

**Pontoon at Richmond Riverside,
Richmond upon Thames
PINS Ref: APP/L5810/C/23/3333609**

Proof of Evidence of Philip Villars

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(Hons) MRTPI**

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124 City Road
London
EC1V 2NX

info@pmvplanning.com
pmvplanning.com

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Appendices

Appendix 1

Enforcement Notice

Appendix 2

Inspector Decision May 2024

Appendix 3

High Court Decision dated 3rd April 2025

Appendix 4

Email correspondence with LB Richmond dated 11
September 2024

Appendix 5

1985 Planning Permission (85/0139)

Appendix 6

1992 Planning permission (92/0659/FUL)

Appendix 7

1993 Planning permission (93/1734/FUL and
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Appendix 8

Images of other river access

Appendix 9

Richmond Local Plan Extract Policies Map

1. Background of Expert Witness

- 1.1. My name is Philip Villars and I am a Director at PMV Planning. PMV advises a wide range of public and private sector clients, including house builders, property investment companies, Development companies, retailers, local authorities and registered housing providers. PMV works throughout the UK from a central London office.
- 1.2. I have a BA (Hons) in Town and Country Planning and am a member of the RTPI (MRTPI accredited).
- 1.3. I was previously Managing Director at Indigo Planning, which I joined in 1989, prior to which I worked in local government for three years as a planning officer at Bromley Borough Council and at The Royal Borough of Kensington and Chelsea.
- 1.4. I have been advising Turks Launches Ltd (the appellant) in relation to the appeal site (“the site”) since June 2021. I am familiar with the site and the locality.
- 1.5. I am aware that my professional duty, in accordance with the guidelines and standards of the Royal Town Planning Institute, is the Inquiry, irrespective of by whom I am instructed. I confirm that the evidence I have prepared and provided for this appeal has been done with due diligence and is truthful, representing my honestly held professional view. I confirm that the opinions expressed are my true and professional opinions.

2. Introduction

- 2.1. This Proof of Evidence is submitted in respect of an enforcement appeal ("the appeal") made by the appellant against the enforcement notice issued by the London Borough of Richmond upon Thames ("the Council") (LPA Ref: 22/0346/EN/EOP) relating to "*pontoon and land adjacent to Richmond Pier, Riverside*" ("the site").
- 2.2. The enforcement notice was issued by the Council on 11 October 2023 with an effective date of 22 November 2023. A copy is set out in **Appendix 1**.
- 2.3. The enforcement notice states:
 - "i) *without planning permission and within the last four years, alterations to the existing pontoon, which have consisted of increasing its height with an additional lower deck and raised seating area, altering the existing materials, erecting fixed covers with heaters, external railings, lower deck kitchen facilities and ancillary storage space.*
 - "ii) *without planning permission and within the last ten years, a material change of use of the pontoon into a restaurant."*
- 2.4. On 23 January 2024, in Section 5 of the Council's Statement of Case, the Council requested that the Inspector amend the allegation in the enforcement notice to replace ii) above with:
 - "ii) *without planning permission and within the last ten years, a material change of use of the pontoon to a mixed use, comprising restaurant, mooring of boats and ancillary storage."*
- 2.5. To date the notice has not been confirmed as amended and therefore we proceed on the basis of the notice as originally served in October 2023, albeit this change will need to be made since as it is agreed that as a matter of fact it is a mixed use and the error formed the appellant's Ground b.

2.6. This notice requires the recipient to:

1. Carry out all necessary remedial works to restore the pontoon to its condition before the breach of planning control;
2. Permanently cease the unauthorised use of the pontoon;
3. Remove from the land any waste associated with carrying out steps 1 and 2 above.

2.7. At the previous Inquiry, the Council, in its Statement of Case, dated 23 January 2024, sought to amend requirement 2 above to read:

“permanently cease the unauthorised restaurant use of the pontoon.”

2.8. Again, as above, the notice has never been formally amended and therefore proceed as below.

2.9. The Council states that the reasons for issuing the notice are:

“(a) It appears to the Council that the above breaches of planning control:

- (i) referred to in paragraph 3(i) has occurred within the last four years; and*
- (ii) referred to in paragraph 3(ii) has occurred within the last ten years.*

(b) The alterations to the ponton, by virtue of their siting, size, scale, mass and bulk, are harmful to the openness of the Metropolitan Open Land and constitute inappropriate development, for which there are no very special circumstances to justify this harm. The use of the pontoon as a restaurant (Class E) has an urbanising effect, which fails to preserve the openness of the Metropolitan Open Land. As such, these developments do not comply with the National Planning Policy Framework, London Plan Policy G3, Local Plan Policy LP13 or Draft Local Plan Policy 34.

(c) *The pontoon is far larger than any other examples in the locality and it is also enclosed, which increases its overall height significantly and is now predominantly used as a restaurant. The covered seating has been constructed by using large, fixed umbrellas and the sides have been enclosed with a transparent plastic material, it's a poor quality construction and detracts from the character of the area, which is predominantly smaller, fleeting and open structures, with river uses, as well as river fronting buildings of high architectural quality. In summary, the pontoon appears as an incongruous structure and is unsympathetic to the character of the area. Accordingly, it does not comply with Local Plan Policy LP1, Draft Local Plan Policies 19 and 28 and the National Planning Policy Framework.*

(d) *The pontoon, as altered, appears as a dominant and unsympathetic addition to the riverside, due to its size being disproportionate to similar structures within the Conservation Area and the use of large umbrellas and transparent plastic covers to enclose the area, representing a poor quality design, which fails to preserve or enhance the character or appearance of the Conservation Area. The pontoon also affects the setting of the Grade I Listed Richmond Bridge, due to the poor quality design and materials and the increased size and therefore dominance on river frontage, it negatively affects the setting of that Listed Building. The alterations to the pontoon result in a dominant and incongruous structure on the river frontage, which negatively affects the Conservation Area and Grade I Listed Richmond Bridge. The alterations to the pontoon amount to less than substantial harm to the designated heritage assets however there are no public benefits attributable that outweigh this harm. Accordingly, this development does not comply with Local Plan Policy LP3, Draft Local Plan Policy 28 or the National Planning Policy Framework.*

(e) *The alterations to the pontoon, by virtue of their siting, size,*

scale, mass and bulk, are harmful to the character, openness and views of the river. The use of the pontoon as a restaurant is not river-dependent and results in the substantial reduction in the previous river dependent use, which was for the mooring of leisure boats, with the absence of any evidence to demonstrate that use was not feasible or viable. Accordingly, the development does not comply with Local Plan Policies LP18 and LP19 and Draft Local Plan Policies 40 and 41.

- (f) *The alterations and material change of use to the pontoon, has resulted in a floating restaurant adjacent to the Richmond Riverside and Richmond Bridge. In the absence of any evidence to demonstrate that these developments will not give rise to unacceptable environmental impacts, including but not limited to, air pollution, noise pollution, light pollution and odours and fumes, the development does not comply with Local Plan Policy LP10 or Draft Local Plan Policy 53.”*

Appeal submission

- 2.10. The appeal was lodged on 21 November 2023, an application fee under ground a was paid.

Enforcement inquiry

- 2.11. An Enforcement Inquiry was held between 9 to 11 April 2024.
- 2.12. The conclusions of the previous Inspector were to dismiss the appeal. A decision was issued on the 20 May 2024. A copy of this decision is provided within **Appendix 2**.

High Court Challenge

- 2.13. The application for permission to appeal pursuant to S289 of the Town and Country Planning Act 1990 was made on 24 June 2024.
- 2.14. The case was heard by High Court Judge Elizabeth Cook and allowed to proceed

on 10 September 2024.

2.15. However, before the case was heard, the Secretary of State agreed to consent to judgment.

2.16. The final decision was received on 3 April 2025, with the following reasons at Para 4, 5, 6 and 7:

4. "In relation to ground (a) and (f), the Claimant claims that the Inspector failed to address whether he should grant planning permission for part of the matters stated in the EN, or whether lesser steps than permanently ceasing the unauthorised use of the pontoon and its restoration to its previous physical condition would overcome the identified harm.

5. In particular it is said that the Inspector should have considered whether to grant permission for an alternative proposal comprising "the operational development including the raised area that includes the underdeck kitchen and not the mixed use or the umbrellas or railings".

6. Alternatively, it is said that inadequate reasons were given for explaining why permission should not be granted for this alternative proposal.

7. On reconsideration the First Defendant accepts that the Decision does not give legally adequate reasons to explain why planning permission should not be granted for the alternative proposal set out in paragraph 5 above.

2.17. The High Court confirmed that the original Notice should be quashed and remitted for redetermination. The court order set out that redetermination is limited to the appellant's appeal under grounds a) and f) of Section 174 (2).

2.18. The Grounds for redetermination are limited to grounds (a), (f) and (g) as agreed at the Case Management Conference on 13 October 2025.

2.19. A copy of this High Court decision is provided in **Appendix 3**.

Engagement with Richmond Borough Council

- 2.20. In the intervening period, the appellant did try to engage the local authority in pre-application discussions on alternative forms of development.
- 2.21. However, the LPA did not wish to engage in any submissions and sent the following on 11 September 2024 (see email at **Appendix 4**).

"To this end and to avoid any abortive work and costs for your client, whilst not wanting to prejudge the outcome of any future application, I wish to remind you that should any proposals retain elements of the appeal scheme covered by the enforcement notice we reserve the right to decline to determine the application under section 70(c).

I also wish to make clear that submission of a revised scheme will not affect the compliance date of the enforcement notice which remains 20th November 2024. If the works referred to in the enforcement notice remain in place after this date, the Council will have no option but to instigate criminal proceedings for non-compliance.

- 2.22. This response was clearly wrong in law both in respect of S70(c) since the notice had been quashed and in respect of the compliance date since the matter was still at large

The Planning Inspectorate

- 2.23. The Planning Inspectorate re-engaged with both parties in July 2025, with a start letter for the appeal issued on 28 August 2025.

Proof of Evidence

- 2.24. My proof will cover the planning history of the site; the planning policy issues associated with the reasons for the issue of the enforcement notice; the impact of the development, and my view on why the appeal should be allowed. I address grounds (a), (f) and (g).

3. Site and Surroundings

- 3.1. A description of the site and surroundings, planning history and relevant planning policy is set out in the agreed Statement of Common Ground (SoCG).
- 3.2. The appeal site consists of a pontoon, which has been in its current location since the 1985 planning consent ref 85/0139. A copy of this decision notice has been provided at **Appendix 5**. As I set out above, the length, situation between the piles in the river and width of the pontoon are not under consideration at this inquiry. As the evidence of Mr Turk sets out, for many years the pontoon has had a boat related store, moorings for small craft, as well as the Jesus College Barge (see below), tables and chairs, and storage sheds at the upstream and downstream ends.
- 3.3. The Jesus College Barge is consented to moor alongside the pontoon. The only route for access is via the gangplank from the riverbank and over the pontoon.
- 3.4. The entrance to the restaurant is clearly marked from the riverbank at the landward side of the gangway, via the pontoon.
- 3.5. In addition to the above access/egress arrangements, the gangway and pontoon have also, since the first arrival of the Jesus College Barge in the early 1990s, and following the 1992 planning permission (92/0659/FUL)(**Appendix 6**), been used for servicing of the restaurant, including the running of power and waste storage/disposal (see 93/1734/FUL and 93/1735/LBC) (**Appendix 7**). Without this function, the Peggy Jean restaurant could not operate.
- 3.6. There is a longstanding history of the pontoon being used for sitting out in association with the restaurant. This is shown within historic photographs of the site along with licensing records in the evidence of Richard Turk.
- 3.7. Similarly, the pontoon and gangway have also always been used by boat clubs, and individuals for access, storage and mooring of boats/craft. Since this time, it has always been a mixed use and importantly (see evidence of Richard Turk), the restaurant use of the gangway, pontoon and barge has financially supported the mooring and servicing of river craft and the clubs running the activities, even when the barge was taken off-site for repairs (ie Turks continued funding the boat use expecting the restaurant use incorporated within the barge to return). The three

interlinked elements, in my view, comprise a single, mixed use planning unit and have done for many years.

- 3.8. Evidence of this interrelated funding was put to the LPA in the Statement of Common ground. It rejected the inclusion of this information. It has therefore been provided within the evidence of Richard Turk.
- 3.9. It is a matter of fact that there are fixed costs associated with the pontoon. These include:
 1. Crown Estate Lease
 2. Port of London Authority foreshore charge
 3. Pontoon Insurance
 4. Maintenance (variable annual).
- 3.10. The boat clubs are able to use the pontoon, making a small contribution to the monthly running. This contribution does not cover the outgoings, and therefore the restaurant operation and lease enables a mutual exclusive relationship of cross-funding. This is set out further within the evidence of Mr Turk.
- 3.11. At the previous Inquiry, there was a suggestion that the boat users could utilise other river access nearby in the event of the pontoon being lost. I do not believe this to be realistic as the other slips and steps within the immediate vicinity of the site do not appear capable of providing safe access to the river either in its tidal state eg at low tide, or in times of flood. Photographs of the area indicate how unsafe the river access would be without the pontoon. See **Appendix 8**.
- 3.12. There is no other pontoon close by within Richmond Town Centre, and therefore local boat users would lose the opportunity for safe river access. In all reality, those boat users would have to re-locate away from the town centre, resulting in reduced use by the public in terms of river users on this part of the Thames.
- 3.13. As well as safe access, the pontoon also allows for boat related storage eg life-jackets, helmets, oars and other equipment which would not otherwise be possible nearby (see evidence of Mr Turk).

3.14. The riverbank, against which the pontoon is positioned, is in the defined town centre. Richmond is defined as a “major centre” in the London Plan and Richmond Local Plan. The southern end of the town centre boundary on the riverside ends at Richmond Bridge close to the site (see Local Plan Proposals Map extract at **Appendix 9**). There are many commercial enterprises in the immediate vicinity including restaurants, cafes, pubs, bars and boat/cycle hires and boat repairers/builders. During the day and evenings, the riverside in this location has a vibrant and busy feel, as one would expect and hope to see in a major riverside town centre in London.

3.15. The town centre location is the main driver for other restaurant/bar operators who have located here. Indeed, they boast of the riverside location which is the draw for their trade. There are six restaurants within the immediate vicinity of the site including Slug and Lettuce, Tapas Brindisa, Tower House Restaurant/Gold, Scotts of Richmond, White Cross Pub and Gaucho, further along the Riverside.

3.16. Importantly, the Peggy Jean and pontoon are heavily featured in tourism collateral pieces which drive visitors and tourists to Richmond. A simple Google search of “Richmond upon Thames” brings up images of the riverside as a draw to the town.

3.17. The Peggy Jean and pontoon feature in numerous tourism collateral pieces on social media promoting visitors to Richmond. Evidence is provided within the proof of Ms Freeman.

3.18. The “Be Richmond” Business Improvement District (BID) promotes Richmond town centre as a great place to live, work and explore. It recognises that businesses need to be supported to remain relevant in an extremely difficult economic climate. This is supported by Richmond Council’s Town Centre Vision. This was published in January 2025 and recognises the River and Riverside to “*expand activation with varied and engaging use*” (see Core Documents **CDG12** and **CDG14**).

3.19. It is my view that the floating restaurant and boating uses at the site contribute positively to the riverside and to the vitality and viability of the town centre. I will return to this key issue under ground a of the appeal later.

3.20. The site is located in the Richmond Riverside Conservation Area (see Local Plan Proposals Map extract at **Appendix 9**) and close to the Grade I Listed Richmond Bridge. Both the boating use and restaurant use of the site, including the barge and

gangway, add positively to the riverside environment and activity in this location in a way which one would expect to find in a major London riverside town centre. It is an additional draw to the riverside, allowing members of the public, both local and visitors, including many tourists, to enjoy the setting, including the heritage assets. The effect on the significance of the heritage assets from the development is explained in the evidence of Nick Collins.

- 3.21. The site is located in Metropolitan Open Land (MOL) (see Local Plan Proposals Map extract at **Appendix 9**) and which is protected through the London Plan, NPPF and Development Plan in the same way as if it was Green Belt. I consider this policy context in my Section 4. The evidence of Ms Simes assesses the visual aspects and impacts and I consider the spatial aspects and impact of the mixed boating and restaurant use and alterations to the pontoon in the context of the openness of the MOL and the purposes of including land in the MOL.
- 3.22. I then consider the effect of the development in terms of preserving the openness of the MOL and appropriateness within the MOL and the need, if any, for Very Special Circumstances (VSC). Finally, I consider the public benefits should they be required in respect of any less than substantial harm to the heritage asset.

