971. The Secretary of State has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed development are in progress. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of Sections 29 to 33 of the Act and of any Development Order and to any directions given under such Order.

(2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may in accordance with Section 180 of the Town and Country Planning Act 1971, serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land.

(3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 134 to 163 and 169 of the Town and Country Planning Act 1971.

FOR OFFICE USE ONLY

Particulars of any Direction under the Acts or the Orders made thereunder.

Date of Appeal to the Secretary of State for the Environment and Date and Effect of his decision.

APPENDIX 2

Decision Notice – Planning Permission 92/0659/FUL



London Borough of Richmond upon Thames

TOWN AND COUNTRY PLANNING ACT 1990

Mr O Williams & M J Turk
c/o Conoley & Webb
67 Strathmore Road
Teddington
Middx

Reference No. 92/0659/FUL

Date: 25th August, 1992

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 8th April, 1992 and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

TURKS BRIDGE PIER, RICHMOND BRIDGE, RICHMOND.
for

MOORING OF JESUS COLLEGE BARGE AGAINST R J TURK PONTOON FOR USE AS RESTAURANT
BELOW AND ABOVE DECK.

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 following condition(s) and/or informative(s):

CONDITIONS:

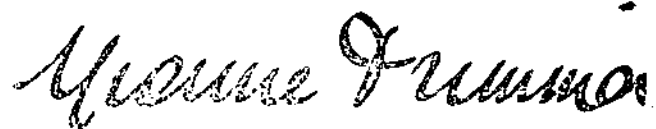
AC01	DEVELOPMENT BEGUN WITHIN 5 YRS	DV28	EXTERNAL ILLUMINATION
RS03	RSTRCTION PLAYING MUSICAL INST	RS04	EXTRACTION EQUIPMNT RESTAURANT
NS01	NON-STANDARD	NS02	NON-STANDARD
NS03	NON-STANDARD	NS04	NON-STANDARD
NS05	NON-STANDARD	NS06	NON-STANDARD
NS07	NON-STANDARD		

INFORMATIVES:

IF01	DISABLED PERSONS	IF20	SOIL & SURFACE WATER DRAINAGE
IF26	FOOD HYGIENE	IF28	RESTAURANTS - EHO CONSULTATION
IF38	ADVERTISEMENTS	IF44	DECISION DRAWING NUMBERS

The full text of the condition(s) and/or informative(s) is shown on the attached sheet(s).

Planning and Building Control Division
Planning, Transport and Client Services
Civic Centre, 44 York Street
Twickenham, TW1 3BZ
Tel: 081 891 1411


Signature.....
HEAD OF PLANNING & BUILDING CONTROL

(SEE ATTACHED NOTES)

Mr O Williams & M J Turk
c/o Conoley & Webb
67 Strathmore Road
Teddington
Middx

The condition(s) and/or informative(s) applicable to this application are as follows:

CONDITIONS:

AC01 DEVELOPMENT BEGUN WITHIN 5 YRS

The development to which this permission relates must be begun not later than the expiration of five years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

DV28 EXTERNAL ILLUMINATION

Any external illumination of the premises shall not be carried out except in accordance with details giving the method and intensity of any such external illumination which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect/safeguard the amenities of the locality.

RS03 RSTRCTION PLAYING MUSICAL INST

No playing of musical instruments or operation of sound amplification equipment shall take place in any part of the premises open to the public, so as to be audible outside the premises.

REASON: To ensure that the proposed development does not prejudice the amenities of nearby occupiers or the area generally.

RS04 EXTRACTION EQUIPMNT RESTAURANT

Equipment that will effectively suppress the emission of fumes or smell and obviate any other nuisance from frying or any other processes carried out in the premises shall be installed before the use hereby approved is commenced and maintenance of such equipment in an efficient state shall be carried out to the satisfaction of the Local Planning Authority.

REASON: To ensure that the proposed business is carried out in such a way that no undue nuisance is caused through smell or from any other source to the detriment of the occupiers of adjoining properties, or the area generally.

NS01 Non Standard

The development shall not be carried out (unless the Local Planning Authority in writing otherwise agrees) other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such details to specify the means of connecting any services such as water and fuel to the barge from the river bank.

REASON: To ensure the development does not not prejudice the appearance of the locality.

NS02 Non Standard

No goods, merchandise, material or article of any description including refuse shall be stacked or stored anywhere other than within the barge.

REASON: To ensure the proposed development does not prejudice the amenities of adjoining occupiers or have a detrimental effect on the visual amenities of the area.

NS03 Non Standard

Servicing of the restaurant shall not take place at any time from vehicles parked on the towpath.

REASON: To ensure the proposed development does not prejudice the appearance of the locality nor prejudice other users enjoyment of the riverside.

NS04 Non Standard

This permission shall enure for the benefit of the Jesus College Barge only and shall not enure for the benefit of any other vessel unless the Local Planning Authority in writing otherwise agrees.

REASON: To ensure the development does not prejudice the appearance of the locality.

NS05 Non Standard

The restaurant hereby approved shall not be used other than as part of the River Terrace Restaurant situated in Tower House.

REASON: The restaurant would otherwise have inadequate servicing facilities available which would prejudice the appearance of the locality and the enjoyment of the riverside by other users.

NS06 Non Standard

The maximum number of covers provided on the barge shall not exceed 70.

REASON: To protect the amenities of the locality.

NS07 Non Standard

The development hereby approved shall not be implemented (unless the Local Planning Authority in writing otherwise agrees) until details are submitted to and approved in writing by the Local Planning Authority. Such details to indicate the method of disposal of sewage generated by the development.

REASON: To ensure a satisfactory form of development that will not adversely affect the amenities of neighbouring occupiers and other users of the river and river bank.

INFORMATIVES:

IF01 DISABLED PERSONS

The applicant's attention is drawn to the provisions of the Chronically Sick and Disabled Persons Act 1970 (Section 4,7,8a) and to the Code of Practise for Access for the Disabled to Buildings (BS 5810: 1979). Attention is also drawn to the provisions of Part M of the Building Regulations - concerning access and facilities for disabled people.

IF20 SOIL & SURFACE WATER DRAINAGE

The applicant is advised to consult the Department of Technical Services (Engineering Division) about the disposal of surface water and/or sewage from the development.

IF26 FOOD HYGIENE

The applicant is advised to contact the Environmental Health Division, Food Control Team, at Civic Centre, 44 York Street, Twickenham, TW1 3BZ. 081-891 1411 with regard to Food Hygiene Regulations.

IF28 RESTAURANTS - EHO CONSULTATION

The applicant is advised to consult Environmental Health Division Food Control Team at Civic Centre, 44 York Street, Twickenham, TW1 3BZ (081-891 1411) prior to the commencement of any work.

IF38 . ADVERTISEMENTS

The applicant is advised of the need to obtain separate consent under the Town & Country Planning (Control of Advertisement) Regulations 1992 for any advertisements requiring express consent which it is to display on these premises.

IF44 DECISION DRAWING NUMBERS

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows: 3/1329.01, photographs of the barge, 3/1329/03 received on 8 April 1992 and 3/1329/02A received on 1 June 1992

APPENDIX 3

Decision Notice – Planning Permission 17/12837/FUL (Granted by Royal Borough of Kingston)

Development Control

Royal Borough of Kingston upon Thames
Guildhall 2
Kingston upon Thames
KT1 1EU
www.kingston.gov.uk

Reference number
(office use only)

Fee



Application for Planning Permission. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	<input type="text"/>	First Name:	<input type="text"/>	Surname:	<input type="text" value="C/O Agent"/>
Company name:	<input type="text" value="Turk Launches Limited"/>				
Street address:	<input type="text" value="C/O Agent"/>				
	<input type="text"/>				
	<input type="text"/>				
Telephone number:	<input type="text"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text"/>				
Email address:	<input type="text"/>				
Postcode:	<input type="text"/>				
Are you an agent acting on behalf of the applicant?					
<input checked="" type="radio"/> Yes <input type="radio"/> No					

2. Agent Name, Address and Contact Details

Title:	<input type="text" value="Mr"/>	First Name:	<input type="text" value="Ross"/>	Surname:	<input type="text" value="Brereton"/>
Company name:	<input type="text" value="Indigo Planning"/>				
Street address:	<input type="text" value="Aldermay House"/>				
	<input type="text" value="10-15 Queen Street"/>				
	<input type="text"/>				
Telephone number:	<input type="text" value="02038482500"/>				
Mobile number:	<input type="text"/>				
Town/City:	<input type="text" value="London"/>				
Fax number:	<input type="text"/>				
Country:	<input type="text"/>				
Email address:	<input type="text"/>				
Postcode:	<input type="text" value="EC4N 1TX"/>				
	<input type="text" value="ross.brereton@indigoPlanning.com"/>				

3. Description of the Proposal

Please describe the proposed development including any change of use:

Permanent mooring of the Jesus College Barge for Use Class A3 (restaurant and café), together with an extended pontoon and piles into the river bed for access.

Has the building, work or change of use already started? ☐ Yes ☒ No

4. Site Address Details

Full postal address of the site (including full postcode where available)

House: Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:

Northing:

Description:

5. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

6. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicle access proposed to or from the public highway?

☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

☐ Yes ☒ No

Are there any new public roads to be provided within the site?

☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

☐ Yes ☒ No

7. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

☐ Yes ☒ No

Have arrangements been made for the separate storage and collection of recyclable waste?

☐ Yes ☒ No

8. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

9. Materials

Please state what materials (including type, colour and name) are to be used externally (if applicable):

OTHER - description:

Type of other material:

Description of *existing* materials and finishes:

Description of *proposed* materials and finishes:

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☒ Yes ☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

10. Vehicle Parking

No Vehicle Parking details were submitted for this application

11. Foul Sewage

Please state how foul sewage is to be disposed of:

Mains sewer	<input type="checkbox"/>	Package treatment plant	<input type="checkbox"/>	Unknown	<input checked="" type="checkbox"/>
Septic tank	<input type="checkbox"/>	Cess pit	<input type="checkbox"/>	Other	<input type="checkbox"/>

Are you proposing to connect to the existing drainage system?

☐ Yes ☒ No ☐ Unknown

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☒ Yes ☐ No

If Yes, you will need to submit an appropriate flood risk assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☒ Yes ☐ No

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?

<input type="checkbox"/> Sustainable drainage system	<input type="checkbox"/> Main sewer	<input type="checkbox"/> Pond/lake
<input type="checkbox"/> Soakaway	<input checked="" type="checkbox"/> Existing watercourse	

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals.