Planning history

- 3.23. The SoCG sets out the agreed planning history of applications at the site. It is the appellant's case, not agreed with the Council, that the 1992 permission for the *"mooring of Jesus College Barge against RJ Turk Pontoon for use as a restaurant above and below deck"* included the pontoon and the gangway. From a functional point of view, this makes sense as the gangway and pontoon are an essential part of the restaurant use of the barge. The Council seemed to concur as licences were granted to this effect (see evidence of Mr Turk). Neither the Council nor the appellant has a colour record of the red line application site plan, but it is apparent, on the balance of probability, that the thicker line on the plan is the red line boundary.
- 3.24. Since 1992, the barge, pontoon and gangway have been used in an interlinked/interdependent mixed use.

4. Planning Policy Context

- 4.1. In this section, I provide an overview of the key planning policies relevant to the appeal.
- 4.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3. Since the original Inquiry in April 2024, the Local Authority has now adopted its Local Plan, which means the policies listed in the enforcement notice are now superseded.
- 4.4. A full list of the agreed relevant Local Plan policies are set out in detail in the SoCG.

National Planning Policy Framework (NPPF)

- 4.5. The National Planning Policy Framework (NPPF) was updated in December 2024 and the revised policies are therefore a material consideration.
- 4.6. The NPPF states (at paragraph 7) that the purpose of the planning system is to contribute to the achievement of sustainable development, including commercial development, and supporting infrastructure, in a sustainable manner.
- 4.7. The NPPF states at paragraph 8 that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supporting ways and these are economic, social and environmental. Paragraph 10 notes that sustainable development should be pursued in a positive way and at the heart of the NPPF is a presumption in favour of sustainable development.
- 4.8. How the appeal proposals accord with the principle, as set out in paragraph 11, is explained under ground a, ie that the development is in accordance with the Development Plan.
- 4.9. Chapter 6 emphasises the importance of planning decisions to help create conditions for businesses to invest, expand and adapt.

4.10. Chapter 7 of the NPPF on ensuring the vitality of town centres is also relevant. Planning decisions should support the role of the town centre by taking a positive approach to their growth, management and adaptation. This accessible town centre location delivers significant benefits to the wider town centre and Richmond community, as explained in the evidence of Ms Freeman.

4.11. Section 6 of the NPPF, titled Building a Strong Competitive Economy, states at paragraph 85 that planning policy and decisions should create the right environment for businesses to invest, expand and adapt.

4.12. Chapter 8 promotes healthy and safe communities. The mixed use of the pontoon allows for social interaction, including opportunities for those who cannot participate in riparian activities to experience the River Thames. It also helps to activate the river frontage with a range of users throughout the day and evening and therefore reduce the fear of crime.

4.13. In terms of MOL policy, Chapter 13 of the NPPF is relevant as it deals with Green Belt land (given the same protection in the London Plan as Green Belt).

4.14. Paragraph 143 of the NPPF states that Green Belt (MOL) serves five main purposes:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.15. Paragraph 151 seeks for local authorities to plan positively to enhance Green Belt beneficial use, such as looking for opportunities to provide access, provide opportunities for sport and recreation.

4.16. Paragraph 153 says that "*inappropriate development is, by definition, harmful to the Green Belt [MOL] and should not be approved except in very special circumstances*".

4.17. The revised NPPF 2024 introduces the caveat to this policy at footnote 7 and the role of grey belt land. The definition is recognised as land that does not "*strongly*

contribute" to three of the five purposes of the Green Belt (Paragraph 143).

- 4.18. Whilst not 'land', the pontoon performs as previously development land (PDL). It has existed within the MOL for almost 40 years. The pontoon does not strongly contribute to any of the purposes of (a), (b) or (d) above.
- 4.19. Paragraph 154 says that LPAs should regard the construction of new buildings as inappropriate, subject to a number of exceptions. These exceptions include at b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. At c) the exception is:

"The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building."

- 4.20. Paragraph 154 sets out other forms of development that are also not inappropriate in the Green Belt [MOL] provided they preserve its openness and do not conflict with the purposes of including land within it. These include at d) the re-use of buildings provided they are of permanent and substantial construction and e) material changes in the use of land provided they preserve the openness and do not conflict with the purposes of including land within the MOL.
- 4.21. Paragraph 155 notes that commercial development within the Green Belt should not be regarded as inappropriate where:
 - a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location; and
 - d) Where applicable it would meet the Golden Rules of 156 and 157
- 4.22. Part D above is not applicable as the proposal does not relate to housing.
- 4.23. NPPF definition under main town centre uses, refers to 'recreation' as including

restaurants at the Annex 2 Glossary, page 75.

- 4.24. Chapter 16 of the NPPF sets out the Government's approach to conserving and enhancing the historic environment and paras 212 and 215 are relevant to this appeal.

Development Plan

- 4.25. The Development Plan includes the following relevant policies:
 - London Plan (2021) – Policies GG1, GG5, E10, HC6, G3, SD6, SI16, Fig. 9.6,
 - Richmond Local Plan 2025 – Policies 1,2,17,18,19, 22,26, 28, 29, 31, 34, 35, 37, 39, 40, 41, 49, 51, 53.
- 4.26. Richmond adopted their 'Interim' Local Plan (2024-2030) on 7 October 2025. As set out at Para 2.5 of the Local Plan this has been prepared under the December 2023 (NPPF).
- 4.27. My evidence under Ground a addresses the Development Plan, including the above policies, as well as other material planning considerations.

5. Grounds of Appeal

- 5.1. Given the re-determination of this appeal, the grounds of appeal are limited to Grounds (a), (f) and (g).
- 5.2. I will make an assessment of the development as a deemed planning application (DPA) under Ground a.
- 5.3. First, the appellant's case is that in respect of any breach of planning control, planning permission ought to be granted. Whilst the appearance of the pontoon at the time of the enforcement notice was considered to be visually cluttered, the deemed planning application comprises a significantly reduced scheme (see **CDG1** and **CDG2**).
- 5.4. The DPA includes removal of umbrellas at the upstream end of the pontoon, umbrellas elsewhere at a reduced height and in oyster white and removal of the plastic enclosure to the pontoon.
- 5.5. Second, under Ground f, I assess the alternative options for a lesser scheme to be considered acceptable in this location.
- 5.6. Finally, I review the Ground g appeal and the proposed timescales to comply with the enforcement notice if it is upheld.

Ground a: planning permission should be granted

- 5.7. I am tasked with undertaking an expert witness approach to the proposals under Ground a before the Inquiry.
- 5.8. The enforcement notice refers to "*Alterations to the existing pontoon which have consisted of increasing its height with an additional lower deck and raised seating area, altering the external materials, erecting fixed covers with heaters, external railings, lower deck kitchen facilities and ancillary storage space... a material change of use of the pontoon into a restaurant*".
- 5.9. In order to aid assessment of the alterations to the pontoon, a measured survey was undertaken.

- 5.10. This enabled the production of scaled drawings for the appearance of the pontoon at the time of the enforcement notice. This plan is provided in **CDG1** (Plan Ref TUK03-MAA-XX-XX-A-1002)
- 5.11. Amendments have since been made to the appearance of the pontoon, removing the plastic enclosure leaving only umbrellas as 'fixed covers' referenced in the enforcement notice. The applicant has also reduced the number of umbrellas from six to three, which are only erected at the downstream end of the pontoon. The umbrellas have also been reduced in height and colour has been revised from blue to oyster white.
- 5.12. The removal of the plastic enclosure and the upstream umbrellas alleviate concerns that had been raised on the safety of river users and rescue craft by Mr Mark Edwards.
- 5.13. This revised scheme set out at **CDG2** (Plan Ref: TUK03-MAA-XX-XX-A-1003), reflects the deemed planning application (DPA). For clarity, this includes tables and chairs at both ends of the pontoon, three umbrellas at the downstream end of reduced height and of oyster white colour.
- 5.14. I consider that planning permission should be granted under Ground a. this is supported by the evidence of Mr Collins and Ms Simes regarding the effect of the development on the heritage assets and openness and character of the area and my assessment of the development and conclusion that the proposal is in accordance with the Development Plan and the NPPF and there are no other material considerations to indicate that a decision should be made to the contrary. This would be subject to conditions as discussed and agreed with the Council.
- 5.15. I support the view of Mr Collins and Ms Simes that without the plastic canopy enclosure and a reduction in the number of umbrellas (and reduced height and sympathetic neutral colour scheme) there is very limited effect if any on the setting of the heritage assets and the MOL. This is on the basis that the umbrellas are demountable. They are of the view that there is also no or very limited harm from the restaurant use by itself, with associated tables, chairs and safety rail on the pontoon. I set out my view on the spatial aspects and impact of the development on the MOL and consider this alongside Ms Simes' evidence on the impact to reach my conclusion that the development preserves the openness of the MOL and is not inappropriate development.

- 5.16. In the alternative, if there is found to be less than substantial harm to the setting of the heritage assets, my view is that there are significant public benefits arising from the mixed use of the site for boating activity and the restaurant use at this town centre, riverside location such as to outweigh any less than substantial harm to the setting of the heritage assets.
- 5.17. Similarly, if the development is considered to harm rather than preserve the openness such that the development is inappropriate, or conflicts with any of the five MOL purposes, there are very special circumstances (VSC) to overcome any limited harm to openness of the MOL. I explain below how I come to this conclusion and that, as such, the development is in accordance with the Development Plan and the NPPF. I am also of the view that the site and the development benefits from the definition of Grey Belt in the 2024 NPPF. I conclude overall that the appeal should be allowed, and planning permission granted.

Town centre and riverside location

- 5.18. The riverside where the pontoon and Barge is moored is within the defined town centre in the Richmond Local Plan. The use as a restaurant and other river related activities, is supported by planning policy given this town centre, riverside location, a location where such uses are encouraged to enhance the vitality and viability of the centre and the use of the river. The Peggy Jean can only be accessed through the town centre. As I note at para 4.10 the NPPF states that planning policies and decisions should “*support the role that town centres play at the heart of local communities, by taking a positive approach to their growth*”.
- 5.19. This was recognised in the committee report in respect of the 92/0659/FUL planning permission for: “*mooring of Jesus College Barge against RJ Turk pontoon for use as a restaurant below and above deck*”, which states in the second paragraph at page 32 that “*this site is within Richmond Town Centre Area*” (see **CDC9**), which differs from other previous proposed locations for floating restaurants which were “*outside commercial locations*” such as this. The Officer’s report notes that the Plan (Policy 34) encourages recreational use of the river and that the proposed restaurant would “*most certainly add to the riverside environment and activity in this particular location*”.
- 5.20. Since the 1992 planning permission, town centres generally have been impacted by the continued growth of out of centre retail and leisure destinations; online retailing

and entertainment; Covid; and the cost of living crisis. Richmond, as with all other town centres, has been affected and attracting investment and businesses, such as restaurants and visitors/customers, has been a challenge.

- 5.21. The findings of the LBRuT Retail and Leisure Needs Study (2021,2023 and most recent addendum in April 2024), demonstrate that there is an undersupply of food and beverage floorspace in LBRuT in 2039 (see Core Document **CDC6**).
- 5.22. This successful hospitality business, part of Daisy Green Food Limited, is a positive and unique addition to the Richmond Town Centre offer as a more vibrant riverside serves to encourage visitors and customers through the town centre from the train and bus station and car parks. I am aware of the evidence from Pru Freeman, Director of Daisy Green Foods, setting out the significant economic benefits the restaurant brings to the town centre and local economy. This is particularly important having regard to planning policy at all levels supporting town centres and also the visitor economy, underpinned by Policy E10 Visitor Economy in the London Plan which refers to:

“enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure, particularly to parts of outer London well-connected by public transport, taking into account the needs of business as well as leisure visitors.”

- 5.23. The pontoon has always been used in association with the agreed lawful use of the Jesus College barge. The town centre benefits from both the restaurant and boating uses of the barge and pontoon. It is not unusual for a town centre, riverside location such as this, to have such facilities/businesses. London Plan Policy SD6 recognises that London's town centres should be enhanced by strong, resilient, accessible and inclusive hubs to include main town centre uses and night time economy. Indeed, Part b of this policy recognises the need for town centres to adapt and diversify to remain relevant.
- 5.24. The Local Plan Strategic Vision 'The Best for our Borough" sets out "*Richmond town centre has capitalised on its strength ... enhanced by the town centre's riverside setting and unique attraction to visitors*".

- 5.25. Policy 17 seeks for the provision of High Quality environments to promote local distinctiveness. The role of the Peggy Jean and the pontoon are clear attractive advertisements for both local people and visitors into Richmond. There is a wealth of online material, to which the pontoon is front and centre of Richmond's marketing campaign and appeal. Policy 18 sets out that the Council will support restaurant development within the major centre of Richmond.
- 5.26. The Council carried out an assessment of its town centres in 2023 (Volume 1 – Assessment of Town Centres, May 2023) (**CDG15**) as part of its evidence base for the Publication Local Plan (Reg 19 Plan).
- 5.27. Section 6.1 of the assessment deals with Richmond Town Centre (defined on the plans on page 18 and page 20). It notes the significant cultural and leisure offer and that the town centre is famous for its position on the River Thames. It notes that it "*hosts an array of cafes, restaurants, bars, pubs and cultural activities*". It states that Richmond Town Centre has "*strong commercial growth potential*" and the area's night-time economy is classified as being of regional or sub-regional significance. It refers to policy which supports "*promoting the night-time economy through diversifying the range of cultural venues and offers; encouraging on-street alfresco dining and making a welcoming environment for the night-time economy users and workers*" [our emphasis].
- 5.28. The report notes the role of the current Richmond Business Improvement District (BID), BeRichmond and which focusses on supporting business growth and raising the profile of Richmond.
- 5.29. Page 200 of the Council Urban Design Study 2023, sets out that one of the valued sectors of the town centre is the "*riverside and open spaces valued for ... the high scenic quality and a place to gather and socialise*" (**CDC2**).
- 5.30. In addition, Richmond Council has commissioned a Vision document (**CDG12**) for the Town Centre, which includes a section on the river and riverside. I consider that this includes the river setting as an important element into the place-shaping of the town centre. Indeed, one of the key focus areas raised for the town centre was "*River and Riverside, expand riverside activation with varied and engaging uses*". (see page 2 of **CDG12**).

5.31. The Richmond Time to Shine: Night Time Strategy also promotes the growth of the night time economy and diverse community activities at night. The role of the Peggy Jean and pontoon provides such a diversity of riverside uses (see **CDG13**).

Metropolitan Open Land (MOL)

5.32. The appeal site is located within the MOL designation in the revised Richmond Plan.

5.33. London Plan policy G3 Metropolitan Open Land affords the site the same level of protection as Green Belt. The NPPF Para 152 states "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".

5.34. NPPF para 154 (b), (c) (d) and (g) sets out that exceptions within the Green Belt/MOL would be the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation (or indeed other uses) or extended/altered buildings, as long as it preserves the openness of the Green Belt and does not conflict with the five purposes (see paragraph 4.14 above) of including land in it. The use of the pontoon as an open recreational use, and part of a restaurant providing outdoor seating, is appropriate and the pontoon, as extended, is not disproportionate to the size of the original pontoon.

5.35. In respect of NPPF Para 154 (d), the partial re-use of the pontoon for additional restaurant use does not impact on the openness of the MOL and is therefore appropriate development. Similarly, in respect of 154 (g), the mixed use of the pontoon does not impact on the openness of the MOL. The evidence of Ms Simes on visual impact on the MOL and mine on the spatial impact come to this conclusion and the development is therefore compliant with the approach set out in the NPPF ie it is appropriate development in the MOL and VSC are not required to be demonstrated. I do, however, set out compelling VSC if they are required.

5.36. The Local Plan does not reflect policy in the NPPF regarding the introduction of Grey Belt. Paragraph 155 of the NPPF is relevant and it is my view that the proposal is in accordance with the this paragraph and the criteria a-d. It is for commercial development on PDL and does not '*fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*'; there is demonstrable unmet need for the mix of uses proposed ie boating related uses and the restaurant and is in a sustainable town centre location. Criteria d) does not apply as it is not for residential development.

5.37. Richmond Local Plan Policy LP35 also sets out the approach to MOL. The site is also identified as a River Corridor (LP 40). This promotes riverside development within the Thames Policy Area which supports the use of the river, maximises the setting and incorporates uses that enable local communities and the public to enjoy the riverside. The mixed use proposal is very much consistent with this.

5.38. The appeal site context is urban in nature and character, an identified major town centre. The use is consistent with Policy LP25 as Richmond Town Centre is an appropriate location for restaurant use (or an extension to an existing use).

5.39. Richmond is a major centre with shops, employment, leisure and tourism, cultural and social facilities and the restaurant use is well located to the main retail frontages which it will support by generating additional footfall through the centre.

5.40. The riverbank rises up to meet the commercial building facades; all set within the town centre. Ms Simes' evidence assesses the visual impact of the appeal proposal (both its use and associated physical activity) on openness. I consider below the impact on openness of the MOL from a spatial perspective. Based on this evidence, due to the lack of impact on the openness, or any conflict with the five MOL purposes, the proposal is appropriate development and in accordance with London Plan Policy G3; Local Plan Policy LP35 on MOL; LP 34 on Green and Blue Infrastructure (Strategic Policy), PBS6 in the Local Plan is also relevant given the aspirations for the town centre and wider setting.

5.41. The evidence of Ms Simes demonstrates that:

- the structural alterations to the pontoon, in terms of scale, mass and bulk, and its use does not harm the visual sense of openness of this part of the MOL; and
- there will be no physical change to the network of blue and green infrastructure.

5.42. Green Belt and MOL are spatial planning designations, where the likely visual dimension and perception of openness is a key consideration and its impact assessed and Ms Simes has carried out a thorough analysis of this. The volumetric studies prepared to support this case (**CDG10**), demonstrate that the changes to the perception of openness are almost negligible through the DPA. I consider the spatial aspect and together whether the openness of the MOL in this case is preserved.

Spatial impact

5.43. Spatial qualities of openness can be defined as the volume of free space in and around the development when experienced from outside, for instance is it enclosed, visibility through it, spaciousness, appearance and character. These will work in tandem or in combination with the visual aspects considered by Ms Simes and together will be the basis for my conclusion on the effect of the development on openness of the MOL.

5.44. It is significant in my assessment of the spatial aspects of the development, that the canopy with side panels, which enclosed a large section of the pontoon were removed in 2023 following the issuing of the enforcement notice. The canopy surround did create the perception of volume and bulk on the pontoon and in my view its removal addresses the spatial and visual impact. What remains is an open use of the refurbished pontoon for both outdoor, alfresco dining, access and boating activity by the various clubs using the pontoon. The kitchen is enclosed within the pontoon, the height of which is less than that prior to refurbishment when storage unit were on the downstream ie the green shed was 2.6m in height and currently the height is 1.37m (shown within the MAA volumetric study **CDG10**).

5.45. It is an open use of the river which nobody would find unusual or alien in this location on Richmond Riverside, a major town centre. I refer to the evidence of Mr Collins who refers, *inter alia*, to the Richmond Riverside Conservation Area Appraisal produced by the Council which describes this part of the riverside. It describes the location having an "urban landscape" and that the Thames itself here is a "*major contributor to activity*" and which "*adds to an active daytime and night-time economy, housing a number of businesses including many bars and restaurants. It's [ie the river's] association with leisure remains strong*". The Conservation Area Appraisal, as referred by Mr Collins, also notes the "*formal stepped riverside terrace in front of the development*" which "*emphasises the river as an open space for popular enjoyment*".

5.46. It is also worth referring to the 1992 Officer's report in respect of the approved restaurant use and how this use on the river was viewed as a positive development in this location. I note at this point that the reference by the Council previously to the Gaucho proposal is not material or relevant to this appeal as the riverside location and context to the south of the Bridge, beyond the defined town centre, is very different.

5.47. It is my view that the pontoon being used for both eating and drinking and by boat users is entirely consistent with this location. It is open to the elements and the presence of a limited number of umbrellas is not unusual in this context and maintains openness whether they are up or folded down as they are "porous" and maintain openness through and around them. They are temporary and reversible and if necessary, their exact numbers, size and appearance can be conditioned. Similarly with the tables and chairs.

5.48. Planning permission was granted for the pontoon to be moored at the site in 1985 and its recent refurbishment and alterations after more than 50 years in the water did not in my view result in a disproportionate or harmful change to its appearance. The reduction in umbrellas and removal of the plastic enclosure result in an appearance which is sympathetic to this location.

5.49. In conclusion, from a spatial perspective, I consider the mixed use of the pontoon for restaurant and boat related activity, including storage for both and a kitchen at the downstream end with associated reversible fixtures and tables/chairs, not to cause harm. When considering this together with the visual component assessed by Ms Simes, it is my view that the openness of the MOL is preserved and does not have a materially greater impact on the MOL than the pontoon prior to its alteration.

5.50. I also do not see any conflict with the five purposes of including land within the MOL, as set out above, for the following reasons:

- The development does not increase the "*unrestricted urban sprawl of large built-up areas*". The mooring of a pontoon of the same length and width in this position is agreed with the Council and its use for leisure related activity is agreed.
- The development does not result in neighbouring towns merging in any way.
- The development does not encroach on the countryside.
- The setting and special character of the historic town is preserved.
- There is no issue of preventing urban regeneration. Indeed, the use of the pontoon supports the positive use of Richmond Riverside and the town centre.

5.51. As such, i consider the proposal to represent appropriate development in the MOL.

Local character

5.52. The evidence of Ms Simes sets out her view on the effect of the development on the local character.

5.53. The pontoon with the canopy surround removed, does not appear as an "incongruous structure" in this location. The proposed uses and activities at the pontoon are suitable and compatible with each other and surrounding land uses. Each of the uses are economically symbiotic, whilst upholding appropriate river related and town centre uses. This supports the principles within Policy LP1.

5.54. It is also important to note the important role of the restaurant use in supporting the river dependent uses from the pontoon. Indeed, were it not for the appellant and restaurant use the continuation of such use by these groups would be at serious risk as set out in the evidence of Mr Turk. Based on this evidence, it is my opinion that the proposals are in accordance with London Plan Policy LP18 and Local Plan Policies 40 on Rivers/River Corridors, LP19 and Local Plan Policy 41 on Moorings and Floating Structures.

Heritage

5.55. The evidence of Mr Collins sets out that the mixed use of the pontoon does not harm the setting of the heritage assets of the Grade I listed Richmond Bridge and the wider Conservation Area setting in line with the NPPF and LP29 and LP31. The only aspect which he finds harmful, but at the very lower end of less than substantial is the umbrellas when they are up. The type ie demountable, colour and location of umbrellas can be conditioned, if necessary, to ensure that no harm is caused.

5.56. He notes that the floating restaurant was judged by Council officers, at the time permission was granted, would make a positive contribution to the character and appearance of the conservation area and would not detract from the setting of nearby listed buildings including Richmond Bridge. This in his view is still the case.

5.57. I consider that the fact that the restaurant use not only co-exists with but supports the historical boating activity on this part of the river as set out in the evidence of Mr Turk, is a significant public benefit if it is considered that there is any less than substantial harm.

Public benefits

- 5.58. The evidence from Ms Freeman and Mr Turk on the wider public benefits is compelling. The income from the Peggy Jean restaurant provides the 12 boat clubs using the pontoon with safe access to the water with all upkeep costs, eg electricity, water, cleaning provided by Peggy Jean.
- 5.59. The pontoon provides safe access for disabled users of the river, further information and context, including figures, is contained in the evidence from Ms Freeman and Mr Turk. The pontoon provides safe on-water storage and changing facilities for boat clubs.
- 5.60. Other significant benefits which greatly outweigh any perceived less than substantial harm to the significance of the heritage assets include the direct provision of employment from the restaurant which, as set out in the evidence of Ms Freeman, employs approximately 36 full time employment positions, with a significant amount filled from within the Borough. Peggy Jean is a significant contributor to the local economy and the government, with sums in excess of £1million per annum (taxes, wages and local suppliers) as well as using local florists, dry cleaners, butchers and wine merchants and other businesses.
- 5.61. Finally, the restaurant, recently awarded the World's Top Brunch Spot by Trip Advisor, is a draw to customers to visit Richmond Town Centre and whether travelling by train, bus or car, they will experience the rest of the town centre as they invariably walk to the riverside along the high street.
- 5.62. The significant public benefits to the local economy from the presence of the restaurant are set out by Ms Freeman in her evidence.

Environmental impacts and amenity

- 5.63. The Council accepts that issues of light and noise can be controlled by condition, in accordance with Local Plan Policy 53 Local Environmental Impacts, Pollution and Land Contamination.
- 5.64. Given the town centre location and distance from any residential receptors, the proposed development will not lead to any harmful amenity or environmental impacts to the development site or surrounding area in line with LP10. The

restaurant use in this location is accepted by the Council and has not identified any harm associated with it in terms of noise, pollution or other emissions.

Third party representations

- 5.65. Representations supporting/no objection to the restaurant use (and the associated boating use) have been received in respect of the appeal from the numerous parties who are both residents in the Borough and potential visitors out of the Borough and wider UK. This is set out in the evidence of Ms Freeman and Mr Turk.
- 5.66. The issues raised by the third party objections to date, in so far as they relate to planning matters, particularly the effect on the visual amenity of the area and the setting of the heritage assets have been addressed in my evidence, and the evidence of Ms Simes, Mr Collins and Mr Turk.

Public safety

- 5.67. The railings referred to in the notice are required under Health and Safety operational requirements and do not harm the significance of the heritage assets or the MOL.
- 5.68. The need for railings is explored in detail in the submissions of Ms Freeman.
- 5.69. The LPA disingenuously suggested that there were other available, safe river access for the current charities and boat users to utilise. However, there is no evidence of this.
- 5.70. If the pontoon can no longer be retained, then these river users will be forced to go elsewhere, contravening any aspiration of the LPA to create 'living locally concept' to reduce urban carbon emissions. River users will be forced out of the Borough, leading to unnecessary cost and environment losses.
- 5.71. In conclusion, having regard to the evidence of Ms Simes, Mr Collins and Mr Turk, my evidence is that the development is in accordance with the NPPF, London Plan and the Richmond Local Plan. There are no material considerations to indicate other than the appeal being allowed on Ground a, subject to conditions.

Ground f: that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

5.72. The enforcement notice requires the appellant to:

1. Carry out all necessary remedial works to restore the pontoon to its condition before the breach of planning control;
2. Permanently cease the unauthorised use of the pontoon;
3. Remove from the land any waste associated with carrying out steps 1 and 2 above.

5.73. The Council's Statement of Case seeks to amend the enforcement notice in respect of requirement 2 above to add the word "restaurant" before use. Legal submissions will be made at the inquiry in respect of the suggested changes to the enforcement notice and I set out below the applicant's case in respect of the planning issues.

5.74. The alterations to the size of the pontoon are necessary to allow the restaurant to function by including the kitchen below the deck directly next to the barge. The viability of the restaurant is essential if the boating use of the pontoon by local groups is to continue. This is set out in the evidence of Mr Turk.

5.75. In addition, evidence set out by Ms Freeman sets out why the pontoon kitchen is necessary to enable a restaurant operation, rather than a drinking establishment which is unlikely to be desirable to either the boat users or local residents.

5.76. Similarly, the slight increase to the height at the upstream end is to allow storage below deck for both the boating clubs and restaurant. As the increase in size is small and has no harmful impact on the MOL and heritage assets, it is not necessary to require the pontoon to be returned to its previous condition.

5.77. The safety railings do not harm the MOL or heritage assets and are required for safety reasons. These should also be retained where possible. However, in the interest of exploring all options, railings have been retained where general public

would be utilising the pontoon.

- 5.78. A small number of umbrellas are required to ensure diners are protected from the weather and by folding these down each evening, there is no harm to openness or the setting of the heritage assets. If it is concluded that there is very limited less than substantial harm, it is outweighed by the public benefits explained in my evidence and in the evidence of Mr Turk and Ms Freeman. Alternatively, it is open for the Inspector to add a condition requiring the design, colour, size and position of any umbrellas to be agreed.
- 5.79. The role of the umbrellas is also important to protect diners from the weather and therefore facilitates the number of covers for Peggy Green and therefore necessary to support the operation. This is explored in the evidence of Ms Freeman.

Alternative options

- 5.80. Alternative options have been provided to the Inquiry. This provides six alternatives, should the ground (a) fail. Ground a is based on the existing situation on site and which is significantly reduced from that which was in place at the time the enforcement notice was served. Each option has a variation of elements including umbrellas, tables and chairs, railings, and lowering bulk at the upstream end.

Existing

- 5.81. The evidence of Ms Simes concludes that the existing reduced arrangement has minor adverse effect on the character of the Richmond riverside; night time character visual dimension of openness; and effect on a range of visual receptors. My evidence on the spatial aspects of openness with regard to the Ground a application establishes that the application is acceptable in terms of openness. Mr Collins concludes that only the presence of the umbrellas causes a low level of less than substantial harm to any heritage assets and the other elements the subject of the appeal result in no harm. The umbrellas can be conditioned to be demountable, and of a colour and size to address this low level of harm. If harm does occur, it is outweighed by significant public benefit.
- 5.82. As such, the following options have even less effect on both the character of the riverside, openness of the MOL and setting of the heritage assets. Even if there is a low level of harm arising from the existing situation at the site it is greatly outweighed by the public benefits and VSC arising and which I have set out. The alternative

options are only relevant if the Inspector considers this not to be the case whereby the harm is reduced even further.

Option 1 (CDG3)

- 5.83. Umbrellas removed from upstream end of the pontoon; tables and chairs removed from the upstream end (six tables) and railings removed from the upstream end.
- 5.84. Ms Simes concludes that this option has minor adverse effect on the character of Richmond riverside; neutral effect on green and blue infrastructure; minor effect on a range of visual receptors, with negligible effects on those at their place of work and negligible effect on the visual dimension of openness. The spatial aspects of openness show no harm based on my analysis of the DPA under Ground a. This is the same with each of the options below.
- 5.85. Mr Collins concludes that this option has an almost *de minimis* impact on heritage assets as the umbrellas remaining at the downstream end of the pontoon are seen within the context of those already permitted on top of the Peggy Jean barge.

Option 2 (CDG4)

- 5.86. Umbrellas removed from upstream end; tables and chairs removed from upstream end (six covers); bulk at upstream end lowered; railing retained.
- 5.87. Ms Simes concluded that this option had minor adverse effect on character of Richmond riverside; neutral effect on green and blue infrastructure; minor adverse effect on nighttime character; minor adverse effect on range of visual receptors; negligible effects on those at their place of work, and negligible effect on the visual dimension of openness. Mr Collins concludes that the effect on heritage assets is negligible.

Option 3 (CDG5)

- 5.88. Umbrellas removed from upstream and middle (four removed); tables and chairs removed from upstream end (six covers); bulk at upstream end lowered; and railings removed.
- 5.89. Ms Simes concluded that this option had the same effect as Option 2 above, as did Mr Collins.

Option 4 (CDG6)

- 5.90. Umbrellas removed from upstream end whilst retained for downstream (three); tables and chairs removed from upstream end and middle of pontoon (seven tables removed); bulk of upstream end lowered, and railings removed from upstream end.
- 5.91. Ms Simes considered this to have minor adverse effect on the character of Richmond riverside; neutral effect on blue and green infrastructure; minor adverse effect on nighttime character; minor adverse effect on a range of visual receptors with negligible effect on those at place of work, and minor adverse effect on the visual dimension of openness.

Option 5 (CDG7)

- 5.92. Umbrellas removed across the pontoon; tables and chairs removed upstream of pontoon; bulk lowered at the upstream end; railings removed from upstream end; railings retained at downstream end.
- 5.93. Ms Simes concluded that this option had negligible effect on the character of Richmond riverside neutral effect on green and blue infrastructure; minor adverse effect on nighttime character; negligible effect on a range of visual receptors and those at their place of work, and negligible effect on the visual dimension of openness. Mr Collins concludes that this option causes no harm to heritage assets.

Option 6 (CDG8)

- 5.94. All umbrellas removed from the pontoon; railings at the upstream end and middle of pontoon retained; tables and chairs in the middle and upstream end (seven no) with no tables at the downstream; bulk lowered at upstream end.
- 5.95. Ms Simes came to the same conclusion as Option 5 as did Mr Collins.

Option 7 (CDG9)

- 5.96. Bulk at downstream end retained for kitchen use below deck; no railings/tables and chairs/umbrellas across the pontoon and upstream bulk lowered.
- 5.97. Ms Simes concluded that this option had a neutral effect on the character of Richmond riverside; neutral effect on blue and green infrastructure; neutral effect on nighttime character; neutral effect on a range of visual receptors and those at their place of work and negligible effect on visual dimension of openness. Mr Collins considers there to be no harm to heritage assets.