13. Biodiversity and Geological Conservation

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:

a) Protected and priority species

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

b) Designated sites, important habitats or other biodiversity features

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

c) Features of geological conservation importance

☐ Yes, on the development site ☐ Yes, on land adjacent to or near the proposed development ☒ No

14. Existing Use

Please describe the current use of the site:

River and pontoon

Is the site currently vacant? ☐ Yes ☒ No

Does the proposal involve any of the following?
If yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated? ☐ Yes ☒ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☐ Yes ☒ No

15. Trees and Hedges

Are there trees or hedges on the proposed development site? ☐ Yes ☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ☐ Yes ☒ No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? ☐ Yes ☒ No

17. Residential Units

Does your proposal include the gain or loss of residential units? ☐ Yes ☒ No

Market Housing - Proposed					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					

Market Housing - Existing					
	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					

17. Residential Units

Market Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Sheltered Housing					
Unknown					

Proposed Market Housing Total

Social Rented Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Social Housing Total

Intermediate Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Intermediate Housing Total

Key Worker Housing - Proposed

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Proposed Key Worker Housing Total

Market Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Sheltered Housing					
Unknown					

Existing Market Housing Total

Social Rented Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Social Housing Total

Intermediate Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Intermediate Housing Total

Key Worker Housing - Existing

	Number of bedrooms				
	1	2	3	4+	Unknown
Bedsits/Studios					
Cluster Flats					
Flats/Maisonettes					
Houses					
Live-Work Units					
Sheltered Housing					
Unknown					

Existing Key Worker Housing Total

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

☒ Yes ☐ No

Use Class/type of use	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
A3 - Restaurants and cafes	50	0	50	50

18. All Types of Development: Non-residential Floorspace

Total	50	0	50	50
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For hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms:

Use Class/types of use	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms
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19. Employment

If known, please complete the following information regarding employees:

	Full-time	Part-time	Equivalent number of full-time
Proposed employees	3	3	

20. Hours of Opening

If known, please state the hours of opening (e.g. 15:30) for each non-residential use proposed:

Use	Monday to Friday		Saturday		Sunday and Bank Holidays		Not Known
	Start Time	End Time	Start Time	End Time	Start Time	End Time	
A3	09:00:00	20:00:00	09:00:00	20:00:00	09:00:00	20:00:00	<input type="checkbox"/>

21. Site Area

What is the site area?

266.00

sq.metres

22. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal for a waste management development?

☐ Yes ☒ No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

23. Hazardous Substances

Is any hazardous waste involved in the proposal?

☐ Yes ☒ No

A. Toxic substances

Amount held on site

Tonne(s)

B. Highly reactive/explosive substances

Amount held on site

Tonne(s)

C. Flammable substances (unless specifically named in parts A and B)

Amount held on site

Tonne(s)

24. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ The agent ☐ The applicant ☐ Other person

25. Certificates (Certificate B)

Certificate of Ownership - Certificate B

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) and/or agricultural tenant (*"agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*) of any part of the land or building to which this application relates.

Owner/Agricultural Tenant	Date notice served
Name: <input type="text" value="The Royal Borough of Kingston upon Thames"/>	<input type="text" value="29/08/2017"/>
Number: <input type="text"/> Suffix: <input type="text"/> House name: <input type="text"/>	
Street: <input type="text" value="2nd Floor, Guildhall 2"/>	
Locality: <input type="text" value="High Street"/>	
Town: <input type="text" value="Kingston upon Thames"/>	
Postcode: <input type="text" value="KT1 1EU"/>	

Title: First name: Surname:

Person role: Declaration date: ☒ Declaration made

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/ drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date

KINGSTON TOWN NEIGHBOURHOOD COMMITTEETHURSDAY 01 NOVEMBER 2018REPORT BYASSISTANT DIRECTOR OF STRATEGIC PLANNING &
INFRASTRUCTUREINDEX

ITEM NO	REGISTER NO	ADDRESS	DESCRIPTION	RECOMMENDATION	PAGE NO
A1	17/12837	Town End Pier, 68 High Street, Kingston Upon Thames, KT1 1HN	Change of use and permanent mooring of Jesus College Barge for restaurant and café (Class A3), including an extended pontoon and piles into the river bed for access.	PERMIT	A1
A2	18/12220	Canbury Gardens, Lower Ham Road, KT2 5UL	Proposed installation of a GRP kiosk.	PERMIT	A22
A3	18/12413	197 Park Road, Kingston Upon Thames, KT2 5JY	Erection of two storey side extension, installation of rear bay windows and balconies at ground and first floor, enlargement of basement and erection of front lightwell.	PERMIT	A29
A4	18/12727	Tiffin School , Queen Elizabeth Road, Kingston Upon Thames, KT2 6RL	Demolition of outbuilding and erection of two storey extension to existing Sports Centre to provide replacement weights room and additional changing accommodation/ fitness suites.	PERMIT	A38
A5	18/12788	197 Park Road, Kingston Upon Thames, KT2 5JY	Erection of two storey side extension.	PERMIT	A50
A6	18/12790	197 Park Road, Kingston Upon Thames, KT2 5JY	Enlargement of existing basement space.	PERMIT	A57

KINGSTON TOWN NEIGHBOURHOOD COMMITTEE

01/11/2018

REPORT BY THE

ASSISTANT DIRECTOR OF STRATEGIC PLANNING & INFRASTRUCTURE

PLANNING APPLICATIONS

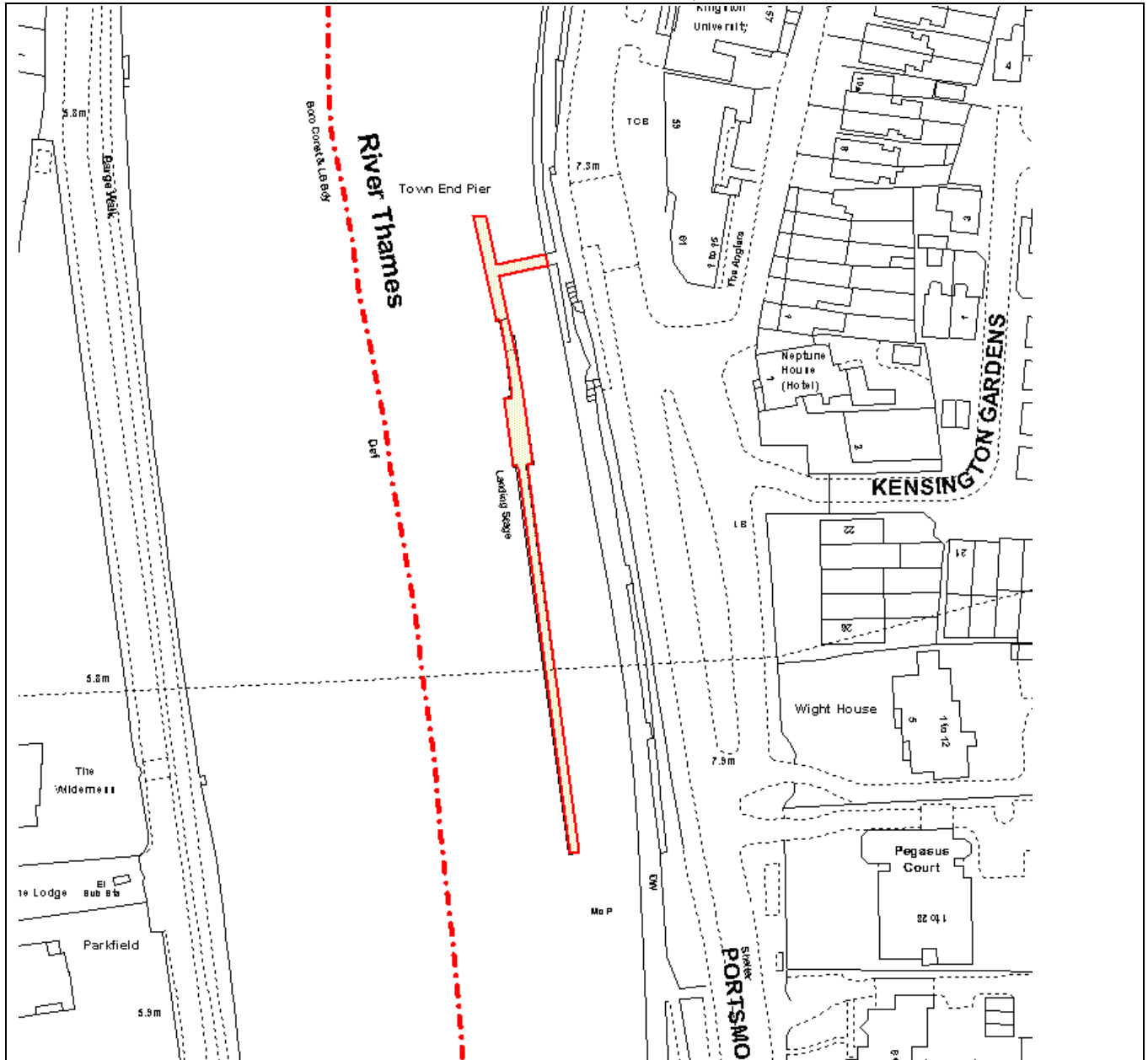
All recommendations for planning permission in this section are automatically subject to the condition limiting the duration of the permission required by Sections 91 and 92 of the Town and Country Planning Act (as amended) 1990 unless permission is to be granted for a limited period or unless there is a specific recommendation that the period for such duration be other than the period referred to in the standard condition. All background papers are incorporated into Planning Application Reports.

The policies listed are those from the Royal Borough of Kingston upon Thames the Local Development Framework Core Strategy, Adopted April 2012.

Kingston Town Neighbourhood Committee
01 November 2018

A1 Register No:
Address:

17/12837/FUL
TOWN END PIER, 68 HIGH STREET, KINGSTON
UPON THAMES, KT1 1HN



(c) Crown Copyright. All right reserved. Royal Borough of Kingston 2007. Licence number 100019285.
[Please note that this plan is intended to assist in locating the development it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]

Ward: Grove

Description of Proposal:

Change of use and permanent mooring of Jesus College Barge for restaurant and café (Class A3), including an extended pontoon and piles into the river bed for access.