- 5.98. The clear social and economic public benefits associated with the development are robustly set out within the submission and these very special circumstances clearly overcome any minor perceived harm that there may be. The options set out above, have an even less effect on both the character of the riverside, openness of the MOL and the setting of the heritage assets.
- 5.99. In conclusion, the continued use of part of the pontoon for restaurant use is necessary if the Jesus College Barge is to continue in operation, with all of the associated benefits in terms of employment and supporting the vitality and viability of the town centre. More directly and significantly, the continued use of the pontoon for boat related activities would likely cease (see evidence of Mr Turk). They cannot viably continue without funding generated by the restaurant. Indeed, as the number of covers and umbrellas reduces, and the height of the upstream pontoon reduces, the public benefits decrease in terms of positive multiplier effect on the local economy and direct jobs and wider economy, as well as boat users who will lose a covered storage space on options 2-7.
- 5.100. As such, the use of the pontoon for a kitchen, storage, access and a number of tables and chairs should be allowed as it is not necessary for them to be removed in their entirety in order to address impact of the breach. The number and position of tables and chairs considered acceptable to the Inspector, as well as lighting, can be subject to condition.

Ground g: that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

- 5.101. Should the appeal fail on all grounds, the enforcement notice requires the unauthorised use of the pontoon to cease, and remedial works to be carried out within six months of the notice taking affect.
- 5.102. This timeframe is not reasonable as the implications of all restaurant related use of the pontoon ceasing is that the Jesus College Barge restaurant use cannot continue and, for the reasons set out in my evidence, and the statement from Mr Turk, the use of the pontoon by at least 12 local boating clubs will cease due to a lack of funding. As such, the use of the pontoon should be allowed to continue until alternative arrangements have been put in place for them to be relocated or alternative funding

sourced. Similarly, the Peggy Jean business will need to find suitable alternative premises in Richmond, if they exist. It is for these exceptional reasons that a two year period is proposed, during which controls can be put in place to ensure any temporary identified harm is mitigated.

5.103. In addition, making alterations to the pontoon is an extremely specialised job and there are only limited boatyards which the pontoon can be towed to via river. The pontoon could not be towed into open sea, as it would sink. This is explored in the evidence of Mr Turk.

5.104. I understand that given there are only two boatyards to which the pontoon could be accommodated for any remedial works, have lengthy backlogs to anticipated works. As such a longer time period to enable compliance would be necessary.

6. Conclusion

- 6.1. In conclusion, I consider that the appeal should be allowed based on the grounds presented.
- 6.2. The evidence under Ground a confirms that the mixed use of the pontoon, as part of a larger planning unit which comprises the barge, pontoon and gangway, is appropriate in this location and by itself should be granted planning permission as there is no harm to the significance of the identified heritage assets or the openness of the MOL. With appropriate conditions, there will be no wider harmful impact in what is a riverside, town centre location. The retention of the part restaurant use of the pontoon will ensure that the historical Jesus College Barge can continue to operate and together support, from both a financial and physical perspective, the continued use of the pontoon by local boating clubs.
- 6.3. Such a scenario will be positive for the River Thames, local residents and visitors to the riverside in Richmond Town Centre. This will support the vitality and viability of the town centre and the employment associated with the use at a time when all centres and businesses are struggling.
- 6.4. The evidence of Ms Freeman and Mr Turk sets out very clearly the significant public benefits arising from the restaurant use on part of the pontoon.
- 6.5. For the above reasons, the appeal under Ground a is in accordance with the Development Plan and NPPF and, subject to conditions, should be allowed.
- 6.6. In respect of Ground f, if the appeal was to fail under Ground a, alternative lesser options have been set out. Those set out will ensure that the positive effects of the restaurant use will continue, not least in the terms of the continuation of boating uses from the pontoon, although they will be diminished from the DPA scheme.
- 6.7. With regard to Ground g, the terms suggested by the Council for the discontinuation of the restaurant use in this location are not sufficient to allow the boating uses and restaurant to find alternative premises and for the works to be carried out to the pontoon.

Appendix 1

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT & MATERIAL CHANGE OF USE

ISSUED BY THE LONDON BOROUGH OF RICHMOND UPON THAMES

Enforcement reference: 22/0346/EN/EOP

1. THIS IS A FORMAL NOTICE issued by the Council because it appears that there has been a breach of planning control under Section 171A(1)(a) of the above Act, at the land described below. The Council considers it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. THE LAND AFFECTED

Pontoon and land adjacent to Richmond Bridge Pier Riverside Richmond shown edged red on the attached plan ('the Land').

3. THE BREACH OF PLANNING CONTROL ALLEGED

- (i) Without planning permission and within the last four years, alterations to the existing pontoon, which have consisted of increasing its height with an additional lower deck and raised seating area, altering the external materials, erecting fixed covers with heaters, external railings, lower deck kitchen facilities and ancillary storage space.
- (ii) Without planning permission and within the last ten years, a material change of use of the pontoon into a restaurant.

4. REASONS FOR ISSUING THIS NOTICE

- (a) It appears to the Council that the above breaches of planning control:
 - (i) referred to in paragraph 3(i) has occurred within the last four years; and
 - (ii) referred to in paragraph 3(ii) has occurred within the last ten years.
- (b) The alterations to the pontoon, by virtue of their siting, size, scale, mass and bulk, are harmful to the openness of the Metropolitan Open Land and constitute inappropriate development, for which there are no very special circumstances to justify this harm. The use of the pontoon as a restaurant (Class E) has an urbanising effect, which fails to preserve the openness of the Metropolitan Open Land. As such, these developments do not comply

with the National Planning Policy Framework, London Plan Policy G3, Local Plan Policy LP13 or Draft Local Plan Policy 34.

- (c) The pontoon is far larger than any other examples in the locality and it is also enclosed, which increases its overall height significantly and is now predominantly used as a restaurant. The covered seating has been constructed by using large, fixed umbrellas and the sides have been enclosed with a transparent plastic material, it's a poor quality construction and detracts from the character of the area, which is predominantly smaller, fleeting and open structures, with river uses, as well as river fronting buildings of high architectural quality. In summary, the pontoon appears as an incongruous structure and is unsympathetic to the character of the area. Accordingly, it does not comply with Local Plan Policy LP1, Draft Local Plan Policies 19 and 28 and the National Planning Policy Framework.
- (d) The pontoon, as altered, appears as a dominant and unsympathetic addition to the riverside, due to its size being disproportionate to similar structures within the Conservation Area and the use of large umbrellas and transparent plastic covers to enclose the area, representing a poor quality design, which fails to preserve or enhance the character or appearance of the Conservation Area. The pontoon also affects the setting of the Grade I Listed Richmond Bridge, due to the poor quality design and materials and the increased size and therefore dominance on river frontage, it negatively affects the setting of that Listed Building. The alterations to the pontoon result in a dominant and incongruous structure on the river frontage, which negatively affects the Conservation Area and Grade I Listed Richmond Bridge. The alterations to the pontoon amount to less than substantial harm to the designated heritage assets however there are no public benefits attributable that outweigh this harm. Accordingly, this development does not comply with Local Plan Policy LP3, Draft Local Plan Policy 28 or the National Planning Policy Framework.
- (e) The alterations to the pontoon, by virtue of their siting, size, scale, mass and bulk, are harmful to the character, openness and views of the river. The use of the pontoon as a restaurant is not river-dependent and results in the substantial reduction in the previous river dependent use, which was for the mooring of leisure boats, with the absence of any evidence to demonstrate that use was not feasible or viable. Accordingly, the development does not comply with Local Plan Policies LP18 and LP19 and Draft Local Plan Policies 40 and 41.
- (f) The alterations and material change of use to the pontoon, has resulted in a floating restaurant adjacent to the Richmond Riverside and Richmond Bridge. In the absence of any evidence to demonstrate that these developments will not give rise to unacceptable environmental impacts, including but not limited to, air pollution, noise pollution, light pollution and odours and fumes, the development does not comply with Local Plan Policy LP10 or Draft Local Plan Policy 53.

5. WHAT YOU ARE REQUIRED TO DO

1. Carry out all necessary remedial works to restore the pontoon to its condition before the breach of planning control.
2. Permanently cease the unauthorised use of the pontoon.
3. Remove from the Land any waste associated with carrying out steps 1 and 2 above.

Time for Compliance: within 6 (six) months of this notice taking effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 22 November 2023 unless an appeal is made against it beforehand.

Dated: 11 October 2023

John Scarborough
Signed: 
Managing Director, South London Legal Partnership on behalf of the Council of the London Borough of Richmond Upon Thames

Address to which all communication should be sent:

Head of Legal Services, South London Legal Partnership, Gifford House, 67c St Helier Avenue, Morden, Surrey SM4 6HY (Ref: CS/LEG/RO/217/2334)

YOUR RIGHT OF APPEAL

You can appeal against this notice in writing to the Secretary of State, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate before the notice takes effect. The enclosed Explanatory Note and Information Sheet set out the procedure to be followed if you wish to appeal.

FEES PAYABLE FOR THE DEEMED APPLICATION

If your ground of appeal is or includes ground (a) that planning permission should be granted, an appeal fee is payable, which is double that payable for a normal planning application. The total fee payable is £924.00.

Please send a cheque for this amount with your appeal, made out to the London Borough of Richmond Upon Thames.

Joint appellants need only pay one set of fees.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date indicated above and you must then ensure that the notice is complied with. Failure to comply with an enforcement notice that has taken effect, is a criminal offence and can result in legal proceedings and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

The Company Secretary
Turk Launches Limited
35 Ballards Lane
London
N3 1XW

Turk Launches Limited
FAO: Mr R Turk
35 Ballards Lane
London
N3 1XW

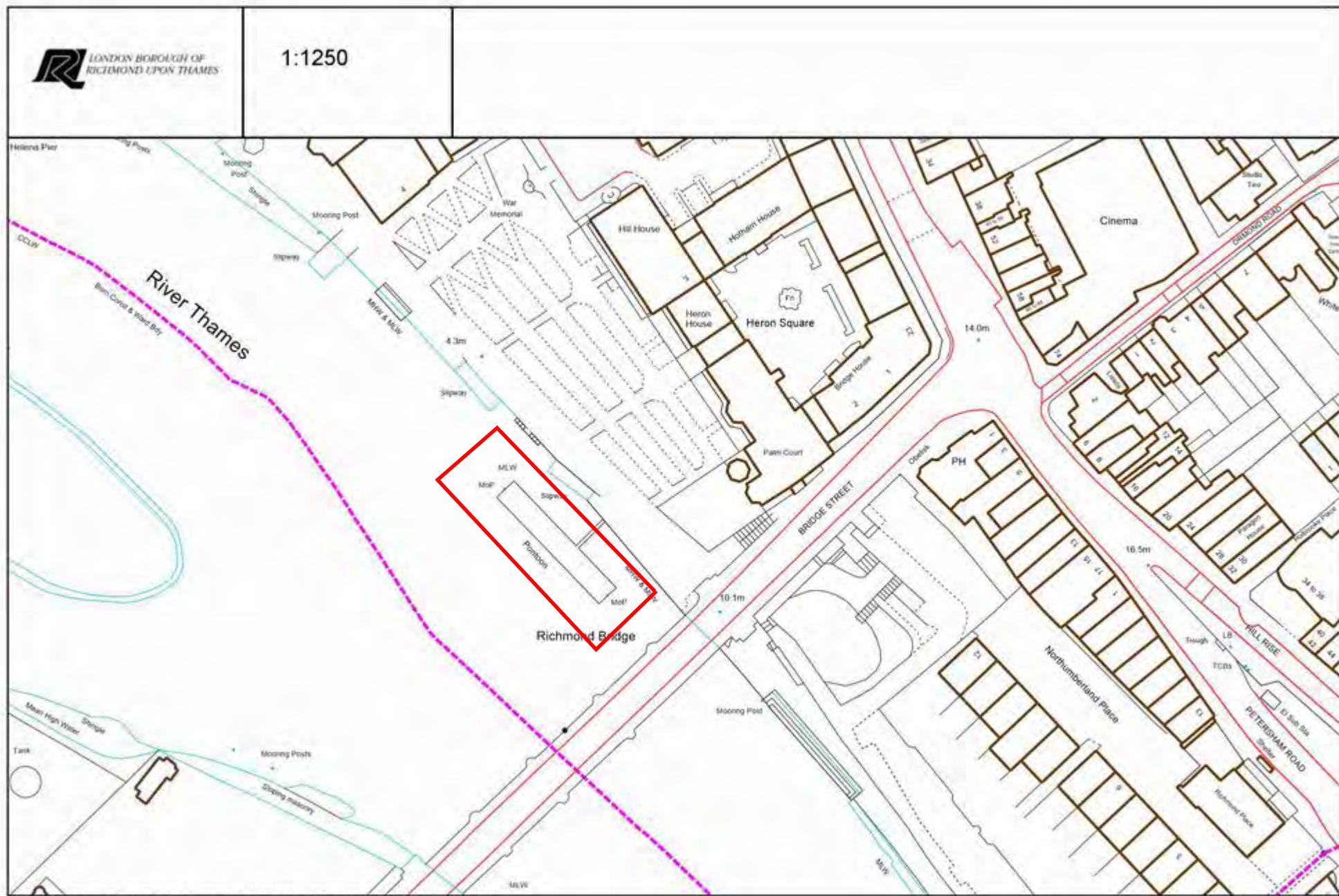
Turk Launches Limited
Town End Pier
68 High Street
Kingston upon Thames
KT1 1PX

The Crown Estate Commissioners
1 St. James's Market
London
SW1Y 4AH

Daisy Green Food Ltd
4a New Quebec Street
London
England
W1H 7RF

Peggy Jean Restaurant
FAO: Restaurant Manager
Richmond Bridge Pier
Riverside
Richmond
TW9 1TH

Owner/occupier
Richmond Bridge Pier
Riverside
Richmond
TW9 1TH



Appendix 2



Appeal Decision

Inquiry held on 9, 10 and 11 April and 7 May 2024

Site visits made on 8 and 12 April 2024

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/05/2024

Appeal Ref: APP/L5810/C/23/3333609

Pontoon and land adjacent to Richmond Bridge Pier, Riverside, Richmond TW9 1TH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended ("the Act"). The appeal is made by Mr Richard Turk, Turks Launches Limited against an enforcement notice issued by the Council of the London Borough of Richmond upon Thames.
- The notice, numbered 22/0346/EN/EOP, was issued on 11 October 2023.
- The breach of planning control as alleged in the notice is:
 - (i) Without planning permission and within the last 4 years, alterations to the existing pontoon, which have consisted of increasing its height with an additional lower deck and raised seating area, altering the external materials, erecting fixed covers with heaters, external railings, lower deck kitchen facilities and ancillary storage space; and
 - (ii) Without planning permission and within the last 10 years, a material change of use of the pontoon into a restaurant.
- The requirements of the notice are:
 - (1) Carry out all necessary remedial works to restore the pontoon to its condition before the breach of planning control.
 - (2) Permanently cease the unauthorised use of the pontoon; and
 - (3) Remove from the land any waste associated with carrying out steps (1) and (2) above.
- The period for compliance with the requirements is: Within 6 months of the notice taking effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.

Application for Costs

1. An application for costs was made by Mr Richard Turk, Turks Launches Limited against the Council of the London Borough of Richmond upon Thames. This application is the subject of a separate Decision.

Preliminary Matters

2. The Inquiry sat on 4 days, 3 in person with a virtual session on the final day. All evidence on grounds (b), (c) and (d) was given on affirmation.
3. In this decision, "umbrellas" are the large canopies incorporating heaters erected over dining areas on the pontoon in the period leading up to the

issue of the notice **and “parasols” are** the flimsier structures in historic photographs.

The appeal on ground (b)

The alleged material change of use (MCU)

4. The restaurant using the pontoon also occupies the Jesus College Barge (“**the JCB**”) moored to it and the use was taking place on both when the notice was issued. The appellant disputes that a MCU of the pontoon into a restaurant has occurred as a matter of fact. It is agreed that the pre-existing river-related use of the pontoon, comprising mooring of vessels other than the JCB, and ancillary storage, has continued alongside the restaurant use. The Council therefore suggests the allegation should be corrected to refer to a mixed use of the pontoon comprising restaurant, mooring of boats and ancillary storage.
5. Restaurant use and river-related use both occupy the pontoon and share the below deck storage area at the upstream (southern) end. However, there is scant evidence of any physical or functional connection between the restaurant use and the mooring of any vessels (other than the JCB) and storage ancillary to the mooring of those vessels. The fact that the JCB is a vessel moored at the pontoon does not alter that. It is, however, necessary to cross a part of the pontoon that also serves as circulation space for the restaurant to reach the store area associated with river-related uses and any vessel moored at the pontoon. It may be debatable whether the act of passage can change the use of land, but if it did, that part of the pontoon would be in a mixed use, being crossed by staff and customers of the restaurant and by river-related users.
6. River-related users must also pass through a restaurant seating area on the upstream raised section. The storage area below that section is used by the restaurant and river-related users.
7. Services for the restaurant use of the JCB, including electricity and water, have always been run through the pontoon and effluent has always been discharged to waste tanks that were already in the pontoon. I do not find **those arrangements to have, of themselves, altered the pontoon’s planning** status. To my mind, it is like the supply of services and discharge of waste from a building, via infrastructure located in adjacent roads or other land.
8. As drafted, the notice does not accurately describe how the pontoon was being used when it was issued and does not reflect statements made in the report that informed the decision to issue it. This had recorded that “The new use of the pontoon is as restaurant seating with some secondary use for the mooring of leisure boats and storage below deck.” Correcting the allegation as the Council suggests would resolve the misdescription.
9. Section 176(1) of the Act allows that any defect, error or misdescription in a notice may be corrected at appeal provided that would not cause injustice to the appellant or the Council. As the correction is suggested by the Council, I only need to **consider this from the appellant’s perspective**.
10. The appellant considers that correcting the allegation would defeat his appeal on ground (b) in respect of the alleged MCU, causing injustice. I do not agree. If a notice misdescribes the breach that occurred, then what it

alleges cannot have happened as a matter of fact, allowing success on ground (b).