Plan Type:

Full Application

Expiry Date:

27/10/2017

National Planning Policy / Guidance

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

National Planning Practice Guidance (web based resource)

DEVELOPMENT

PLAN:

Mayor for London

London Plan March 2016 (consolidated with alterations since 2011)

LDF Core Strategy Adopted April 2012

Kingston Town Centre AAP 2008

POLICIES

	LONDON PLAN JULY 2012
LP 5.12	Flood risk management
LP 7.19	Biodiversity and access to nature
LP 7.2	An Inclusive environment
LP 7.25	Increasing the use of the Blue Ribbon Ne
LP 7.26	Increasing the use of the Blue Ribbon Ne
LP 7.27	Blue Ribbon Network: supporting infrastr
LP 7.29	The River Thames
	LDF CORE STRATEGY CORE POLICIES
CS 03	The Natural and Green Environment
CS 04	River Thames Corridor, Tributaries and t
CS 08	Character, Heritage and Design
	LDF CORE STRATEGY DEVELOPMENT MANAGEMENT
DM01	Sustainable Design and Construction Stan
DM04	Water Management and Flood Risk
DM06	Biodiversity
DM07	River Thames Corridor, Tributaries and t
DM10	Design Requirements for New Developments
DM12	Development in Conservation Areas and Af
	K+20 AREA ACTION PLAN
K+ K11	The Old Town Conservation Area
K+ K13	Riverside Strategy
K+ OTCA2	Riverside South
K+ OTCA3	High Street

PREVIOUS RELEVANT HISTORY

10/12832/FUL	New 40 metres (approx) of floating pontoons with pilings	Permit with conditions 27/06/2011
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into the river bed and the provision of 2 new residential houseboats.

CONSULTATIONS

1. Neighbouring Occupiers: 87 notification letters have been sent to occupiers of neighbouring land and buildings, in addition a site notice has been erected and an advert has been placed in the local press. In response, 36 letters of objection have been received from local residents, the Riverside Residents' Association, the Anglers Residents Company Ltd, the River Users Group and the Minima Yacht Club. The objections are summarised below:

- a) Kingston has too many restaurants resulting in litter and noise, including rubbish in the river. There are over 50 Cafe/Restaurants in the immediate neighbourhood.
- b) The river should not be turned into a high street or exploited further for commercial purposes. This part of the river has uncontrolled and uncontained sprawl of semi-industrial, residential and retail development.
- c) Noise and disturbance to local residents. Supporting paperwork from Turks refers to use being limited to a café, primarily for their customers awaiting a Turk's boat. Concern that the restaurant would be used at night when party boats return. The Turks generator already causes noise disturbance, this would be exacerbated by the proposal. Turks operations generally have caused many years of disrupting at all times of the day and night. Noise from staff clearing up, deliveries, etc. Also noise disturbance from piling.
- d) Extended mooring is not needed, as the Barge is already in situ so there is no need for any extra mooring.
- e) The location should be moved away from residents if it is to be pursued e.g. the Turks Pier next to John Lewis, which is the main alighting and embarkation point where most passengers wait, compared to Town End Pier, which is only a request stop.
- f) The local area has suffered enough change and disruption in recent years.
- g) Blocking views of riverside. The new development would be visually intrusive, it would impair views across the river. The proposed development would be in full view from the road and footpath, generating a significant adverse visual impact and screening to the open river and views towards Hampton Court. The proposed development contravenes the Blue Ribbon policies of The London Plan, would obstruct a view recognised by The Thames Landscape Strategy.
- h) The proposal includes a square metal base for the restaurant - this would be non-traditional, ugly and intrusive. It would not look like a "traditional" boat moored in the river.
- i) Loss of light and shading of towpath.
- j) Off street servicing - Parking controls are already flagrantly ignored stopping on zebra crossing zig-zag lines and blocking the

Go Cycle lane etc. The existing Turks boats are frequently serviced up to 9pm.

- k) Unnecessary competition for existing restaurant businesses, especially the Queens Parade Café only 20 metres away.
- l) The creeping 'river grab' by Turks and the ever-increasing number of dilapidated boats appearing on its moorings. The river should be shared - Turks have plenty of space to moor their boats and already occupy a large area of riverside.
- m) Inaccuracies and omissions in the application e.g. Town End Pier is far longer than shown on plan extending beyond Pegasus Court.
- n) River and air pollution - no mention of removal of soil / effluent waste. The café will produce waste and recyclable waste
- o) Obstructing river recreation and navigable width of river. The Minima Yacht Club and other river users need the area for the safety and use of their members. The concrete base would be a danger to other river users. The proposals would encroach on the racing area of Minima Yacht Club, endangering the future of the club. The proposed development does not comply with paras 7.83 and 7.84 (Blue Ribbon Network for leisure facilities) of the London Plan, which states that the siting of permanently moored restaurants should not compromise navigation. This proposed expansion of the pier will permanently encroach into this prime part of the river and will compromise the utility of this part of the river for sailing sport use.
- p) Safety concerns - the river speeds up as it passes the pontoons. It would cause navigation problems for sailboats.
- q) Jesus College Barge has no connection with Kingston. It has no special local value or significance that could justify approval of this development.

- 2. Kingston Town Conservation Area Advisory Committee: No observations.
- 3. Environment Agency: Following submission of detailed ecology report the Environment Agency have withdrawn previous objection, subject to conditions. In respect of impact on navigation they advise that as the vessel can be moved it would not be classed as permanent encroachment. The extension of the pontoon is to provide a stable mooring and access to the vessel and the existing area has been used to moor large vessels therefore this water space has been established to be used by Turks currently. They welcome the design to direct the pontoon in a slight diagonal toward the bank which will cause as little encroachment as possible.
- 4. Natural England: No objection in respect of statutory nature conservation sites. Local designations should be assessed by the local planning authority and in accordance with Standing Advice.
- 5. Historic England: This application should be determined in accordance

with national and local policy guidance, and on the basis of your specialist conservation advice.

6. Historic England Greater London Archaeology Advisory Service (GLAAS): the proposed works are too small scale to result in a significant archaeological impact at this location. No further assessment or conditions necessary
7. RBK Environmental Health (Pollution Control): No objection, subject to conditions - including a condition to ensure no amplified music is played and to restrict the hours of use 9am to 8pm daily.
8. RBK Neighbourhood Engineering: No objection.
9. RBK Biodiversity Officer: A Construction Method Statement should be provided taking into consideration Biodiversity Guidance, to be secured by condition, together with biodiversity mitigation condition.
10. RBK Contingency Planning Manager: No objection raised – the FRA has been amended to ensure that all cafe staff will be given flood guidance and evacuation training.
11. London Borough of Richmond: No objection

SITE AND SURROUNDINGS

12. The application site is located at Town End Pier on the River Thames, to the south west of Kingston town centre. The pier is located off Portsmouth Road adjacent to Queens Promenade public footway. The site is situated adjacent to Portsmouth Road/High Street which runs parallel with the existing pontoon.
13. The fixed part of Town End Pier extends from Queens Promenade on the riverbank into the river and provides access to the vessels via a floating pontoon. The pontoon moves with varying water levels in the river, maintaining a link between the fixed pier and the vessels at all times. The normal water level during summer time remains some 2.0m below the pier or the footway level. Passenger vessels are moored on the outside of the pontoons and accommodation vessels ('live-aboards') are moored on the inside of the pontoons.
14. The site is within the area covered by the K+20 Area Action Plan.
15. The site is located within the Kingston Old Town Conservation Area, and is located immediately to the north of the Riverside South Conservation Area.
16. The site is located on the river Thames and therefore covered by a number of other policy designations, particularly the Thames-Side Strategic Area of Special Character, the Thames Policy Area and forms part of the Site of Importance for Nature Conservation (which covers

the whole of the river)

17. The site is within an Area of Archaeological Significance.
18. The Environment Agency's Flood Zone Map indicates that the site lies within Flood Zone 3 (High Risk) and as such has a 1% or greater annual probability of flooding.
19. The site is in an area with moderate access to public transport links (PTAL rating 3).

PROPOSAL

20. Planning permission is sought to permanently locate the refurbished Jesus Barge on an extended pontoon to the north of the existing Turks gangway and floating office, and its use as a restaurant and café (Class A3).
21. The café/restaurant would have a floor area of approximately 50sqm. It is proposed that the café/restaurant would operate between the hours of 09:00 to 20:00 hours daily, and it is anticipated that it would be operational between March and October in association with Turks Launches, which have a stopping point on the existing pontoon at this location. Notwithstanding, the application seeks permission to allow the permanent mooring of the vessel, and its use as a cafe. The A3 cafe/restaurant would serve predominantly cold 'café' type food.
22. The proposal would involve the enlargement of the existing pontoon to provide pedestrian access to the barge, which would be extended 22.9 metres to the north of the existing pontoon in a separate limb, to facilitate access to the vessel independent from the other vessels moored along the existing pontoon.
23. The pontoon itself would float and be constructed in timber decking and steel frame and be held in place with piling. The piles will be driven into the river bed using a crane and hammer system and there would be no dredging required.
24. The proposal has been amended to omit the originally proposed concrete apron/covering at the base of the boat, and the replacement with a profiled metal sheet covering to the hull of smaller size and proportions (required to protect the fabric of the vessel).

Assessment

- Principle of Proposed Development
- Impact on Character of Area
- Impact on Neighbour's Residential Amenity
- Highways and Parking
- Trees

- Legal Agreements
- Sustainability
- Other Material Considerations

Principle of Proposed Development

25. Development proposals on the Riverside should preserve or enhance the waterside character, heritage value and setting, and provide physical and visual links with the surrounding areas (including views along the river).
26. CS Policy CS12 states that the Council will maintain and enhance the attractive and distinctive character of Kingston town centre and its role as a sustainable Metropolitan Centre as defined in the London Plan. Policy CS12 states that it will achieve these objectives through the implementation of the Kingston Town Centre Area Action Plan (K+20).
27. Policy K13 (Riverside Strategy) of the K+20 Area Action Plan states that the Council will promote the River Thames to encourage greater use of the river and riverside and seek improvements to:
 - (a) River-based and riverside recreation and leisure activities and attractions
 - (b) Facilities for boat users
 - (c) The quality of the riverside environment, including the riverside walk and open spaces
 - (d) The quality of the riverside.
28. Policy K13 goes on to state that proposals for riverside development and improved facilities will need to demonstrate that there will be no unacceptable impact upon navigation, biodiversity, flood risk or the special character and appearance of the river and riverside.
29. Policy K6 of the K+20 states that the Council will grant planning permission for proposals which enhance or diversify the range of entertainment, leisure and recreational uses [in the town centre] subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and residential uses.
30. Core Strategy Policy CS4 (Thames Policy Area) states that the Council will continue to protect and enhance the special character and environment of the River Thames and its tributaries and will promote and enhance the use of the river and the riverside including "Improving river-based and riverside recreation and leisure activities and attractions".
31. Policy DM7 Thames Policy Area states that: proposals for Riverside development and improved facilities will need to demonstrate that there will be no unacceptable impact upon navigation, biodiversity and flood risk. Development proposals on the Riverside should preserve or enhance the waterside character, heritage value and setting, and provide physical and visual links with the surrounding areas (including

views along the river).