11. The notice should therefore either be corrected or, if the correction would cause injustice, quashed. If there is success on ground (b), an appellant cannot be prejudiced in respect of the appeal on that ground. On the evidence, I am satisfied that the suggested correction need not make the notice more onerous. That is provided it were accompanied by a variation of requirement (2) to confirm that only the unauthorised restaurant use should cease, as the Council also suggests. This can be addressed in the appeal on ground (f) and, subject to that, there would be no prejudice to the remaining grounds of appeal.

The alleged OD

12. The main body of the pontoon had been increased in height to accommodate a restaurant kitchen and cold store at the downstream end and further restaurant storage and river-related storage at the upstream end. Safety railings had been installed on top of both raised sections, enclosing dining areas, and in the middle section providing shared access and circulation space. Demountable umbrellas had been installed in the 2 dining areas when the notice was issued, set into fixed bases.
13. The appellant considers the railings to be of limited significance because they are not solid. Nevertheless, they are an integral part of the pontoon, which has been increased in height as a matter of fact. The removal of 2 umbrellas and the side panels around the seating areas and the lowered height of the remaining umbrellas since the notice was issued have no effect on its accuracy in terms of the alleged OD.

Conclusion on ground (b)

14. For the reasons given, the appeal on ground (b) succeeds insofar as it relates to the description of the MCU, and the notice will be corrected.

The appeal on ground (c)

15. An appeal may succeed on this ground if an appellant can show that one or more of the matters alleged in the notice does not constitute a breach of planning control. This could be because it is not development or does not require planning permission. This ground of appeal is brought in respect of the alleged MCU.
16. The siting of the pontoon followed a decision made in 1985¹ for "Engineering operations in connection with the location of a floating pontoon for use of hiring out motor boats and rowing skiffs." This did not permit restaurant use and the subsequent introduction of such a use, whether as the sole use of the pontoon or as part of a new mixed use, is development requiring planning permission.
17. The appellant contends that a planning permission granted in 1992² allowed restaurant use of the pontoon. A permission that is clear, unambiguous, and valid on its face should be interpreted by reference to that permission itself, including any conditions and the express reasons for those conditions.

¹ 85/139, granted 22 May 1985 ("the 1985 permission").

² 92/0659/FUL, granted 25 August 1992 ("the 1992 permission").

However, if there is an ambiguity in the wording of the permission, it is permissible to look at extrinsic material, including the application, to resolve that ambiguity.

18. The 1992 permission **related to "Turks Bridge Pier, Richmond Bridge, Richmond"** and was for "mooring of Jesus College Barge against R J Turk Pontoon for use as a restaurant below and above deck". On face value, and with no evidence that the pontoon had any below deck space suitable and intended for restaurant use, the wording suggests the permission was for the JCB alone.
19. It was clearly stated in the report to the 20 August 1992 meeting of the **Council's** Planning Sub-Committee (**"the report"**) that customers and staff going to or from the JCB would cross the pontoon. Providing access to a vessel moored to it, such as the JCB, is a basic function of a pontoon, regardless of how any such vessel is used. In that sense, the relationship between the JCB and the pontoon is like that between a building and the road serving it, particularly if the access route serves more than one user. I am therefore not persuaded that a change of use of the JCB, or any other vessel moored to the pontoon, would also change the use of the pontoon. Following that logic, it could only occur if the relationship between the vessel and the pontoon involved the latter providing something more than access or, as noted above, routing of services.
20. An informative within the decision notice, IF44, confirms that it related to drawings 3/1329.01 (location plan), 3/1392/02A (proposed plan and boat elevations) and 3/1329/03 (perspective views) and photographs of the JCB. The photographs have not been presented but the 3 drawings have. The JCB is annotated **"restaurant"** and **"galley"** and the pontoon is annotated **"existing pontoon"** on drawing 3/13298/02A. It also shows other boats moored at the pontoon. While that detail may be illustrative, it is not consistent with an application to change the use of the pontoon to a restaurant, the only proposed use stated in the application. Nothing on that drawing suggests that restaurant use of the pontoon was proposed, either as the sole use or as part of a mixed use.
21. Drawing 3/1329/03 shows the JCB moored at the pontoon, with a canopy over the deck. The pontoon is a utilitarian structure in that drawing, with no indication or illustration of a proposed restaurant use.
22. **Condition NS04 states, "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."** Nothing in that wording suggests the permission applied to anything other than the JCB.
23. Condition NS06 **was imposed to protect "the amenities of the locality"** and stated, **"The** maximum number of covers provided on the barge shall not exceed 70." **The** omission of any reference to the pontoon in this condition further suggests that restaurant use was only proposed, and thus only permitted, on the JCB. An alternative interpretation would only make sense if the Council had been concerned that a large restaurant might harm amenity if it was confined to the JCB, but not if it also occurred on the pontoon. I have been given no reason to believe that.

24. The only available copy of the location plan, drawing 3/1329.01, is in black and white. **The appellant's planning witness**, Philip Villars, believes the solid lines around the JCB, the pontoon and the gangway on that plan would all have been edged red. That would mean all 3 were part of the application site and restaurant use of them all would have been permitted. Mr Villars noted that the line between the JCB and the pontoon is not double width, as might be expected if a red line and a blue line (the latter denoting other land in the same ownership) had been drawn alongside each other.
25. There are similar solid lines around 10, 11 and 12 Bridge Street, formerly known as Tower House. Mr Villars considers that these would also have been edged red. The report described the role of Tower House, **stating** "The restaurant is to be used in conjunction with the River Terrace Restaurant and one of the under terrace boat stores will be used to gain access to the existing River Terrace Restaurant basement for servicing purposes."
26. There is a solid line, like that between the JCB and the pontoon, between most of Tower House and where an under-terrace boat store is. The extract from the report quoted above indicates the proposal entailed some change in how the boat store would be used, providing some support to **Mr Villars' view** about the involvement of Tower House. However, there was no reason to seek permission for restaurant use of the main part of Tower House, which was already in that use. That is apparent from condition NS05, which stated, "**The restaurant hereby approved shall not be used other than as part of the River Terrace Restaurant situated in Tower House.**" Furthermore, if the proposal had related to all of Tower House, that should have been evident from the site address given in the decision notice.
27. Accordingly, I am not persuaded that Tower House was part of the application site, although the small part of it comprising the under-terrace boat store may have been. That is suggested in the section of the report which describes how the application had been amended, stating, "**As** originally submitted, part of the under terrace boat store was to be used for storage for the restaurant. As this was not favoured, the application was amended to provide access only through the boat store to the existing restaurant store."
28. It therefore seems more likely that only the boat store was edged red, with the majority of Tower House edged blue. If so, and noting the width of the line separating the under-terrace boat store from the remainder of Tower House, it is equally possible that the JCB and the pontoon were edged in red and blue respectively. Mr Villars accepted in his oral evidence that some of the lines on the location plan around the JCB, the pontoon and Tower House could have been blue, although he had deduced otherwise.
29. If the application for the 1992 permission had proposed to introduce restaurant use to the pontoon, it would have led to consideration of whether and how that might affect the existing river-related use. The report did not address that directly. The closest it got was a comment from the River Thames Society that mooring the JCB (not any proposed use of the pontoon) would restrict river traffic and prevent access to the river by other users. The report dealt with this by noting the pontoon was private and used for hire boats. It also confirmed the **applicant's** view that the siting of the JCB would not affect the cruising business operating from the pontoon in terms of

volume or function. That statement made no mention of the effect of any proposed restaurant use of the pontoon.

30. For these reasons it has not been demonstrated, on the balance of probability, that the 1992 permission permitted restaurant use of the pontoon and the appeal on ground (c) must fail.

The appeal on ground (d)

31. For an appeal on this ground to succeed, it must be shown that it was too late for enforcement action to be taken on the date the notice was issued. It would therefore need to be demonstrated that the change of use of the pontoon to a mixed use comprising restaurant, mooring of boats and ancillary storage was instituted on or before 11 October 2013, 10 years before the notice was issued. It would also need to be demonstrated that, once instituted, the use continued without significant interruption for a period of not less than 10 years. The burden of proof falls to the appellant and the matters must be demonstrated on the balance of probability.

32. If that can be demonstrated, it will be necessary to consider 2 other matters. First, whether there was a change in the planning unit when the JCB was taken away in May 2016, and second, whether restaurant use of the pontoon was abandoned in the 7-year period that followed the partial sinking of the JCB in April 2015.

33. The appellant contends that the mixed use is one planning unit and that the JCB, the pontoon and the gangplank have been a single, mixed use planning unit for many years, not changing materially since 1992.

34. A "**Lease of Jesus Barge**" dated 30 November 1993 allowed restaurant use of the JCB and gave an exclusive right to use part of the pontoon edged blue on the plan accompanying the lease. Only a black and white copy of the plan has been produced, but it appears the blue area was half the width of the pontoon where it abutted the JCB, **approximately a quarter of the pontoon's** total surface. The lease does not state what the exclusive right entailed, but the wording of the second schedule, which refers to use of the JCB but not the pontoon, suggests it may not have been the same as the use of the JCB.

35. A licence dated 20 September 1995 assigned the lease to Grosvenor Inns and Taverns Limited ("**Grosvenor**"). The title page of the licence referred to "**Lease of the Jesus Barge and adjoining pontoon**", whereas the title page of the lease had only referred to the JCB. A letter from solicitors acting for Grosvenor, dated 7 March 1996, enquired about placing restaurant tables and chairs on another part of the pontoon. While the letter referred to the exclusive right to use part of the pontoon in the lease, it falls short of stating that part of the pontoon was in restaurant use. The reply to that letter indicated that Grosvenor had already occupied some of the additional area "**on a casual basis**" but this was not explained any further.

36. There are several photographs showing the pontoon with the JCB moored alongside from 1993 onward in the evidence of Richard Turk. What appears to be a white plastic chair can be seen on the pontoon in Image 1, taken in 1993. What may be a trestle table, or a picnic bench can also be seen, but its precise identity and purpose are unclear. Several white plastic chairs can be seen on the pontoon, adjacent to the JCB, in Image 2, taken in 1997, but

the trestle table or picnic table from Image 1 is not apparent. Mr Turk states that Image 2 shows tables and chairs, in his words "associated with Jesus College Operation" but the resolution is too poor to be confident that it shows tables as well as chairs. No tables or chairs appear to be in use in either photograph.

37. Image 3, taken circa 1993, shows gas cylinders at the downstream end of the pontoon but no tables or chairs are apparent. Tables and chairs cannot be discerned on the pontoon in Image 4, taken circa 1997. Mr Turk states that Image 5, taken circa 1999, shows tables and chairs on the pontoon. The resolution of this photograph is also poor, although it does appear to show several people on the pontoon, some apparently seated. It is not clear exactly when this photograph was taken but it seems to feature a relatively large number of people on the riverside path and on small boats, possibly assembled to watch an event on the river.
38. The foregoing photographic evidence cannot demonstrate whether any person who was on the pontoon on any occasion was dining or engaged in a restaurant business there. A photograph provided by a local resident, Mike Adams, taken on 1 September 2002, shows a fence running along the centre of the pontoon downstream of the gangplank. The part on one side of the fence appears to be in river-related use while the other, adjacent to the JCB, has at least one parasol that is similar in design and colour to others on the JCB. This suggests the restaurant had control of that part of the pontoon, consistent with the exclusive right in the 1993 lease. However, and despite the parasols, the photograph cannot confirm that restaurant use was taking place on the pontoon. Even if it had been taking place, the photograph cannot assist with whether it was a continuous activity.
39. Mr Turk affirmed that H₂O restaurant had signed a lease in July 2002 but a copy of that lease, or any premises licence issued or in force at that time has not been produced. The earliest available premises licence is dated 25 April 2006, for H₂O restaurant. It refers to drawing 3/1392/02, the proposed plans and boat elevations from the 1992 permission, and one of the plans provided with this licence appears to be an extract from that drawing. The JCB and gangplank are edged solid red on it and the part of the pontoon adjacent to the JCB is edged with a broken red line. The broken red line extends further away from the JCB than the area of the 1993 lease, which appears to be edged blue underneath. The rest of the pontoon is edged green. The licence does not explain these markings.
40. A second plan produced with the licence shows 13 circles, each representing a table and chairs, on a slightly different part of the pontoon from what is edged with a broken red line on the first plan. Nothing within the licence indicates whether this was an existing or proposed layout, so the most it can confirm is that any tables and chairs on that part of the pontoon after 25 April 2006 would have been licenced. Nevertheless, it is the first indication of an ongoing formal use of part of the pontoon for restaurant purposes.
41. **Mr Turk's Image 6, taken in 2007, when H₂O was operating, shows 2 parasols in the part of the pontoon marked on the plan accompanying the premises licence, one raised with people seated below it. The fabric of these parasols matches others on the JCB, indicating common use of the JCB and the pontoon at that time. While it is not on the scale that had been shown on**

the plan accompanying the previous year's licence, it does seem to be a realisation of the restaurant use that had been illustrated in it.

42. A lease dated 25 September 2009, stated to be of "the Jesus Barge", conferred the tenant an exclusive right to use part of the pontoon in connection with the JCB. The plan attached to the lease confirms that this part of the pontoon was the same as in the 1993 lease, not the larger area of the 2006 licence. As with the 1993 lease, it is not made clear what the exclusive rights were. Similarly, the first clause of the third schedule³ does not mention the pontoon, suggesting that the exclusive rights over it may not have been the same as the use of the JCB permitted by the lease.
43. Image 7, taken in 2009, shows several people on the pontoon, some standing, others seated. While the resolution of this photograph is poor, it appears to show people seated and standing on the JCB as well. Like Image 5, there are many people on the riverside path and on a slipway. A river race is taking place in the foreground, so it may be that people on the pontoon were spectators rather than diners.
44. The resolution of Image 8, taken from Richmond Bridge in 2011, is better than some of the earlier ones. This and the angle of the shot make it possible to identify a seating area on the pontoon alongside the JCB. This area is contained, on the side furthest from the JCB, by what appears to be a timber structure surmounted by greenery. The structure and the seating area are also visible in Image 9, taken in 2012 and appear to be the area of exclusive rights identified in the 2009 lease. It is possible to identify what may be the same timber structure, with a seating area behind it, in earlier photographs from circa 1999 (Image 5), 1999 and September 2010 (Image 10). However, no evidence of a premises licence relating to the pontoon prior to the one issued in 2006 has been presented.
45. A shed was built at the downstream end of the pontoon around 2009 to provide space for restaurant food preparation and storage. It can be seen in Mr Turk's Images 7 – 11, 14 and 15, taken between then and 2021.
46. On the foregoing evidence, the 1993 lease and its 1995 assignment do not demonstrate restaurant use of the pontoon at those times. While there is some evidence of tables and chairs having been placed on the pontoon in the 1990s and early years of this century, evidence that they may have been used for restaurant purposes or on a continual basis is thin.
47. In contrast, and on the balance of probability, the 2006 licence and Image 6, taken the following year, demonstrate intended and actual restaurant use of part of the pontoon. However, the probability of continuous restaurant use of the pontoon (rather than exclusive rights over part of it) pre-dating the 2006 licence has not been similarly demonstrated. Consequently, as restaurant use ceased in April 2015, 10 years of such use of the pontoon without significant interruption may not have been achieved.
48. The Council concedes that the pontoon was used for siting of tables and chairs associated with the restaurant up to 2015 but it considers that was as an ancillary sitting out area serving the restaurant on the JCB. In its view, all primary facilities were located on the JCB. It is not clear how the sitting out

³ "To use and occupy the Jesus Barge for a use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 only."

area could be distinguished from the restaurant it was associated with in land use terms. In any event, **the Council's planning** enforcement witness, Aaron Dawkins, accepted in giving evidence that this sitting out area had become lawful, meaning immune from enforcement action, by 2015.

49. There was, however, a significant change in circumstances in April 2015, when the JCB partly sank, and all restaurant use ceased. The JCB was taken away for repairs in May 2016 and did not return for nearly 6 years. Restaurant use recommenced on the JCB and pontoon in July 2022.
50. The pontoon was only used for the mooring of boats and ancillary storage from April 2015 until July 2021, when it was taken away for repairs. The Council contends this was a different, smaller, planning unit and that the return of the JCB and the resumption of restaurant use in 2002 caused a new planning unit to be formed.
51. The High Court held in the case of *Burdle*⁴ that a single unit of occupation may include 2 or more physically separate and distinct areas and that they may be occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.
52. A part of the pontoon solely in restaurant use may be identified from the 2006 licence and in subsequent photographs, although there may have been some fluctuation in the extent of this area over the years. It would follow that other parts of the pontoon, particularly the upstream end and the outer (river) side were solely in river-related use at those times although that is not stated in the evidence before me. At the same time, there would have been common use of the part of the pontoon nearest the gangplank for access in connection with both uses.
53. The post-2022 arrangements continue the common use of the part closest to the gangplank. They also include shared use of the upstream storage area and the passage of river-related users through the dining area above it.
54. In *Burdle*, Bridge J said, "**It may be a useful working rule to assume that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.**" The circumstances between the removal of the JCB in 2016 and its return in 2022 match this. During that period, the pontoon and gangplank were the only areas present and available for use and thus constituted a smaller planning unit. The only activities taking place on them during that time were river-related, with no restaurant use at all. That was clearly different, both physically and functionally, from any previous mixed use of the larger planning unit of the JCB, the pontoon and the gangplank.
55. The courts have held that whether a use has been abandoned should be assessed by reference to 4 criteria. These are:
 - The physical condition of the property.
 - The length of time for which (and extent to which) it has not been used.

⁴ *Burdle & Williams v SSE & New Forest RDC* [1972] 1 WLR 1207.

- Whether it has been used for any other purposes.
- **The owner's intentions** for the use of the property.

56. The JCB was absent for some 6 years between May 2016 and early 2022. Evidence from that period shows increased river-related storage across the pontoon. Evidence from Mark Edwards MBE, who has used the pontoon since 1992, confirms that this included a paddle board hire business that now operates from premises elsewhere. He also stated that the London Cornish Pilot Gig Club began to moor where the JCB had been.

57. **Mr Turk's Image 11** confirms that a storage building had been erected toward the downstream end of the pontoon by 2018.⁵ This partly occupied the areas of exclusive rights for restaurant operators in the 1993 and 2009 leases. The same image indicates that some general mooring took place where the JCB had been. The physical condition of the pontoon was therefore different, and it was solely in river-related use. After the JCB was taken away in May 2016, the planning unit shrank to only comprise the pontoon and gangplank. There was no restaurant use for over 7 years.

58. This was not the only time that there had been a break in restaurant use. The JCB also sank in 1996 but was repaired relatively quickly. Mr Turk affirmed that this had resulted in a hiatus in restaurant activity of 6 to 12 months.

59. Mr Turk affirmed that it had always been his intention to return the JCB to Richmond and to put it to restaurant use. While I accept that restoration of historical vessels can take time, often years, a programme of work has not been produced. Nevertheless, Mr Turk identified several other reasons for the 6-year absence. These include delays in insurance payments, financial constraints limiting the initial extent of work and the need to secure additional funding, the need to put the hull in a steel tray and, in January 2020, a second sinking with consequential damage. Covid-19 also restricted activity, slowing repair work, constraining river-related use, and preventing restaurants from operating at certain periods.

60. In August 2017, the appellant's company applied for planning permission to permanently moor the JCB at Town End Pier, Kingston upon Thames for restaurant and café use ("the Kingston application"). This had followed the receipt of pre-application advice from the local planning authority in February 2016. Planning permission was granted over 3 years later, in July 2019. Despite the application being specific to the JCB, Mr Turk states that he hoped to moor another barge there, being in discussion about buying the Balliol College Barge at the time.

61. It would be unusual for a company to spend over 3 years and incur the expense of making a planning application in pursuit of something it had no intention of doing. It is, however, not impossible and I must afford weight to **Mr Turk's oral evidence, given on affirmation, in this respect. Nevertheless**, no evidence has been presented of any attempt to capitalise on the grant of permission. Even though the intended purchase of the Balliol College Barge fell through, a revised proposal involving another historical vessel or replica would have been consistent with the strategy Mr Turk described.

⁵ See also figure 2.4 of Mike Adams' representations and appendix 5 to the Council's Statement of Case.

62. An application for renewal of the premises licence for "The Jesus Barge at **Richmond Bridge Pontoon**" was made on 18 February 2021, a clear indication of intention to resume restaurant use. The attached plans show that supply of alcohol and late-night refreshment were to be limited to part of the JCB. They also show the rest of the JCB and the adjacent part of the pontoon as areas to be used for the consumption of alcohol.
63. It is unclear how much of the pontoon this involved because of a discrepancy in the plans attached to the licence. The plan that shows the full extent of the areas for the consumption of alcohol does not show the pontoon the subject of this appeal. The pontoon on that plan is considerably smaller, and it adjoins a T-shaped pier. Those facts and other features on the plan, including a curve in the river bank, suggest it was originally a drawing from the Kingston application. Comparison with the location plan from the report to the Kingston Town Neighbourhood Committee⁶ adds to the likelihood.
64. Viewing the foregoing evidence objectively, it is probable that a reasonable person with knowledge of all the relevant circumstances would conclude the mixed use of the pontoon had been abandoned. While the JCB remained at Richmond until May 2016, it would have been obvious that it was no longer being used as a restaurant and parts of the pontoon that had been associated with the restaurant then went over to river-related use, which became the only use of the pontoon. After the JCB was taken away, the same reasonable person would consider the possibility of future restaurant activity as part of a mixed use of the pontoon even more unlikely, particularly with the river-related storage building erected on a part of the pontoon previously associated with restaurant use.
65. Had the same reasonable person also known about the Kingston application and the preceding discussion, which began before the JCB left Richmond, they would most likely have concluded, even more firmly, that the mixed use of the pontoon had been abandoned. It is most likely that the same person would have viewed the February 2021 licence application as a first step toward reintroducing the mixed use that had been supplanted by river-related use.
66. Accordingly, even if the mixed use had become immune from enforcement action by April 2015, subsequent events brought about significant and long-lasting changes in the use of the pontoon that amounted to abandonment of the mixed use. Even if that were incorrect, there was an equally significant and material change in the planning unit between May 2016 and early 2022, when it reduced to the pontoon and gangplank only. Those changes amounted to a decisive departure from the previous larger planning unit in mixed use, and they opened a new chapter in the planning history.
67. For these reasons the appeal on ground (d) must fail.

The appeal on ground (a)

The deemed planning application (DPA)

68. Canvas and plastic canopy surrounds had been installed to enclose the restaurant seating on the pontoon when the notice was issued. These have since been removed and the appellant does not seek permission for them.

⁶ Appendix 3 to the Council's Statement of Case.

The 2 umbrellas nearest the upstream end of the pontoon were removed after the notice was issued, leaving only the base sections. The appellant does not seek permission for these umbrellas.

69. In the Inquiry, Prudence Freeman, a director of the company currently operating the restaurant, affirmed that the remaining 3 umbrellas at the downstream end had been lowered in height by 350 - 400mm. The appellant later advised that the umbrellas had been lowered by a further 800 - 850mm, giving a total reduction of 1200mm.
70. The above changes are shown on revised drawing TUK03-MAA-XX-XX-A-0002 revision P05 and had all been made before my site visit. They are therefore considered in the assessment of the DPA below.
71. **The site of the JCB was recorded as being within 'the Richmond Town Centre Area' in the report recommending the grant of the 1992 permission. The local plan at that time was the Richmond Town Centre Action Area Plan ("the AAP"), adopted in March 1982. The extracts from its proposals map provided to me do not show a designated 'Richmond Town Centre Area' but instead define the 'Action Area boundary' and the 'Town Centre boundary', as they were then. Most of the river, excluding the part closest to the Twickenham bank but including the site of the pontoon and the JCB, was within the Action Area boundary. The defined Town Centre boundary followed the embankment on the Richmond bank and therefore did not include the future site of the pontoon or JCB. Consequently, the AAP's town centre policies, which may have provided support for restaurant use, did not apply, despite what the report said.**
72. The appellant claims the pontoon is in a town centre location in the context of **current planning policy**. While colloquial use of the phrase 'town centre' may suggest it is, there is no planning policy support for the application of town centre policies outside of a designated town centre. The policy map from the London Borough of Richmond upon Thames Local Plan 2018-2033 ("the Local Plan") confirms that the boundary of the main centre of Richmond, where town centre policies apply, follows the embankment, and so excludes the pontoon. The policy map fulfils the requirement, in paragraph 90 b) of the **National Planning Policy Framework** ("the Framework"), for planning policies to define the extent of town centres. Accordingly, the DPA cannot benefit from the general support for town centre uses, including restaurant use, provided by policy SD6 of the London Plan and policy LP25 of the Local Plan.
73. The main issues in this appeal are:
 - Whether any matter alleged in the notice is inappropriate development within the Metropolitan Open Land (MOL), which is given protection equivalent to Green Belt in the London Plan.
 - The effect of the matters alleged in the notice on the openness and purposes of including land in the MOL.
 - The effect on character and appearance with particular reference to the Richmond Riverside Conservation Area ("the CA"), the setting of the Grade I listed Richmond Bridge, and the River Thames corridor.
 - The effect on river-dependent and river-related uses.

- The environmental effects including air, noise and light pollution, and odours and fumes.
- If any matter alleged in the notice constitutes inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether any matter is inappropriate development

74. The appellant contends that the mixed use is not inappropriate development within the MOL, having regard to paragraph 155 e) of the Framework. This **confirms that** "material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)" is not inappropriate development. Any support provided by paragraph 155 is dependent on the change of use preserving the openness of the MOL and not conflicting with the purposes of including land within it. There can be little doubt that the river-related use of the pontoon is a form of outdoor sport or recreation, but the appellant suggests that the restaurant element of the mixed use is also outdoor recreation.

75. No clear precedents have been cited in support of this view, the closest being the reference to a now superseded policy on recreational use of the river in the assessment of the application for the 1992 permission. Nevertheless, I recognise that dining out may accord with a dictionary definition of recreational activity. However, and even though the Framework does not define recreation, I consider 'outdoor **recreation**' to mean activity of a different and less sedentary character in planning terms. From that perspective, it would include the main activities that are normally carried out at places such as playing fields or parks. While the changes of use identified in paragraph 155 e) do not form a closed list, other changes of use must have similar characteristics to also be not inappropriate.

76. The examples in paragraph 155 e) may be defined by their open and spacious character, with relatively low or sporadic associated activity. In contrast, a restaurant use, even with all seating outdoors, is not open or spacious in character, and involves regular activity. Accordingly, I do not find outdoor restaurant use to constitute outdoor recreation or to be within scope of the exceptions allowed for by paragraph 155 e) of the Framework.

77. The alterations made to the pontoon in 2021 have increased its height and bulk, particularly at the upstream and downstream ends where storage areas and the restaurant kitchen were formed. While it may be argued that any enlargement to facilitate river-related storage is not associated with the MCU, the restaurant storage and kitchen undoubtedly are and account for most of the enlargement.

78. However, part of the enlargement provides below-deck storage in connection with river-related use. If it could be disaggregated from the enlargement to facilitate restaurant use, it could constitute an appropriate facility in connection with an existing use for outdoor sport and recreation. However,

that disaggregation is not physically possible, and the OD overall is inappropriate development in the MOL.

The openness and purposes of including land in the MOL

79. The restaurant element of the mixed use of the pontoon and the activity associated with it encroach into strategic open land and reduce the openness of the MOL in spatial terms. The enlargement of the pontoon has increased its physical presence in the MOL and, consequently, has not maintained openness in spatial or visual terms. The enlarged form and the activity associated with the restaurant element of the mixed use weaken the contrast between land-based and water-based activities that is characteristic of this part of Richmond.
80. For these reasons the MCU and the associated OD are inappropriate development and harmful to the MOL by definition and by reason of encroachment. They also fail to preserve the setting and special character of a historic town, a further purpose of including land in MOL. This is a matter to be afforded substantial weight.

Character and appearance

81. The pontoon is within the Richmond Riverside Conservation Area ("the CA"), which is centred on the Thames, including all the river between Richmond Bridge and Twickenham Bridge, and the parts of Richmond and Twickenham fronting that stretch of the river. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the LBCA Act") requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA.
82. The November 2023 appraisal of the CA ("the appraisal") **records that** "The Thames is a major contributor to activity in the area and today adds to an active daytime and night-time economy, housing a number of businesses including many bars and restaurants." This provides a degree of support to **the appellant's contention that** restaurant use is in keeping with, and therefore maintains the vibrant character of the area.
83. A diversity of architecture can be found within the CA, with individual buildings and features including detailing and texture that create a coherent and vibrant street scene. Activity from public buildings ensures active frontages and vibrancy, while open spaces and the riverside are valued for their sense of openness. Boats, boat houses and activity on the river create a recreational water frontage of much interest, contribute to the setting of important buildings, and provide valued leisure functions.
84. The appraisal also notes "There is a significant amount of public realm along the River allowing for its enjoyment and long views across and along the embankment are key to its character and appearance." The quality of views contributes significantly to the character, distinctiveness, and quality of the local and wider area. The policy map within the Local Plan confirms the importance of the view downstream from Richmond Bridge. The pontoon lies within the foreground of that view and, in its altered state, is an imposing and uncharacteristic element.

85. A map forming part of the Central Richmond, Richmond Green & Riverside Conservation Area Study⁷ identifies 2 local views/vistas in which the pontoon may be seen. These are from the Richmond embankment, near the end of Water Lane, looking toward Richmond Bridge and from the eastern end of Richmond Bridge, looking toward the Richmond Riverside terraces.
86. The enlargement of the pontoon and the use of the raised areas for restaurant seating, with umbrellas above one, have made it a more prominent feature in views from the Richmond embankment downstream. The nearby views include from the identified local view/vista near the end of Water Lane. Further away, on Cholmondeley Walk, the pontoon is seen in a panoramic view of the river that takes in Richmond Bridge and Corporation Island. By reason of its scale, design and siting, the enlarged pontoon with restaurant paraphernalia is an uncharacteristic intrusion into the open river that is a key component of these important views.
87. The increase in built form and restaurant activity in an area historically associated with river-related uses has eroded the contrast between land-based and river-based activity and serves to limit views of the river. There is also a loss of appreciation of the pontoon as a typical low-lying riverside feature.
88. The appellant accepts there is less than substantial harm to the CA, although he attributes this to the effect of the umbrellas. However, they provide comfort to diners and are integral to outdoor restaurant use. Though reduced in number and height, they are uncharacteristic of the river scene that is a major component of the character of the CA, even when those on the JCB are considered.
89. For these reasons, the MCU and the associated OD fail to preserve or enhance the character or appearance of the CA, causing less than substantial harm to the significance of the heritage asset.
90. Section 66 of the LBCA Act requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The closest and most significant listed building in the vicinity of the pontoon is Richmond Bridge, listed grade I. Its status as the oldest surviving bridge crossing the Thames in Greater London is a clear indication of its historic significance.
91. The significance of the bridge is self-evident in functional terms: it forms a crossing from one side of the river to the other. Alongside this functional significance, which is common to all river bridges, Richmond Bridge displays high quality architectural detailing and form that are integral to its significance. It gently rises from each bank to its highest point in the centre of the river and rests on a series of 5 elliptical arches as it crosses the river. It connects Richmond and East Twickenham, acting as a gateway to both settlements.
92. The predominant characteristic of **the bridge's** setting is the river, without which it would have no purpose. The river setting affords relatively unbroken views of and from the bridge, although views from the Twickenham bank downstream are limited by the presence of Corporation Island and the

⁷ Appendix 11 to the Proof of Evidence of Nick Collins.

absence of public spaces and riverside walks. The most significant views of the bridge are therefore from the Richmond bank downstream, particularly from Cholmondeley Walk, and from both sides upstream.