32. Given that the application site is on the River Thames, the Blue Ribbon Network (BRN) policies within the London Plan need to be considered. Policy 7.27 (Blue Ribbon Network: Supporting Infrastructure and Recreational Use) states that development proposals should enhance the use of the BRN, in particular proposals:

- (a) that result in the loss of existing facilities for waterborne sport and leisure should be refused, unless suitable replacement facilities are provided
- (b) should protect and improve existing access points to or alongside the BRN.
- (c) should protect waterway support infrastructure such as boatyards, moorings, jetties and safety equipment etc.

33. Policy 7.28 (Restoration of the Blue Ribbon Network) states that development proposals should restore and enhance the BRN including the following measures: *inter alia*

- (b) increasing habitat value; development which reduces biodiversity should be refused
- (c) preventing development and structures into the water space unless it serves a water related purpose
- (f) protecting the open character of the BRN.

34. It is also noted that subtext to London Plan Policy 7.27 which relates to the Blue Ribbon Network of rivers and waterways in London, states that permanently moored vessels used for restaurants can add to the diversity and vibrancy of waterways, subject to careful consideration of navigation, hydrology and biodiversity (as discussed below).

35. Paragraph 4.1.1 of the Kingston Riverside SPD (council resolution to adopt by the Strategic Housing and Planning Committee on 11 September 2018) states: "The vision is to connect the Riverside fully with the historic core and increase active use of the Riverside for eating and drinking, cultural and leisure uses, with these uses expanding to occupy the zone between Thames Side and Town End". Paragraph 5.7.7 relates specifically to sub area 3a Town End and Queens Promenade, and notes "There is an opportunity to increase the range of activities and facilities along the route including additional residential and commercial moorings to activate the river frontage".

36. The proposal to moor the vessel for use as a cafe is therefore considered acceptable in principle, subject to compliance with other policy requirements, as set out below in the report.

37. It is noted that the objections concerning the issue of competition with other operators and also of the alleged over-provision of such uses within the town centre could not substantiate grounds for refusal under planning legislation.

Impact on Character of Area

38. 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 conservation areas.
39. The NPPF (2018) requires that heritage assets are conserved in a manner appropriate to their significance. Paragraph 193 notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be afforded.
40. Policy DM12 of the Councils LDF Core Strategy seeks to preserve or enhance the existing heritage assets of the Borough through the promotion of high quality design and a focus on heritage-led regeneration.
41. Policy DM7 (Thames Policy Area) states that development proposals on the riverside should preserve or enhance the waterside character, heritage value and setting and provide physical and visual links with the surrounding areas.

Heritage Assessment

42. This vessel was the College Barge of Jesus College Oxford from 1911 to 1964. The barges were moored alongside Christchurch Meadow in Oxford and served as club houses and changing rooms for the boat clubs. It is advised that the Jesus College barge is one of only six remaining in existence.
43. This boat was previously a floating restaurant, which was located in the London Borough of Richmond until it sank in April 2015, when the pontoon it was attached to failed to rise with the tide.
44. It is currently moored on the existing Turks pontoon, immediately to the south of the proposed location, and has been in this location for over a year. It is currently in a poor state of repair. It is confirmed that if planning permission is obtained, the barge would be fully restored to its former glory including hull and superstructure repairs, new roof, full internal fit out, new carvings on her stem post and railings and fully painted inside and out. The applicant advises that the Jesus Oxford College Barge would be restored fully at Turks Shipyard in Chatham Historic Dockyard, where they specialise in restoration of historic craft as well as commercial vessels.
45. The vessel itself is of timber construction and of some visual interest. In assessing this proposal, concern was raised about the proposed covering of the hull, which was initially shown to be of a concrete base.

This has been revised, and is now proposed to be clad in a profiled metal sheet covering, which is required to provide a protective covering to the hull. As revised, this element is now considered acceptable, subject to reserving finalised details by condition. It would also be appropriate to secure full details of the restoration works, together with a maintenance plan to ensure that the barge was retained in an appropriate condition.

46. The proposed extended pontoon would not appear out of character with the immediate area given the presence of the existing pontoon at Town End Pier. It would add an additional 22.9m in length, compared with the existing, which has a length of around 130m. It would be constructed of timber which would be respectful to the character and appearance of the Kingston Old Town Conservation Area and the setting of the Riverside South Conservation Area.
47. The proposal would introduce a physical structure on the river and of views into and out of the conservation area, in what is currently an open aspect from vantage points along Portsmouth Road, and views across the river. However, this impact is in part limited due to the raised embankment, with the water level being approximately 2 metres lower than the embankment which would effectively screen a significant proportion of the vessel from direct east to west views.
48. Overall, and subject to refurbishment, it is considered that the design of the barge and pontoon reflects the character of the river and relates and connects well to its riverside surroundings, and that the proposal would add interest to the heritage setting and this part of the riverside.
49. The impact on the conservation area would be assessed as neutral/minimal. In accordance with paragraph 196 of the Framework, the harm that would be caused by the proposed development would be less than substantial and as such it should be weighed against the public benefits. In this case, the proposal result in the extension of the existing pontoon and the permanent mooring of the Jesus College barge which would be visible in riverside views into and from the conservation area. However, in balancing this consideration, it is noted that the provision of boat mooring along this stretch is not out of character with the part of the conservation area and would introduce a riverside use which would add interest and vibrancy to this riverside setting. Also, the Jesus College barge is currently moored within close proximity on the existing Turks pontoon adjacent to the Turks office, and to the south of the proposed location. Overall, it is concluded that the less than substantial harm to the both the Kingston Old Town Conservation Area and the setting of the Riverside South Conservation Area.

Impact on Neighbours' Residential Amenity

50. Policy DM10 (k) of the Core Strategy states that development proposals should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.

51. A number of objections have been received on grounds of noise disturbance to neighbouring residents in Portsmouth Road and other local roads, particularly with respect to possible late night activity associated with existing Turks party boats. The barge would be separated from the nearest residential neighbours by a main road - Portsmouth Road, which at its closest point would be 19 metres separation. The proposed hours of use are restricted to daytime use only, between the hours of 09:00 to 20:00 hours, with no evening opening when background noise levels would generally be lower. It is also anticipated that it would be operational between March and October. No amplified music is proposed. It would be appropriate to secure the hours of use, and the prohibition of amplified music by condition. With these measures in place, it is not considered that the proposal would result in any unreasonable increase in noise and disturbance in this town centre location.
52. A number of objectors have queried why the vessel cannot remain in its current location on the existing Turks pontoon, which has a greater degree of separation from local residents. The applicant has responded that it is required in order to provide independent access from the other boats and barges moored along the existing pontoon, whilst also providing a more commercially appropriate location in terms of general visibility.
53. The accompanying Odour Assessment report confirms that the proposed cafe/restaurant would serve predominantly cold 'café' foods (e.g. sandwiches) with only limited cooking activities (e.g. grilling paninis) and no frying activities. On this basis, the preparation and serving of sandwiches and paninis would produce minimal grease and very limited odours. No odour abatement mitigation is deemed to be necessary. The Environmental Health Officer (Pollution Control) is satisfied with the findings of the report, and a condition is recommended to ensure that food preparation are restricted to the terms as set out above.
54. Overall, it is not considered that the proposed development would not result in any significant harm to the amenity of local residents in terms of noise, privacy, outlook, sunlight/daylight or visual intrusion.

Highways & Parking

55. In terms of servicing, it is confirmed that this would take place in the recently installed dedicated footway loading bay that is located adjacent to the site on Portsmouth Road / High Street (A307) in accordance with the loading restrictions (Midnight to 7am, 10am to 4pm and 7pm to Midnight).
56. The site is located within a Controlled Parking Zone, and therefore visitors and staff would not be able to park on-street in the vicinity of the site. The nearest car park is The Rose which is located 290m north of

the site (4 minutes' walk).

57. The proposal is not considered to result in any significant highway implications.

Trees

58. The proposal does not affect any trees.

Legal Agreements

59. A financial contribution of £600 is required towards the provision of cycle parking facilities to be located within the vicinity of the site.

Sustainability

60. The proposal relates to the re-use of an existing barge which is approximately 100 years old. A Sustainability report has been submitted which indicates that the proposed development would reasonably satisfy policy objectives by optimising sustainability through the incorporation of best practice design, construction and operation measures. Some of the key features highlighted in this sustainability assessment include a commitment to energy efficiency including incorporating 100% LED lighting and the incorporation of water efficient fixtures and white goods to minimise water consumption. It also notes that as the restaurant would only open from March-October during the daytime, it is therefore expected that minimal heating and lighting will be required during the majority of this time.

Other Material Considerations

61. Navigation: As set out above, the relevant policies of London Plan, the Core Strategy and the K+20 Area Action Plan all seek to ensure that new riverside development does not have an unacceptable impact on navigation.
62. Strong objection has been raised by the Minema Yacht Club and the sailing and paddle boat community on grounds that the proposal would have a significant impact on Minima's use of the river as it would place a substantial obstruction in the area of water in which the club mostly sail and race. They advise that the new mooring would make the river narrower. The W-SW wind which is the most common in southern England makes 'getting past Turks' existing pontoon a problem for Minima sailors, unless the wind is very strong. This is because the Middlesex side, is sheltered by trees and bushes. So the effective sailable area is only the Surrey half of the river. In the most frequent wind conditions it is advised that Turk's Launches occupy half, if not more, of the sailable width of the river for 150 metres at and above their pier. Progress is difficult adjacent the existing pontoon. The result is that in typical conditions 80% of a race will have to take place in the few hundred metres between Turk's Pier and the row of poplars which run

down from opposite Eagle Wharf to just above Kingston Bridge.

63. The applicant has advised that the pontoon has been purposefully designed to tightly follow the river bank to limit obstruction. They have confirmed that the measured width of the river where the northern end of the existing pontoon is situated is approximately 79.63m, whilst the width of the river where the end of the proposed pontoon would be located is approximately 79.79m. This demonstrates that the width of the River Thames is very similar in this location. They note too that the proposed extension would not extend materially beyond where barges can currently moor, also that the River Thames contains many other permanent pontoons, piers, jetties, wharfs and moorings which align the banks up and down the River and that historically there were finger moorings in this location which were only removed in 2012. Therefore, they advise that it is only in recent times that this area of the river has not have moorings in this location.
64. The Environment Agency (EA), as the navigation authority for the River Thames, advise that the vessel can be moved so would not be classed as permanent encroachment. The extension of the pontoon is to provide a stable mooring and access to the vessel and the existing area has been used to moor large vessels and therefore this water space has been established to be used by Turks currently. They welcome the design to direct the pontoon in a slight diagonal toward the bank which will cause as little encroachment as possible.
65. However, whilst the Environment Agency have provided advice on general navigation issues, they do not advise on Blue Ribbon Policy navigation issues specifically relating to leisure and amenity.
66. In weighing these considerations, it is clear that the existing pontoon covers a considerable length of river frontage and the proposal would further add to this encroachment into the river. It would reduce the navigable width of the river at this location, and the users of this waterway confirm that it would cause some degree of obstruction particularly to sailing boats, and other non-motorised boats. The proposed barge although capable of being moved, together the floating pontoon, would be a permanent structure within the river. However, it should be recognised that this part of the river runs through the town centre, where there are many boats moored on both sides of the river, and many obstructions. It is also noted that the Blue Ribbon Policies seek to promote the use the river for multi-functional purposes for sport, recreation, leisure, educational use and tourism and this proposal would provide a water based leisure/recreational use within the town centre that would be open for everyone to use, and which would enliven and activate this part of the riverside. Overall, it is concluded that the proposal would not unacceptably compromise navigation, and the objections raised would not substantiate grounds for refusal of planning permission. However, it would be appropriate to ensure that no mooring takes place on the further side of the pontoon to prevent further encroachment into the river.

67. Biodiversity: The National Planning Policy Framework (NPPF) recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
68. Objection was initially raised by the Environment Agency on the grounds that the proposal would encroach on the River Thames, which is designated as a Site of Nature Conservation Importance (SNCI), and the subsequent impact would be unacceptable. The main impact will be shading of the riverbed and permanent loss of macrophytes and associated habitat for fish/invertebrates. In the subsequent Ecology Statement, the applicant has proposed 5mm gaps between the slats of the pontoon, the Environment Agency advise that ideally they would prefer a more generous gap (up to 50mm) as this would minimising any potential shading of the riverbed. They advise that if planning permission is granted it should include conditions to require a minimum of 5mm space between the slats, and to secure ecological enhancements including the creation of habitats and floating rafts, together with the submission of a Method Statement/Construction Environmental Management Plan. These measures would be secured by condition
69. Flood Risk: London Plan Policy 5.12 and Core Strategy Policy DM4 required a Flood Risk Assessment (FRA) to support planning applications for development proposed in Flood Zone 3. The submitted FRA concludes that in accordance with Technical Guidance to the NPPF (Table 2), the proposed site use falls under water based recreation and is therefore water compatible. Such developments are therefore appropriate in Flood Zones 3a and 3b. The report highlights mitigation measures including subscribing to the EA Flood Warnings Direct Service and adopting a Flood Warning & Evacuation Plan. The Environment Agency have raised no objection in this respect, and the Flood Evacuation Plan has been agreed by the RBK Contingency Planning Manager.
70. Access: London Plan Policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design. The proposed access would be via the current pier and ramp serving the Turks operations. This is fully wheelchair/disabled accessible/friendly and it is advised that disabled/elderly persons/parents with buggies regularly use the Turks boats which are also wheelchair/disabled friendly. However, the Jesus College barge itself would not be wheelchair accessible as she was built in the 18th century. It is advised that the operator would put in place assistance for anyone in need as there would always be staff on hand to help. It is advised that amending the access would require drastic design changes/interventions which would harm the character of the vessel. Floating structures are not covered in the Building Regulations.

Given the individual circumstances, this arrangement is on balance considered acceptable.

71. Archaeology: The Archaeological Desk Based Assessment confirms that the potential for archaeological remains from all periods up until the post-medieval period is low. It also confirms that the impact from piling will be limited and localised to the position of the pile. The Greater London Archaeology Advisory Service (GLAAS) have confirmed the proposed works are too small scale to result in a significant archaeological impact. The proposal therefore complies with London Plan Policy 7.8 and Core Strategy Policy DM12 in this respect.
72. Waste/Pollution: Concern was raised about the lack of information concerning the disposal of waste and potential pollution. It is confirmed that sewerage and effluent waste would go into a holding tank which would be pumped straight into the sewers (as is the case for the existing Turks office barge, and their other boats), this would ensure no water pollution would be caused within the river and associated habitats. It is also confirmed that there would be no external heat or light, and therefore limited impact from light pollution on the river water and associated habitats.
73. In terms of waste and recycling, separate receptacles would be provided at regular intervals throughout the café to collect recyclable and non-recyclable waste and these collected by separate contractors. Food waste from the café would also be removed separately by the caterers. It is confirmed that all waste management is carried out in line with the company waste management plan, which is approved by the Maritime and Coastguard Agency and provides a management framework for eliminating waste in the River Thames. Finalised details of a waste management plan for refuse and recycling would be secured by condition.
74. Security: Security measures will be provided in the form of CCTV on the barge as well as lockable doors and windows and a tall gate on the pier, which would be locked every evening to prevent access. The development is therefore secure for users in line with London Plan policy 5.3.

RECOMMENDATION:

Approve subject to the following conditions:

- 1 The development hereby permitted shall be commenced within 3 years from the date of this decision.

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

S21/WW1(4F) -ga Rev B - Walkway 4 Float General Arrangement	29/08/2017
Preliminary Ecological Appraisal	29/08/2017
Flood Risk Assessment	01/02/2018
Archaeological Desk Based Assessment	29/08/2017
Planning Cover Letter Dated 29 August 2017	29/08/2017
P002 P01 Existing Jesus Barge	29/08/2017
P004 P03 Proposed Layout Plan	29/08/2017
P005 P01 Proposed Pontoon Elevations	29/08/2017
1537-P-001 Site Plan and Section AA	29/08/2017
1537-P-002 Site Plan with Levels	29/08/2017
P001 P04 Site Location Plan	29/08/2017
Transport Statement	29/08/2017
Odour Risk Assessment	10/10/2017
P04 Proposed Layout Plan	25/01/2018
Ecology Statement 21012018	01/02/2018
Odour Risk Assessment October 2017	01/02/2018
Response To Transport Comments 04012018	01/02/2018
P004 P04 Proposed Layout Plan	01/02/2018
Sustainability Statement February 2018	12/02/2018
P003 Rev. P03 Proposed Jesus Barge (revised)	19/06/2018
Design and Access Statement (Revision C)	04/09/2018
Letter from Applicant dated 9 May 2018	09/05/2018

Reason: For avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place until a Method Statement/Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in liaison with the Environment Agency. This plan shall detail the works to be carried out showing how the environment will be protected and enhanced in the longer term. Such a scheme shall include details of the following:

- The timing of the works
- The measures to be used during the development in order to minimise environmental impact of the works, considering both potential disturbance and pollution
- Any piling works required must be undertaken and programmed to avoid impacting on sensitive fish. Silent or vibrational piling methods should always be used where possible. Piling works must ensure a gradual start up (over 5 minutes) to encourage fish away from the area before piling begins. If percussive piling is necessary, the activity must avoid the key spawning and migration period (March to October).
- Any necessary pollution protection methods
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

Reason: These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase and development that encroaches on watercourses has a potentially severe impact on their ecological value. This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. Piling can cause temporary hearing loss to fish within tens of metres of the operation and has even been known to cause death. The mitigation techniques outlined in the condition, should reduce the impact of the work on fish.

- 4 Prior to commencement of any site works, details of the finalised pontoon design and biodiversity mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority in liaison with the Environment Agency. The pontoon should allow for a minimum 5mm space between the slats of the pontoon thus allowing light to pass through. The design should also incorporate the following ecological enhancements:

- Creation of habitat / structural complexity below and adjacent to the boardwalk by securing a network of pipes/rope coils. These features will create microhabitats within the river to provide shelter for juvenile fish and niches for invertebrates.
- Installation of floating rafts along the river bank edge, planted up with native species of local provenance.

Reason: These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase and development that encroaches on the river Thames has a potentially severe impact on its ecological value, in part by shading out important aquatic vegetation.

- 5 The Jesus College Barge shall not be moored on the extended pontoon until such a time as the restoration works have been completed, in accordance with details set out in a Restoration and Management Plan that has been submitted to and agreed in writing by the Local Planning Authority. The Restoration Plan and Management Plan shall include full details the restoration works, including, materials, colour, finishes and additions and shall include a maintenance plan for the long term maintenance of the barge.

Reason: In order to preserve or enhance the character of this part of the Conservation Area in accordance with Policy CS8 (Character, Heritage and Design) and Policy DM 12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

- 6 The development shall be completed in accordance with the following details which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the permanent mooring of the Jesus College Barge

- (a) Full details of profiled metal covering, including detailed profiling, colour and materials.
- (b) Gates, railings and/or other means of enclosure
- (c) Detailed design of pontoon and materials

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions), Policy CS8 (Character, Heritage and Design) and Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

- 7 Except in the case of emergency or repair, no mooring shall take place on the western side of the extended pontoon. Signage shall be clearly displayed to notify of this restriction, in accordance with details to be submitted to and approved in writing prior to beneficial use of the extended pontoon.

Reason: To prevent obstruction of the navigable width of the river, in accordance with Policies DM7 of the LDF Core Strategy (2012) K13 of the K+20 Kingston Area Action Plan, and London Plan (2016) Policies 7.27 and 7.28.

- 8 The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.

Reason: To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 9 No amplified music is to be played in the A3 premises at any time.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 10 The A3 premises shall not be used by the public for the purposes hereby permitted before 9am and after 8pm Monday to Sunday.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 11 Before any piling takes place a piling method statement shall be submitted to and approved in writing by the Local Planning Authority. Any piling must

be undertaken in accordance with the terms of the approved piling method.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 12 The restaurant/cafe shall be serve predominantly cold 'café' foods (e.g. sandwiches) with only limited cooking activities (e.g. grilling paninis), and no frying activities.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties and surrounding area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 13 Prior to commencement of the use hereby approved, details of the waste collection strategy (to include details of the process for the collection of waste and recycling, the procedure for presenting waste and recycling for collection, the size of waste and recycling bins, and the location of waste and recycling storage facilities) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved waste collection strategy.

Reason: To ensure the provision of refuse facilities to the satisfaction of the Council and in order to prevent pollution of the river in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 14 The use shall not commence until a Management Plan to control noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class A3 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision

equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this riverside location.