93. In these views, the open setting created by the river allows the bridge to be appreciated as a largely isolated structure, gracefully spanning the river much as it did when first built. This is particularly apparent in views from Cholmondeley Walk, where the bridge can be seen against a backdrop dominated by trees and with the river in the foreground. The open setting created by the river therefore makes an important and positive contribution to the overall special interest and significance of the bridge.
94. The alterations to the pontoon have changed it from a relatively low-lying structure to a taller and bulkier structure. In combination with the JCB, it intrudes in views of and from the bridge. The pontoon is now a significant feature in the foreground of views from the bridge toward Richmond Riverside. This diminishes the sense of separation from land that is characteristic of views from the bridge and important to the appreciation of its significance.
95. The intrusion is particularly apparent in views from Cholmondeley Walk and Riverside, in which, depending on the angle, views of the first or second arch of the bridge are blocked, and attention is diverted from the bridge⁸. In contrast, views of the rest of the bridge have changed little in the 250 years since it was built.
96. The presence of the altered pontoon therefore limits appreciation of the full span of the bridge, and thus of its full architectural quality and form. This erodes the contribution that setting makes to the special interest and significance of the bridge. This amounts to less than substantial harm to its significance as a heritage asset.
97. The JCB contributes to this effect and, as its mooring and use as a restaurant are authorised, that will continue regardless of my decision. Nevertheless, the changes to the pontoon have greatly increased the perceived bulk in views from Cholmondeley Walk, such that the first arch is entirely obscured, and the eye is drawn away from the bridge to some extent. Considering this and the other effect described above, I find that less than substantial harm is caused to the significance of the heritage asset.
98. The pontoon is seen in the foreground in views from Richmond Bridge toward other listed buildings that face the river. Those closest are 10, 11 and 12 Bridge Street, the Palm Court Hotel, the War Memorial, and the warehouse on the corner of Water Lane and Riverside. Because of the greater separation distances, and because they are all seen as part of the wider urban grain, the experience and views of them and the ability of the viewer to understand and appreciate their significance is unaffected by the MCU and associated OD. As such, there is no impact on the contribution that setting makes to their special interest and significance.
99. Development proposals within the Thames Policy Area are expected to respect and take account of the special character of the relevant reach of the river as set out in the Thames Landscape Strategy ("the TLS"). The appeal

⁸ Viewpoints 2, 3 and 4 in the appendices to Ms Simes' Proof of Evidence.

site is within the TLS's Reach 9, which lies between Buccleuch Gardens and Richmond Weir.

100. The Richmond bank of Reach 9 is an important point for public access to the Thames, with the riverside path passing through a succession of green spaces and past various food and drink venues, including the restaurant on the JCB and pontoon, and boathouses. The activity associated with those features brings variety and liveliness to the area.
101. The mixed use of the pontoon is in keeping with this character. However, and apart from the restaurant use of the JCB, all permitted or lawful activity on the river is river-related or river-dependent. Restaurant use of the pontoon has therefore altered the character of the river corridor and has reduced the contrast between riverside and river-based activity that is characteristic of the reach. The inclusion of restaurant use in the mixed use of the pontoon has diminished its functional relationship with the river when compared with the previous wholly river-related use.
102. The OD has, by increasing the height and bulk of the pontoon, resulted in a form that is uncharacteristic of the riverside scene at Richmond Bridge and Richmond Riverside. While I noted large vessels moored downstream, on the Twickenham bank, these are relatively distant, beyond Corporation Island. They are therefore out of the line of sight in the important views of the reach from Cholmondeley Walk and Riverside toward Richmond Bridge mentioned above.
103. The MCU and the OD therefore fail to take account of the special character of the reach or to maximise the benefits of its setting in terms of views and vistas, even though restaurant use of the pontoon enables people dining there to enjoy the riverside. The design and height of the OD also harm the character, openness and views of the river.
104. The identified less than substantial harm must be weighed against any public benefits of the MCU and the associated OD. The restaurant currently operating on the JCB and the pontoon provides up to 50 full time jobs, largely filled locally, with 10-12 full time employees present on a typical day. This should be afforded weight in my decision, although it is reasonable to assume that a proportion of those jobs might be retained if restaurant use were limited to the JCB, as permitted in 1992.
105. While Ms Freeman affirmed that her business would not be viable without use of the pontoon, no financial data was presented to demonstrate that. In practical terms, it is unlikely that the JCB could operate as a restaurant in its current state, because the main kitchen and storage areas are on the pontoon. While reconfiguration to address that would be costly, and would reduce dining space, evidence that it could not be done, or that no restaurant could successfully trade that way, was not presented.
106. Mr Turk affirmed that relocating the kitchen onto the JCB would make the restaurant unviable because it would exclude seating from the entire lower deck. No illustration of this was presented, nor was it stated how many covers are required for viability. Neither was any information provided as to how that would differ from the way restaurants had been viable between 1993 and 2015 with a kitchen on the JCB. As it is, the current restaurant has a food preparation area accommodating a large pizza oven on the upper

deck of the JCB. In the absence of more comprehensive evidence, I can only accept these viability arguments in terms of the current business model, not any restaurant on the JCB.

107. Areas for mooring in connection with river-related uses are separated from the restaurant. As noted above, access to those areas and to the river-related store area requires passage through shared circulation areas and a dining area. Nevertheless, from all accounts, the components of the mixed use co-exist well.
108. Mr Turk affirmed that the river-related users cannot afford to pay the approximate £27,000 annual running costs of the pontoon. While accounts have not been produced, he affirmed that all but £6,000 is paid by the restaurant. It is to be expected that a smaller restaurant, with dining limited to the JCB, would have less turnover and thus might not be able to pay the same share of the running costs. However, no evidence of the income previously derived from restaurant use of the JCB alone or from the exclusive rights over part of the pontoon mentioned in leases has been provided for comparison. Indeed, Mr Turk affirmed that he had received commercial kitchen designs for the JCB in March 2020, during its repair and restoration, indicating that it had then been considered viable to resume restaurant use of the JCB with a kitchen on it.
109. Nevertheless, Mr Turk affirmed that he would have to remove the pontoon if the income from the restaurant ceased, ending access for the various charitable river-related users.
110. The 1985 permission had been sought and granted on the basis of the pontoon being used for hiring out motor boats and rowing skiffs, an income-generating activity. Mr Edwards stated and affirmed that he began running a boat hire business from the pontoon in 1992, at Mr **Turk's invitation**. Various images from between 1993 and 2021 include a sign advertising boats for hire on the gangplank.⁹ This suggests many years of boat hire from the pontoon alongside restaurant use and, after 2015, when there was no restaurant use. Mr Turk affirmed that boat hire had moved away by 2021-22 and the sign is no longer on the gangplank in images from after the altered pontoon returned in 2022.
111. Mr Turk states that he receives £6,000 plus VAT each year for use of the pontoon by "boat clubs, boat charities, boat builders and boat hire use". However, boat hire moved away in 2021-22 and Mr Edwards affirmed that boat repair no longer takes place on the pontoon. The income must therefore be from a smaller range of river-related activities.
112. There is no evidence that reintroducing boat or paddle board hire as potential sources of income toward the running costs of the pontoon has been considered. Mr Turk affirmed that he had not conducted a marketing exercise for the pontoon, so it has not been demonstrated that the current restaurant use is the only option for generating the necessary income.
113. The pontoon remained in situ after restaurant use ceased in April 2015 until July 2021, when it was taken away for repairs. There was no income from restaurant use during that period. No evidence of running costs and income

⁹ Images 1-5 and 9-11 in Richard Turk's Statement of Fact; appendices 8-10 to the Council's Statement of Case.

for that period has been produced, although Mr Turk affirmed that he had met all costs. He had, however, not anticipated the JCB would be away for so long and indicated that he bore the costs because he always intended it, and restaurant use, would return. Mr Edwards affirmed that he continued to use the pontoon during that period and that paddle board hire also operated from it during that time. No evidence as to whether any boat or paddle board hire paid for use of the pontoon or operated free of charge while the JCB was away has been presented.

114. The inclusion of restaurant use on the pontoon does allow people to get closer to the water and thus enjoy the riverside. However, that benefit is only available to paying customers and, for the reasons identified above, the bulk of the altered pontoon intrudes on public views that are integral to enjoyment of the river scene.
115. If permission were granted for the mixed use, it would allow for continued river-related use of the pontoon, aligning with part D of London Plan policy SI 16. It would be possible to prevent restaurant use of the parts of the pontoon intended for river-related use by planning condition. While the notice does not require the pontoon to be removed and does not attack its river-related use, the possibility of the pontoon being removed, as Mr Turk intimated, must be considered. However, if it were unavailable, as it was when taken away for repair and alteration between July 2021 and January 2022, river-related users would have alternative options in the form of slipways and steps.
116. I acknowledge that these alternatives would not be as attractive to river-related users and cannot provide storage, as the pontoon does. Nevertheless, they confirm that river-related use could continue in this location, as it had long before the pontoon arrived. In view of this, and the limitations noted in the evidence about funding the pontoon, I can only afford modest weight to the identified public benefits of the mixed use.
117. The continued provision of the pontoon for river-related use and associated storage is a public benefit, enabling uses that are supported by Local Plan policies LP18 and LP19. However, it has not been demonstrated that an appropriate benefit of this nature could not be secured without the OD or the restaurant component of the mixed use that are the causes of less than substantial harm to the significance of heritage assets. In applying paragraph 208 of the Framework, I am mindful that the balance is not even, and that great weight must be given to the conservation of the heritage assets. Whilst the magnitude of harms may vary in relation to each asset, the workings of sections 66(1) and 72(1) of the LBCA Act mean that this harm must be accorded considerable importance and weight. In my judgement, the less than substantial harm that has occurred to the significance of the designated heritage assets of the CA and Richmond Bridge, individually or cumulatively, is not outweighed by the identified public benefits.
118. The mixed use of the pontoon, by reason of the restaurant element, and the alterations to the pontoon fail to conserve the historic environment of the borough. They are not compatible with local character in terms of views, local grain and the river frontage.

River-dependent and river-related uses

119. The loss of river-dependent and river-related uses that contribute to the special character of the Thames, including riverside facilities such as slipways, docks, jetties, piers and stairs should normally be resisted.
120. The reintroduction of restaurant use onto the pontoon since July 2022 has taken space that had previously been in river-related use. It must, however, be acknowledged that precise reasons why boat hire and paddle board hire moved away from the pontoon have not been explained. A representation from the manager of the boat hire business states that the alterations to the pontoon have limited **the business's visibility of customers when on the river**, with safety implications if they get too close to Richmond Weir. As a result, it has on occasion been necessary to run down the waterfront to check on boats or to operate an additional safety boat. Although those comments related to the pontoon as it was when the notice was issued, rather than as now applied for, they were reiterated in Mr Edwards' oral evidence.
121. A wooden platform was added to the outer side of the pontoon after it returned to the site in 2022, to facilitate access to and from vessels moored at the pontoon. It appears the platform was needed because the raised section occupied by the restaurant kitchen spans the entire original width of the pontoon. Without the platform, it would not be possible to reach any vessels moored off the downstream end without going through the dining area above the kitchen. Nor would it be practical to moor a vessel alongside that part of the pontoon.
122. No evidence that the platform is not development, or does not require planning permission, has been produced. It is not included in the alleged breach of planning control and therefore would not gain approval if the appeal were to succeed. The fact that this addition was deemed necessary confirms that the alterations that are subject of the notice have restricted river-related access to the pontoon.
123. While the appellant suggests the MCU and the associated OD can draw support from London Plan policies SI 16 and SI 17, I disagree. In particular, part D of policy SI 17 indicates that support should generally only be available for water-related uses or to support their enhancement. As noted, the restaurant element of the mixed use is not a river-related use and enhancement of water-related uses has not been demonstrated.

Environmental effects

124. There are no residential properties near the appeal site and there have been no reports of harmful impacts in terms of noise, odours, or fumes. The parties agree these impacts could be adequately controlled by planning conditions. It is also agreed that a condition to secure approval of external lighting can protect local river ecology, thus avoiding unacceptable impacts upon any receptors, as required by Local Plan policy LP10.

Whether very special circumstances justify the development

125. The inappropriate development of the MCU and the associated OD is harmful to the MOL by definition and, by reason of encroachment, to a purpose of including land in it. These are matters to be afforded substantial weight. For the reasons given, the identified benefits do not, individually or cumulatively,

amount to very special circumstances needed to outweigh the harm to the MOL.

Conclusion on ground (a)

126. I have found that there is less than substantial harm to the significance of the designated heritage assets of the CA and Richmond Bridge and that the public benefits of the MCU and the OD do not outweigh this. I have further found that the MCU and the OD constitute inappropriate development and that very special circumstances sufficient to outweigh their harm to the MOL and the purposes of including land within it do not exist. They further fail to have regard to the special character of the reach and harm the character, openness and views of the river. I have also found that the OD has restricted, rather than enhanced, water-related uses.
127. In reaching this view, I have had regard to the suite of planning conditions set out in the agreed Statement of Common Ground. However, I do not believe those conditions, or any others that might reasonably be imposed, would mitigate the identified harm to the MOL and designated heritage assets.
128. For these reasons the MCU and the associated OD are contrary to London Plan policy G3, Local Plan policies LP1, LP3, LP5, LP13, LP18 and LP19 and are unacceptable. Material considerations to indicate that the DPA should be determined other than in accordance with the development plan have not been shown to exist. The MCU and associated OD are therefore contrary to the development plan as a whole.
129. The appeal on ground (a) therefore fails.

The appeal on ground (f)

130. The Council suggests a variation to the second requirement of the notice to confirm that only the unauthorised restaurant use of the pontoon should cease.
131. Section 176(1) of the Act allows that any requirement of a notice may be varied at appeal provided that would not cause injustice to the appellant or the Council. As the variation is suggested by the Council, it is only necessary for me to consider this from the appellant's perspective.
132. As originally drafted and as now suggested to be varied, the second requirement only attacks restaurant use of the pontoon and the variation would therefore not make the notice more onerous. Consequently, the variation would not cause injustice to the appellant.
133. **The appellant's case on ground (f), set out in the Proof of Evidence of Mr Villars,** is largely a defence of the development as carried out, which I have already considered in the appeal on ground (a). That does not constitute a lesser step that would remedy the breach of planning control.
134. Mr Villars also suggests a grant of planning permission, subject to conditions to mitigate any harm identified, for a temporary period, perhaps 5 years. However, for the reasons given in the appeal on ground (a), the unacceptable harm to the MOL and the significance of designated heritage assets cannot be mitigated by conditions. Furthermore, while the 5-year

period was only given as an example, granting permission for any period would contradict the expediency of issuing the notice in the first place.

The appeal on ground (g)

135. No evidence has been presented to suggest the current **restaurant's lease** could not be terminated within the 6-month period stated in the notice. The appellant originally contended that a 2-year period should be allowed for compliance, for a planning application to be made. The nature of that application was never explained and as I have already considered the DPA, I see no reason to contemplate this line of argument further.
136. The appellant now seeks a 2-year period to facilitate relocation of the restaurant and the river-related users or for alternative funding for the pontoon to be sourced, to allow the latter to remain. As explored in the appeal on ground (a), the notice does not require the river-related use of the pontoon to cease. The funding argument is therefore based on the **appellant's assertion** that he cannot afford to maintain the pontoon without income from the restaurant as it currently operates. For the reasons given in the appeal on ground (a), that has not been satisfactorily demonstrated.
137. The 6-month period would allow the restaurant to trade during the most profitable time of the current year. Furthermore, it is not stated when any payment to be made against the annual running costs of the pontoon, whether in whole or in part, is next due. The financial basis for a longer compliance period is therefore unclear. However, the 6-month period would seem sufficient for alternative funding options to be identified, explored, and discussed with others, including the Council if necessary.
138. If the current restaurant cannot operate from the JCB alone, it would need to find alternative premises. The appellant questions whether suitable alternative premises exist in Richmond and, **having heard Ms Freeman's** explanation of the sites her company specialises in, that may be correct. However, the company's success in finding 15 such sites across London to date suggests it would be well placed to find another one.
139. For these reasons, it has not been demonstrated that a period of 6 months to comply with the requirements of the notice falls short of what should reasonably be allowed. The appeal on ground (g) must fail.

Conclusion

140. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice with a correction and variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Formal Decision

141. It is directed that the enforcement notice is corrected in section 3 (ii) by the deletion of "a material change of use of the pontoon into a **restaurant**" and the substitution of "a material change of use of the pontoon to a mixed use, comprising restaurant, mooring of boats and ancillary storage."
142. It is further directed that the enforcement notice is varied in section 5.2 by the deletion of "Permanently cease the unauthorised use of the pontoon" and

the substitution of "Permanently cease the unauthorised restaurant use of the pontoon."

143. Subject to the correction and variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Mark Harbottle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Saira Kabir Sheikh KC

She called

Nick Collins BSc (Hons), MRICS, Director, Portico Heritage

IHBC

Liz Simes BA (Hons), Dip LA,
Dip UD, CMLI

Richard Turk

Philip Villars BA (Hons), MRTPI

Operating Board Director - Landscape
Planning, Fabrik

Managing Director, Turks Shipyard Ltd.
and Turks Launches Ltd.