INFORMATIVES

- 1 The proposals will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres or excavations within 16 metres of the top of the bank of a designated 'main river', the River Thames. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
- 2 You are advised that the introduction of coarse angular gravels (10-40mm) along the toe of the river bank would also be favoured. These gravels would help to provide habitat for fish and invertebrates. Such a scheme for compensatory habitat creation should include the layout and extent of the proposed enhancements and the plant species to be used. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies in line with Water Framework Directive objectives. Mitigation measures identified include actions such as reducing the amount of encroachment and reducing the amount of hard bank protection. Any mitigation scheme would need to provide an improvement in these areas to compensate for the level of encroachment that the proposed jetty represents.
- 3 The piling method statement required by condition should detail the type of piling to be undertaken, why this method has been selected, measures to be taken to minimise noise and vibration and a plan showing where the piles are to be installed. There are a number of different piling methods suitable for different circumstances. Guidance is contained in BS5228 Noise control on Construction and Open sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations. The contractor is required to take the best practicable means to minimise noise and vibration and the Council positively encourages the use of hydraulic, auger and diaphragm wall piling methods. Where complaints of noise and vibration are received it is expected that the contractor will undertake noise and vibration monitoring, with data reported back to the Environmental Health Service.
- 4 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the

applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

Kingston Neighbourhood Committee

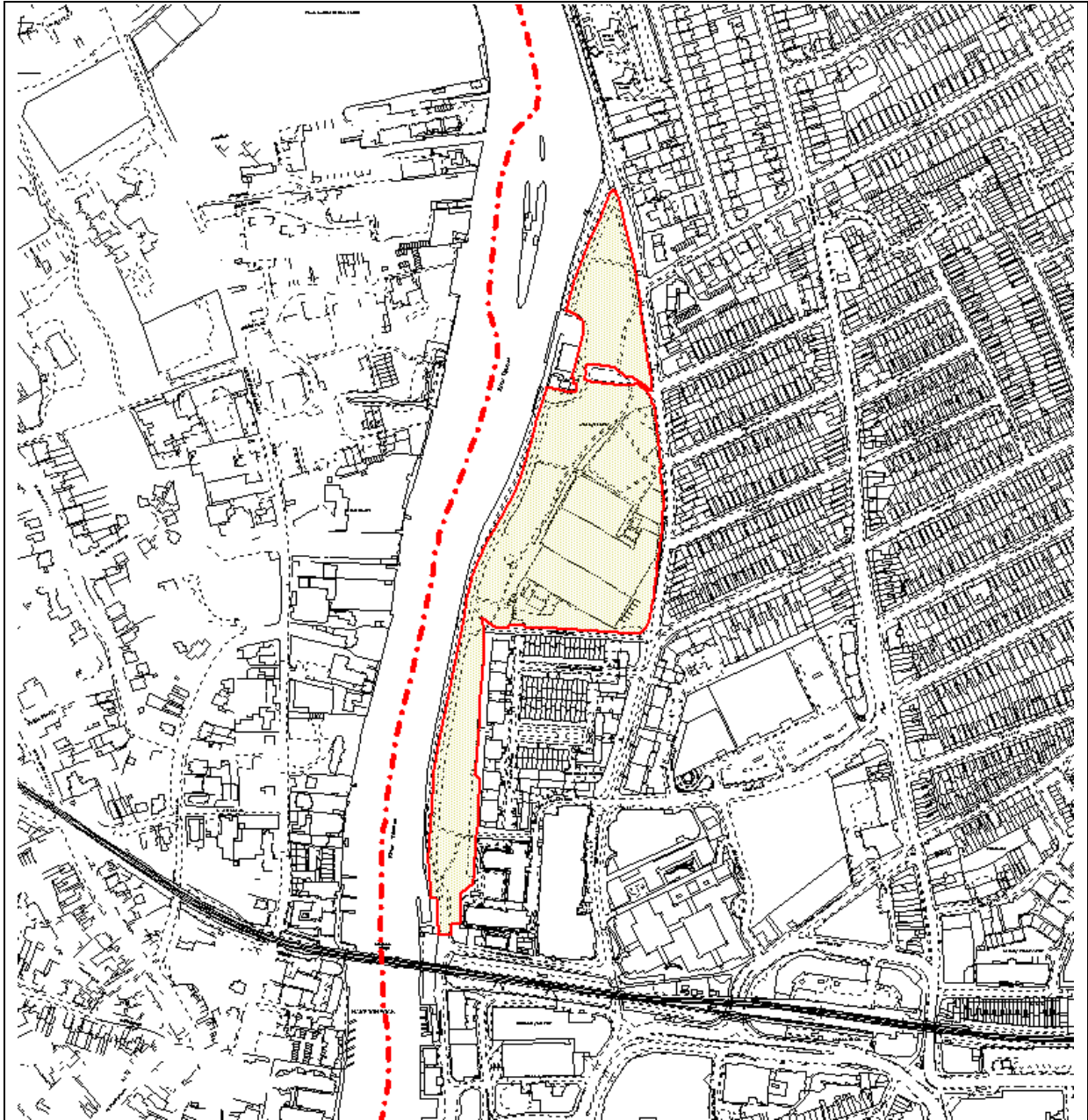
Date of Meeting: 01/11/2018

A2 Register No:

18/12220/FUL

Address:

CANBURY GARDENS, LOWER HAM
ROAD, KT2 5UL



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[Please note that this plan is intended to assist in locating the development it is not the site plan of the proposed development which may have different boundaries. Please refer to the application documents for the proposed site boundaries.]

<u>Ward:</u>	Tudor
<u>Description of Proposal:</u>	Proposed installation of a GRP kiosk
<u>Plan Type:</u>	Full Application
<u>Expiry Date:</u>	31/08/2018

National Planning Policy / Guidance

National Planning Policy Framework (NPPF) 2012
NATIONAL PLANNING PRACTICE GUIDANCE (WEB BASED RESOURCE)

<u>DEVELOPMENT PLAN</u>	MAYOR FOR LONDON - LONDON PLAN
MARCH 2016	(CONSOLIDATED WITH ALTERATIONS
SINCE 2011)	
	LDF CORE STRATEGY ADOPTED APRIL
2012	
	KINGSTON TOWN CENTRE AAP 2008

POLICIES

	LDF CORE STRATEGY CORE POLICIES
CS 02	Climate Change Adaptation
	LDF CORE STRATEGY DEVELOPMENT MANAGEMENT
DM04	Water Management and Flood Risk
DM05	Green Belt, Metropolitan Open Land (MOL)
DM07	River Thames Corridor
DM12	Development in Conservation Areas

CONSULTATIONS

1. Neighbour notification: 67 local addresses have been notified. 1 written objection has been received. This raised the following (summarised) planning related concerns:
 - The proposed kiosk, due to its siting/appearance, would harm the character and appearance of Canbury Gardens and the wider Conservation Area
2. Kingston Town Conservation Areas Advisory Committee: Object to the location of the proposed kiosk.

SITE AND SURROUNDINGS

3. The application concerns an area of land, approximately 100m² in area, which lies within the Canbury Gardens public Park, just to the West of the properties along Maybate avenue. The immediate area is open and vegetated, save for the footpaths/cycle paths which run along this part of Canbury Gardens. The site lies within designated Metropolitan Open Land and within the Riverside North Conservation. It also lies within Flood Risk Zone 2 (medium) and a designated area of Archaeological Significance.

PROPOSAL

4. The application proposes the installation of a Glass Reinforced Plastic (GRP) kiosk (2m by 2m by 2.5m) on a concrete base in Canbury Gardens.

ASSESSMENT

1. The main considerations material to the determination of this application are:

- Principle of Proposed Development / Metropolitan Open Land
- Impact on Character of Area
- Impact on Neighbour's Residential Amenity
- Flooding
- Conclusion/Planning Balance

Principle of Proposed Development / Metropolitan Open Land

5. The site lies on Metropolitan Open Land (MOL). Policy 7.17 (Metropolitan Open Land) of the 2016 London Plan states that *"the strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the same level of protection as Green Belt. Thereby engaging national planning policies contained within the National Planning Policy Framework relating to the protection of the Green Belt land."*
6. Paragraph 143 of the 2018 NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
7. The proposed development would be inappropriate development within the MOL, which would require very special circumstances to be approved.

Impact on Character of site and Riverside North Conservation Area

8. Section 72 of the Planning Listed Building and Conservation Areas Act 1990 directs that special regard shall be paid to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

9. The National Planning Policy Framework 2012 sets out National Planning Policy with regards to dealing with Heritage Assets. The NPPF directs that in decision taking the council should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
10. Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the Core Strategy seeks to preserve or enhance existing heritage assets.
11. The application site is located within the Riverside North Conservation Area, the significance of which is found in its historic use as a Victorian Park.
12. The application proposes the erection of a Kiosk to serve as a gauging station for the Environment Agency (EA). The equipment within the kiosk provides flood alert/warning services for the surrounding area. The proposed kiosk would be 2m by 2m by 2.5m and would be painted green. It is small in scale and would be located in close proximity to a wide section of vegetation which lies between the Gardens and the residential flats to the east (Avon House and Medway House). It is recommended, if planning permission is approved, that a planning condition should be imposed to secure additional planting to soften its appearance. Subject to this, no harm would be caused to the character and appearance of the site or wider Conservation Area.

Impact on Neighbours' Residential Amenity

13. The proposed kiosk, due to its modest scale and siting, some distance from the nearest residential properties (at least 10m), would not result in any harm to the residential amenities of occupants of neighbouring buildings.

Flooding

14. The site lies within Flood Zone 2, the applicant has submitted a flood risk assessment which indicates that the apparatus is Water Compatible (NPPG vulnerability classification), and that it is designed to be 'floodable' and remain operational. The proposed development would not result in the material displacement of flood water and as such is unlikely to increase flood risk elsewhere.

Conclusion/Planning Balance

15. The proposed development would be inappropriate development in the MOL and would result in harm to the openness of the MOL.

16. The EA has submitted documentation justifying the development. It indicates that the gauging station is the only station which provides flood warnings to the Kingston, Hampton and Teddington areas, and that it warns around 3500 properties within these areas. It also states that this station is a critical validation point for fluvial forecasting models - ensuring that both in the immediate area and further downstream the forecasts are accurate and reliable. The station also gives crucial information on the progression of the tide upstream which enables the EA to forecast for vulnerable islands and riverside communities.
17. It states that the Kingston gauging station is important for water resources as it forms one of a number of river flow indicator sites used to monitor and assess the water situation across Thames Area. In turn, this information is used to inform decision making and actions associated with drought incident planning and management.
18. Finally, it is states that the river flow data from the station is used by a range of international customers and partners including water companies, consultants, academics and researchers.
19. The EA state that a new kiosk is required as currently the instrumentation in the basement site and riverside kiosk is located below the 1% Annual Exceedance Probability (AEP) flood level and therefore this site is at risk for future flood events, which would put the aforementioned functions at risk.
20. Finally, the EA have set out additional reasons (aside from the need to place it in a more flood resilient location) why the new kiosk is located within the MOL. The new kiosk requires power, telephone and to be connected to the instrumentation at the riverside, and this restricts how far the new kiosk can be located from the existing gauging station. For the water level to relate to the multiple flood warnings it triggers, and the Hydrological Models used to forecast flood events, the EA states that it must be measured at this location, requiring the new kiosk containing the monitoring instrumentation to also be located here. It is stated that a significant change in location would risk the accuracy of the data, and render the Model output unreliable.
21. Officers conclude that the information put forward by the EA constitute the very special circumstances required which clearly outweigh the harm to the Metropolitan Open Land. As such, the application is recommended for approval.

RECOMMENDATION:

Approve subject to the following conditions:

- 1 The development hereby permitted shall be commenced within 3 years from the date of this decision.

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Flood Risk Assessment	06/07/2018
619307-MLM-ZZ-XX-DR-C-001P03_Location Plan	06/07/2018
619307-MLM-ZZ-XX-DR-C-002P03_Details	06/07/2018
619307-MLM-ZZ-XX-DR-C-003P01_Block Plan	06/07/2018
EA Covering Letter 11/09/2018	14/09/2018

Reason: For avoidance of doubt and in the interests of proper planning.

- 3 The kiosk shall be used only for the purposes described in the supporting documentation (namely as a flood warning/forecast and modelling system) and for no other purposes without the prior written consent of the Local Planning Authority

Reason: Uses outside of those described may not represent very special circumstances to justify the development in line with Paragraph 143 of the 2018 NPPF and Policy 7.17 of the 2016 London Plan.

- 4 The facing materials to be used in the construction of the building shall be those specified on the application form and approved drawings or such other materials as have been approved in writing by the Local Planning Authority before the development is commenced and shall thereafter be retained as such.

Reason: To minimise the harm to the openness of the Metropolitan Open Land in accordance with Paragraph 143 of the 2018 NPPF and Policy 7.17 of the 2016 London Plan.

- 5 A landscaping scheme detailing soft screening measures around the kiosk shall be submitted to and approved in writing by the Local Planning Authority prior to the kiosk being utilised for the purpose(s) hereby permitted. All planting, seeding or turfing detailed in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The area shown to be landscaped shall be permanently retained for that purpose only.

Reason: To minimise the harm to the openness of the Metropolitan Open Land in accordance with Paragraph 143 of the 2018 NPPF and Policy 7.17 of the 2016 London Plan.

INFORMATIVES:

- 1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.



Decision Notice

Date of Decision: 31 July 2019

Royal Borough of Kingston upon Thames
Guildhall 2, High Street
Kingston upon Thames
KT1 1EU

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY (MANAGEMENT PROCEDURE ORDER) (ENGLAND) 2015 (AS AMENDED)

LOCATION: Town End Pier, 68 High Street, Kingston upon Thames, KT1 1HN

PROPOSAL: Change of use and permanent mooring of Jesus College Barge for restaurant and café (Class A3), including an extended pontoon and piles into the river bed for access.

Under the provisions of part III of the Act the Council hereby **GRANTS PERMISSION** for the development described above.

PERMIT subject to the following conditions:

- 1 The development hereby permitted shall be commenced within 3 years from the date of this decision.

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

S21/WW1(4F) -ga Rev B - Walkway 4 Float General 29/08/2017
Arrangement

Preliminary Ecological Appraisal

29/08/2017

Flood Risk Assessment	01/02/2018
Archaeological Desk Based Assessment	29/08/2017
Planning Cover Letter Dated 29 August 2017	29/08/2017
P002 P01 Existing Jesus Barge	29/08/2017
P005 P01 Proposed Pontoon Elevations	29/08/2017
1537-P-001 Site Plan and Section AA	29/08/2017
1537-P-002 Site Plan with Levels	29/08/2017
P001 P04 Site Location Plan	29/08/2017
Transport Statement	29/08/2017
Odour Risk Assessment	10/10/2017
P04 Proposed Layout Plan	25/01/2018
Ecology Statement 21012018	01/02/2018
Odour Risk Assessment October 2017	01/02/2018
Response To Transport Comments 04012018	01/02/2018
P004 P04 Proposed Layout Plan	01/02/2018
Sustainability Statement February 2018	12/02/2018
P003 Rev. P03 Proposed Jesus Barge (revised)	19/06/2018
Design and Access Statement (Revision C)	04/09/2018
Letter from Applicant dated 9 May 2018	09/05/2018
Unilateral Undertaking dated 12 June 2019	12/06/2019

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place until a Method Statement/Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in liaison with the Environment Agency. This plan shall detail the works to be carried out showing how the environment will be protected and enhanced in the longer term.

Such a scheme shall include details of the following:

- The timing of the works
- The measures to be used during the development in order to minimise the environmental impact of the works, considering both potential disturbance and pollution
- Any piling works required must be undertaken and programmed to avoid impacting on sensitive fish. Silent or vibration piling methods should always be used where possible. Piling works must ensure a gradual start up (over 5 minutes) to encourage fish away from the area before piling begins. If percussive piling is necessary, the activity must avoid the key spawning and migration period (March to October).
- Any necessary pollution protection methods

- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

Reason: These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase and development that encroaches on watercourses has a potentially severe impact on their ecological value. This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. Piling can cause temporary hearing loss to fish within tens of metres of the operation and has even been known to cause death. The mitigation techniques outlined in the condition, should reduce the impact of the work on fish.

- 4 Prior to commencement of any site works, details of the finalised pontoon design and biodiversity mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority in liaison with the Environment Agency. The pontoon should allow for a minimum 5mm space between the slats of the pontoon thus allowing light to pass through. The design should also incorporate the following ecological enhancements:

- Creation of habitat / structural complexity below and adjacent to the boardwalk by securing a network of pipes/rope coils. These features will create microhabitats within the river to provide shelter for juvenile fish and niches for invertebrates.
- Installation of floating rafts along the river bank edge, planted up with native species of local provenance.

Reason: These details are required prior to commencement of development because the relevant works would take place at the beginning of the construction phase and development that encroaches on the river Thames has a potentially severe impact on their ecological value, in part by shading out important aquatic vegetation.

- 5 The Jesus College Barge shall not be moored on the extended pontoon until such a time as the restoration works have been completed, in accordance with details set out in a Restoration and Management Plan that has been submitted to and agreed in writing by the Local Planning Authority. The Restoration Plan and Management Plan shall include full details the restoration works, including, materials, colour, finishes and additions and shall include a maintenance plan for the long term maintenance of the barge.

Reason: In order to preserve or enhance the character of this part of the Conservation Area in accordance with Policy CS8 (Character, Heritage and Design) and Policy DM 12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

- 6 The development shall be completed in accordance with the following details which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the permanent mooring of the Jesus College Barge

- (a) Full details of profiled metal covering, including detailed profiling,

- colour and materials.
- (b) Gates, railings and/or other means of enclosure
- (c) Detailed design of pontoon and materials

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions), Policy CS8 (Character, Heritage and Design) and Policy DM12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

- 7 Except in the case of emergency or repair, no mooring shall take place on the western side of the extended pontoon. Signage shall be clearly displayed to notify of this restriction, in accordance with details to be submitted to and approved in writing prior to beneficial use of the extended pontoon.

Reason: To prevent obstruction of the navigable width of the river, in accordance with Policies DM7 of the LDF Core Strategy (2012) K13 of the K+20 Kingston Area Action Plan, and London Plan (2016) Policies 7.27 and 7.28.

- 8 The site and building works required to implement the development shall be only carried out between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.

Reason: To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 9 No amplified music is to be played in the A3 premises at any time.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 10 The A3 premises shall not be used by the public for the purposes hereby permitted before 9am and after 8pm Monday to Sunday.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 11 Before any piling takes place a piling method statement shall be submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 12 The restaurant/cafe shall serve predominantly cold 'café' foods (e.g. sandwiches) with only limited cooking activities (e.g. grilling paninis), and no frying activities.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties and surrounding area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted

April 2012.

- 13 Prior to commencement of the use hereby approved, details of the waste collection strategy (to include details of the process for the collection of waste and recycling, the procedure for presenting waste and recycling for collection, the size of waste and recycling bins, and the location of waste and recycling storage facilities) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved waste collection strategy.

Reason: To ensure the provision of refuse facilities to the satisfaction of the Council and in order to prevent pollution of the river in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 14 Prior to commencement of the use hereby approved, a Management Plan detailing measures and protocol to control noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Core Strategy Adopted April 2012.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class A3 on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this riverside location.

- 16 Unless otherwise agreed in writing with the Local Planning Authority, In the event that the Jesus College Barge is no longer a going concern as a restaurant / cafe, this being defined as a period of 12 months of not operating as a restaurant / cafe, the pontoon extension shall be removed and the pontoon restored to its original length in accordance with details have been previously agreed in writing by the Local Planning Authority within 12 months of the Council deeming the use to have ceased i.e within 12 months of not operating.

Reason: In order to preserve or enhance the character of this part of the Conservation Area in accordance with Policy CS8 (Character, Heritage and Design) and Policy DM 12 (Development in Conservation Areas and Affecting Heritage Assets) of the LDF Core Strategy Adopted April 2012.

Informative(s):

- 1 The proposals will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres or excavations within 16 metres of the top of the bank of a designated 'main river', the River Thames. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
- 2 You are advised that the introduction of coarse angular gravels (10-40mm) along the toe of the river bank would also be favoured. These gravels would help to provide habitat for fish and invertebrates. Such a scheme for compensatory habitat creation should include the layout and extent of the proposed enhancements and the plant species to be used. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies in line with Water Framework Directive objectives. Mitigation measures identified include actions such as reducing the amount of encroachment and reducing the amount of hard bank protection. Any mitigation scheme would need to provide an improvement in these areas to compensate for the level of encroachment that the proposed jetty represents.
- 3 The piling method statement required by condition should detail the type of piling to be undertaken, why this method has been selected, measures to be taken to minimise noise and vibration and a plan showing where the piles are to be installed. There are a number of different piling methods suitable for different circumstances. Guidance is contained in BS5228 Noise control on Construction and Open sites - Part 4: Code of Practice for noise and vibration control applicable to piling operations. The contractor is required to take the best practicable means to minimise noise and vibration and the Council positively encourages the use of hydraulic, auger and diaphragm wall piling methods. Where complaints of noise and vibration are received it is expected that the contractor will undertake noise and vibration monitoring, with data reported back to the Environmental Health Service.
- 4 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

Your attention is drawn to your rights of appeal (attached) and to the fact that this decision relates only to the Town & Country Planning Acts and to no other enactment or The Building Regulations.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Appeals to Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Environment, Transport and the Regions under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using forms and guidance which can be downloaded from The Planning Inspectorate web site <https://www.gov.uk/appeal-planning-inspectorate>. Alternatively they can be obtained from the following address:- The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning or the Secretary of State for Environment, Transport and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in

the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

APPENDIX 4

Pre-application advice - 21/P0162/PREAPP

RE: Richmond Bridge Pier - Letter and opinion

02 August 2021 12:49

Subject	RE: Richmond Bridge Pier - Letter and opinion
From	Wong Chang, Wendy
To	Hockin, Sophie
Cc	Villars, Phil; Smith, Cathryn
Sent	02 August 2021 12:49

Official

Dear Sophie

Please accept my apologies for the delay in providing our additional comments on this pre-application advice.

As set out in my earlier email, whilst the Council agrees that the original permission 92/0659/FUL remains extant, however that permission relates to the mooring of the boat and use of the boat only – it does not extend to the use of the pontoon for Class E purposes and the erection of the roof canopy.

In our opinion, the use of the mooring is predominantly recreational use as such the dedication of a large part of the pontoon for tables and chair associated with the restaurant use will result in part change of use of the pontoon from sui generis to Class E.

Re: the use of the pontoon, the proposal will be considered to result in part change of use of the pontoon for Class E purposes. The proposed change of use to facilitate setting out of additional tables and chair on the pontoon is not considered to be an appropriate use in the MOL and would be considered to harm the character, openness and views of the river. A restaurant use is not river-dependent or river-related as such would also fail to comply with policy LP18. In summary, there is an in-principle objection to the change of use of the pontoon to allow for additional tables and chairs.

Re: the roof canopy, there is insufficient information for the council to comment on the likely impact of the proposed roof canopy on the openness of the MOL. However, there are concerns that the addition of a roof canopy to the barge that will be permanently moored at Richmond Pier will increase the bulk and massing of the boat and be considered to harm the openness of the MOL. If you wish to pursue with the erection of the roof canopy, you are advised to submit visuals with any future applications to enable to Council to assess the likely impact. You are also reminded of the restriction to the number of covers secured under condition NS06 of the original permission. Whilst the acceptability falls outside the scope of the pre-application submission, there is likely to be an objection to any increase in the number of covers given the potential of intensification of use and its potential impact on the open character of the MOL.

To summarise, there is an in principle objection to the part change of use of the pier for additional tables and chairs associated with the restaurant use (Jesus College Barge). There are concerns of the likely impact of the roof canopy on the openness of the MOL. Insufficient information has been submitted for the Council to support such addition at this pre-application stage.

Kind regards
Wendy Wong Chang MPhil MRTPI
Principal Planning Officer
Development Management

London Borough of Richmond upon Thames

wendy.wongchang@richmondandwandsworth.gov.uk

Tel: 020 8891 1411

www.richmond.gov.uk / www.wandsworth.gov.uk

The views expressed in this email are informal only and do not prejudice any decision the Council may make on any future application which may be submitted in respect of the above property.

From: Wong Chang, Wendy

Sent: 02 July 2021 06:37

To: Hockin, Sophie <sophie.hockin@wsp.com>

Cc: Villars, Phil <philip.villars@wsp.com>; Smith, Cathryn <cathryn.smith@wsp.com>

Subject: RE: Richmond Bridge Pier - Letter and opinion

Official

Dear Sophie

Thank you for your email and attachments.

Whilst the Council agrees that the original permission 92/0659/FUL remains extant, however that permission relates to the mooring of the boat and use of the boat only – it does not extend to the use of the pontoon for Class E purposes.

I have now reconsulted my policy colleagues to comment on this specific element of the scheme and we will be providing further comments in due course.

Please note that I will be on leave from next week and returning to the office on 19 July. I hope to receive further comment by then and I will revert back on my return to the office.

Kind regards

Wendy Wong Chang MPhil MRTPI

Principal Planning Officer

Development Management

London Borough of Richmond upon Thames

wendy.wongchang@richmondandwandsworth.gov.uk

Tel: 020 8891 1411

www.richmond.gov.uk / www.wandsworth.gov.uk

The views expressed in this email are informal only and do not prejudice any decision the Council may make on any future application which may be submitted in respect of the above property.

From: Hockin, Sophie <sophie.hockin@wsp.com>

Sent: 30 June 2021 11:09

To: Wong Chang, Wendy <Wendy.WongChang@RichmondandWandsworth.gov.uk>

Cc: Villars, Phil <philip.villars@wsp.com>; Smith, Cathryn <cathryn.smith@wsp.com>

Subject: Richmond Bridge Pier - Letter and opinion

Dear Wendy,

Please find attached.

Best wishes,

Sophie

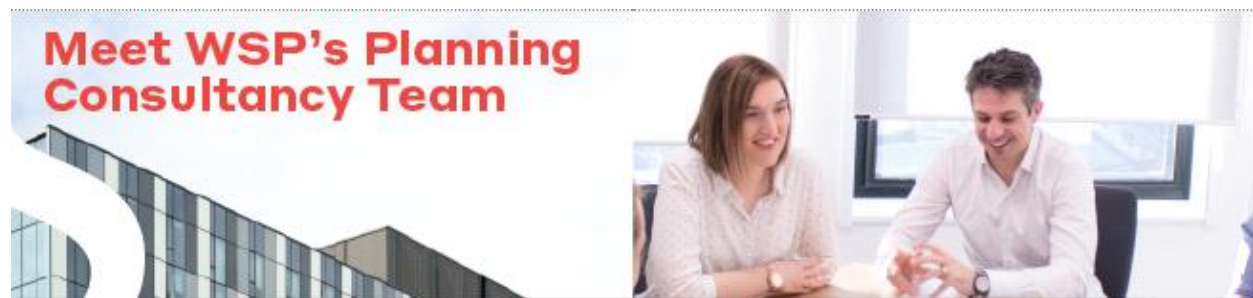
Sophie Hockin MPlan (Hons) MRTPI
Principal Planner



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-LAEmHhHzdJzBITWfa4Hgs7pbKI

APPENDIX 5

Google Streetview Image dated October 2020



APPENDIX 6

**Pontoon immediately after
being returned to the site.**

(Source -

[https://www.14thrichmondsb
c.org.uk/wordpress/index.php
/posts/page/2/](https://www.14thrichmondsbc.org.uk/wordpress/index.php/posts/page/2/))



APPENDIX 7

Officer Photo Dated 13th
October 2022



APPENDIX 8

Google Streetview Photo – **October 2015**



APPENDIX 9

Google Streetview Photo – July 2017



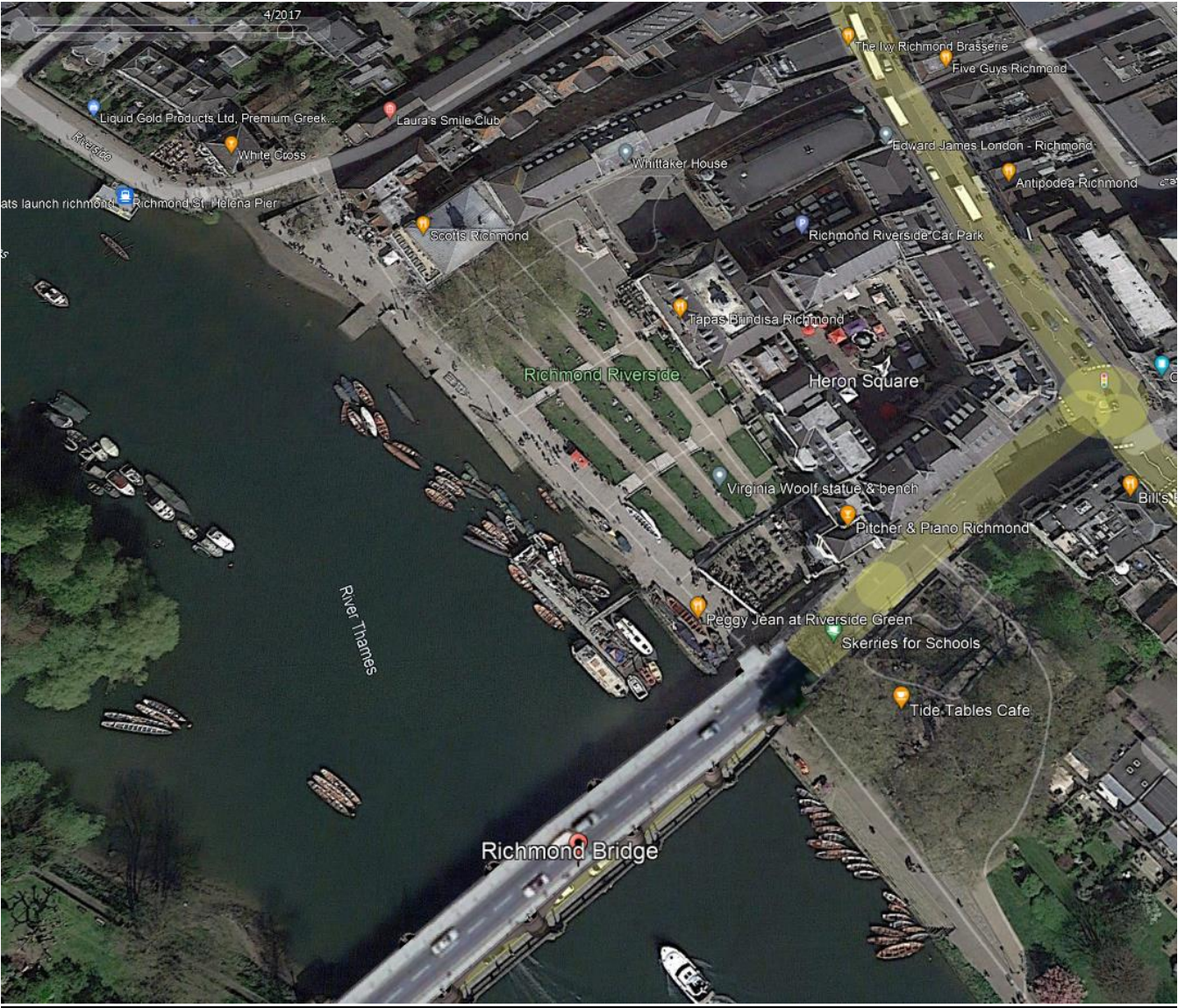
APPENDIX 10

Google Streetview Photo – June 2021



APPENDIX 11

Google Earth Aerial Photo – **April 2017**



APPENDIX 12

Google Earth Aerial Photo – **May 2018**



APPENDIX 13

Google Earth Aerial Photo – **April 2020**