Director, PMV Planning

FOR THE LOCAL PLANNING AUTHORITY:

Robin Green

He called

Lauren Way BA, MA, IHBC

Principal Conservation & Urban Design
Officer, Richmond upon Thames LBC

Aaron Dawkins BA

Senior Enforcement Officer, Richmond
upon Thames LBC

INTERESTED PARTIES:

Prudence Freeman

Director, Daisy Green Foods Ltd.

Mark Edwards MBE

Richmond Freewatermans Turnway Society

Hilary Pereira

River Thames Society

Mark Baragwamath

Former H₂O restaurant

Mike Adams

Local resident

Documents submitted during the Inquiry

- 1 Notice of the Inquiry in the Richmond & Twickenham Times 21 March 2024
- 2 Summary Proof of Evidence of Nick Collins
- 3 Index of appendices to the Proof of Evidence of Nick Collins
- 4 Index of appendices to the Proof of Evidence of Richard Turk
- 5 Local Plan policy map extract
- 6 Suggested viewpoints for the site visit
- 7 Response of Lauren Way to the LVIA
- 8 Extracts from the Richmond Town Centre Action Area Plan proposals map
- 9 Comments of people supporting the restaurant
- 10 Annotated copy of 5 above showing alternative access points
- 11 River Thames Visitor Centre appeal decision
- 12 Revised statement of Mike Adams
- 13 Revised Statement of Common Ground

Appendix 3



**In the High Court of Justice
King's Bench Division
Planning Court**

AC-2024-LON-002131



In the matter of an appeal pursuant to section 289 of the Town and Country Planning Act 1990

AC-2024-LON-002131

TURK LAUNCHES LIMITED

-and-

(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

(2) THE LONDON BOROUGH OF RICHMOND UPON THAMES

Respondents

Following the grant of permission to appeal by order of the court sealed on 10 September 2024

And following consideration of the documents lodged by the Appellant and Respondent

And following consideration of the draft consent order signed by all parties and the accompanying Statement of Reasons ("the SOR") annexed to this order

ORDER by the Honourable Mr Justice Mould

1. The appeal is allowed.
2. Pursuant to CPR PD 54D para 6.14, the Appellant's appeal against the enforcement notice issued by the Second Respondent with reference number 22/0346/EN/EOP on 11 October 2023 is remitted to the First Respondent for redetermination in respect of the matters stated in paragraphs 4, 5 and 6 of the SOR.
3. The First Respondent must pay the Appellant's reasonable costs of the appeal to be subject to detailed assessment if not agreed.

Reasons

Following consideration of the SOR, I am satisfied that the decision of the First Respondent dated 20 May 2024 is erroneous in point of law and that this appeal should be allowed. The matter is remitted to the First Respondent for her to redetermine the appeal against the enforcement notice under section 174(2) of the Town and Country Planning Act 1990. Redetermination will be limited to the Appellant's appeal under grounds (a) and (f) of

Signed Timothy Mould

Dated 3 April 2025

The date of service of this order is calculated from the date in the section below

For completion by the Administrative Court Office

Sent / Handed to

either the Claimant, and the Defendant [and the Interested Party]
or the Claimant's, and the Defendant's [and the Interested Party's] solicitors

Date: 4th March 2025

Solicitors:

Ref No.

Appendix 4

Tuesday, December 16, 2025 at 1:53:02 PM Greenwich Mean Time

Subject: Turks Pontoon

Date: Wednesday, 11 September 2024 at 17:12:52 British Summer Time
From: Aaron Dawkins
To: Philip Villars
CC: Craig Raybould, Nicki Dale

Official

Dear Philip,

I am writing to you having been made aware that your client, Mr Turk, is preparing a new planning application seeking to retain elements of the pontoon which are covered by the enforcement notice. As you know, your client applied on appeal to retain the development by way of a deemed application under ground (a) and was unsuccessful. They also had the opportunity to put forward alternative proposals at that time under ground (f).

As Craig explained in his email to you on the 30th August, we do not intend to allow the harm caused by the breach to continue unabated or for matters to become unnecessarily protracted. To this end and to avoid any abortive work and costs for your client, whilst not wanting to prejudge the outcome of any future application, I wish to remind you that should any proposals retain elements of the appeal scheme covered by the enforcement notice we reserve the right to decline to determine the application under section 70(c).

I also wish to make clear that submission of a revised scheme will not affect the compliance date of the enforcement notice which remains 20th November 2024. If the works referred to in the enforcement notice remain in place after this date, the Council will have no option but to instigate criminal proceedings for non-compliance.

Kind regards

Aaron Dawkins
Senior Planning Enforcement Officer

Serving Richmond and Wandsworth Councils
Email: aaron.dawkins@richmondandwandsworth.gov.uk
Mobile: 07977 330121

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

This is the opinion of the officer and is given without prejudice to any formal decision of the Council.

IMPORTANT:

This email and any of its attachments are intended solely for the use of the individual or entity to whom they are addressed. If you have received this message in error you must not print, copy, use or disclose the contents to anyone. Please also delete it from your

system and inform the sender of the error immediately. Emails sent and received by Richmond and Wandsworth Councils are monitored and may be subsequently disclosed to authorised third parties, in accordance with relevant legislation.

Appendix 5

London Borough of Richmond upon Thames

TOWN AND COUNTRY PLANNING ACT 1971

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

Town Path

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

Mr. M. Levers

Signature

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

Director of Technical Services

P.T.O.

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.

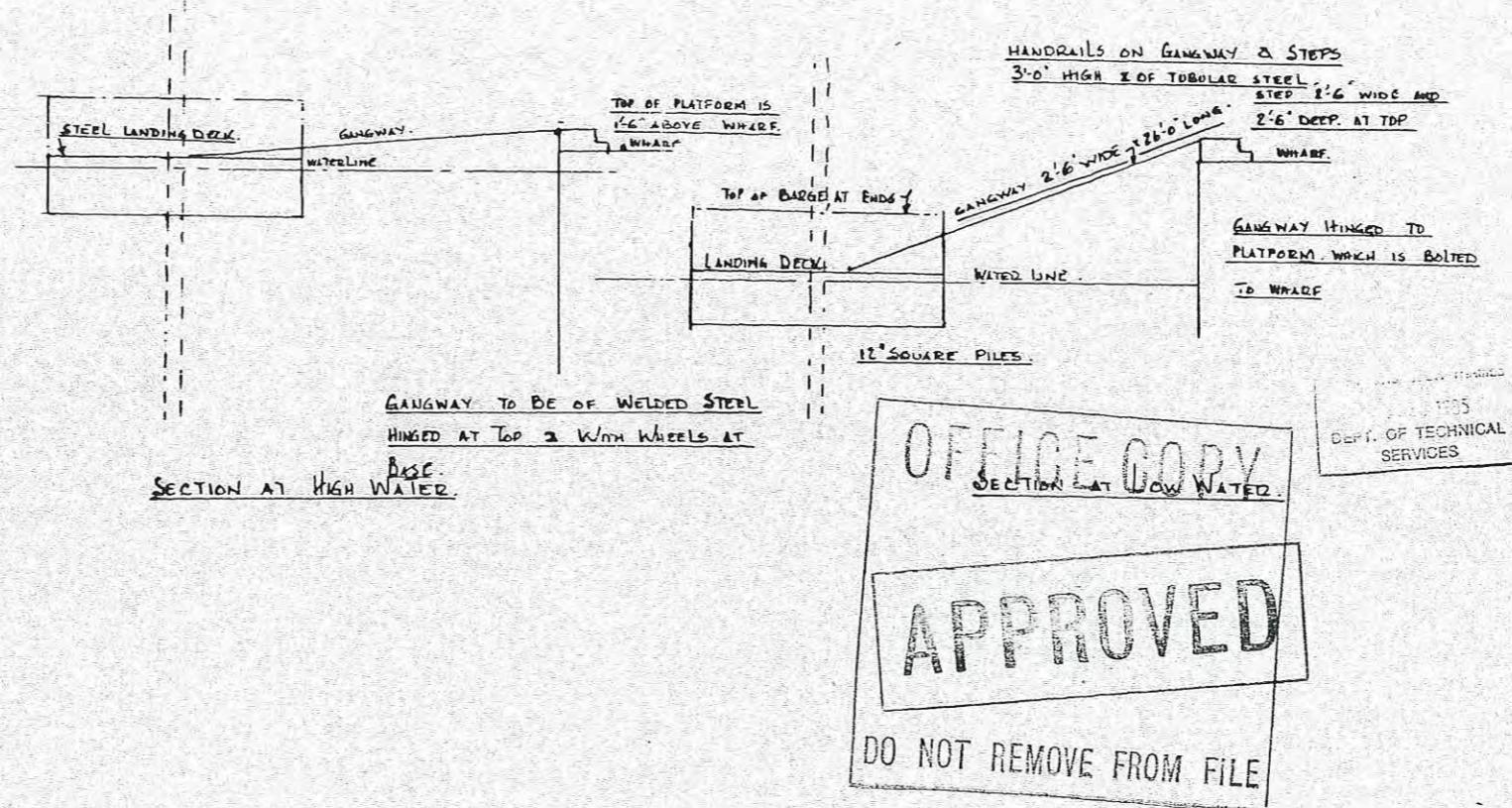
FOR OFFICE USE ONLY

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

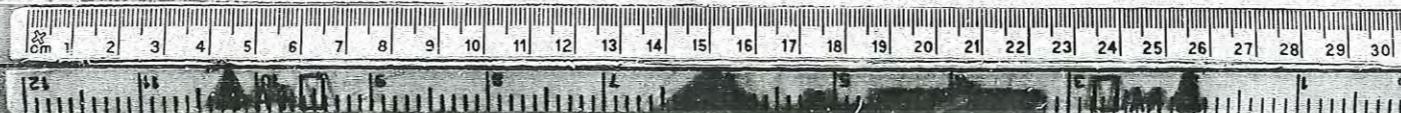
Date of Appeal to the Secretary of State for the Environment and Date and Effect of his decision.

PROPOSED LANDING BERTH AT RICHMOND BRIDGE
FOR R. J. TURK & SONS.
SCALE 1/8" = ONE FOOT

85 / 139



Frank Bandey,
C.E.C. F.R.I.M.A.
16 Oaklands Chase,
Weybridge,
Surrey, KT13 9SA



16 14 13 12 10 9 8 A4 A4 8 9 A3 11 12 13 14 A2 16

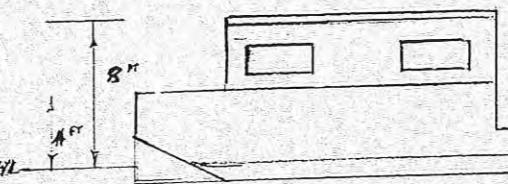
R. J. TURK & SONS
THAMES SIDE
KINGSTON ON THAMES
SURREY
Tel: 01 546 2434

DRAWING OF BARGE FOR PROPOSED LANDING STAGE AT RICHMOND

R. J. TURK & SONS

SCALE: 1" TO SIX FOOT

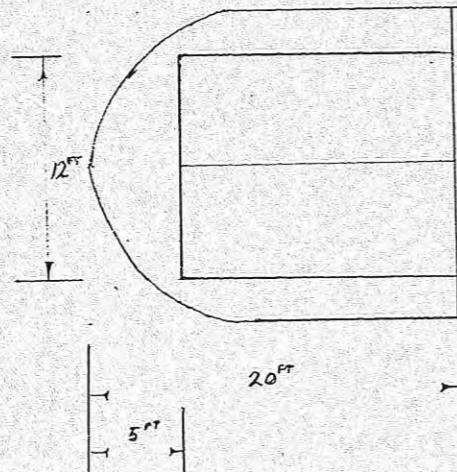
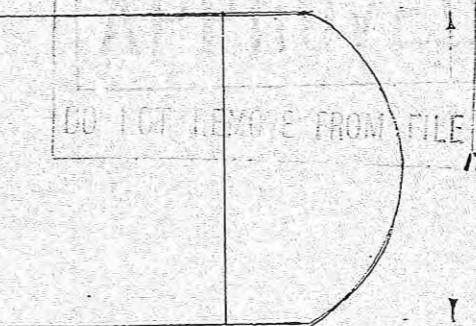
85/159



80'

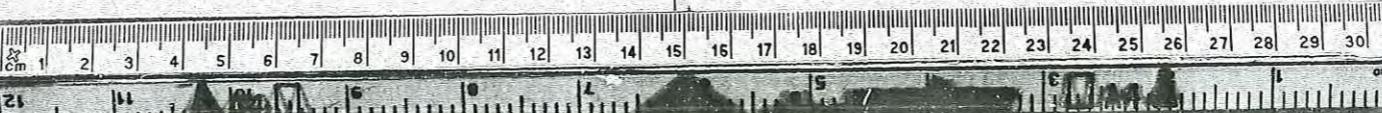
SIDE ELEVATION

OFFICE COPY

PLAN VIEW
OF BARGE

LONDON BOROUGH OF
RICHMOND UPON THAMES
19 FEB 1985
DEPT. OF TECHNICAL
SERVICES
19 FEB 1985
DEPT. OF TECHNICAL
SERVICES

O.L.



16 A2 14 13 12 A10 9 8 A4

A4 8 9 A3 11 12 13 14 A2

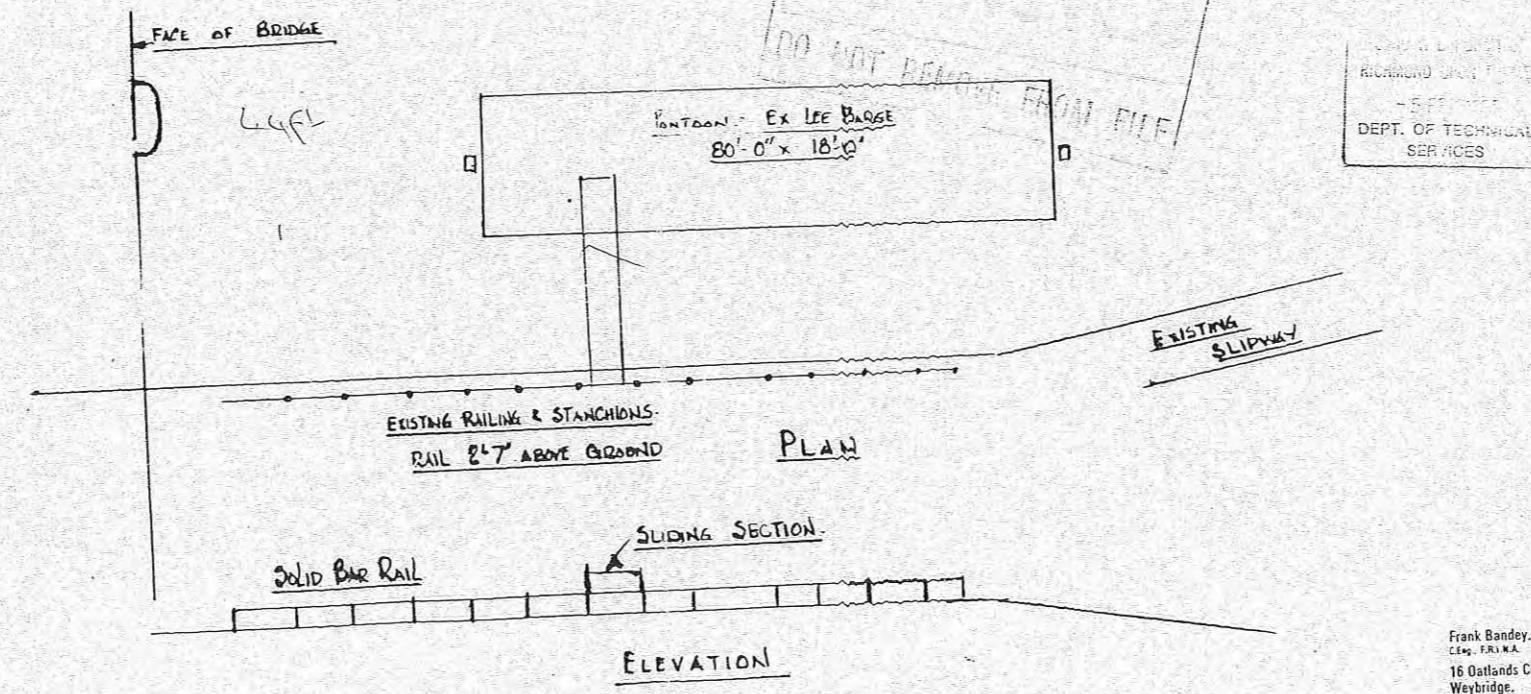
PROPOSED BERTH & LANDING AT RICHMOND.

FOR R.V. TURK & SONS.

SCALE = $\frac{1}{16}$ " = ONE FOOT

85/139 18

OFFICE COPY



cm 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

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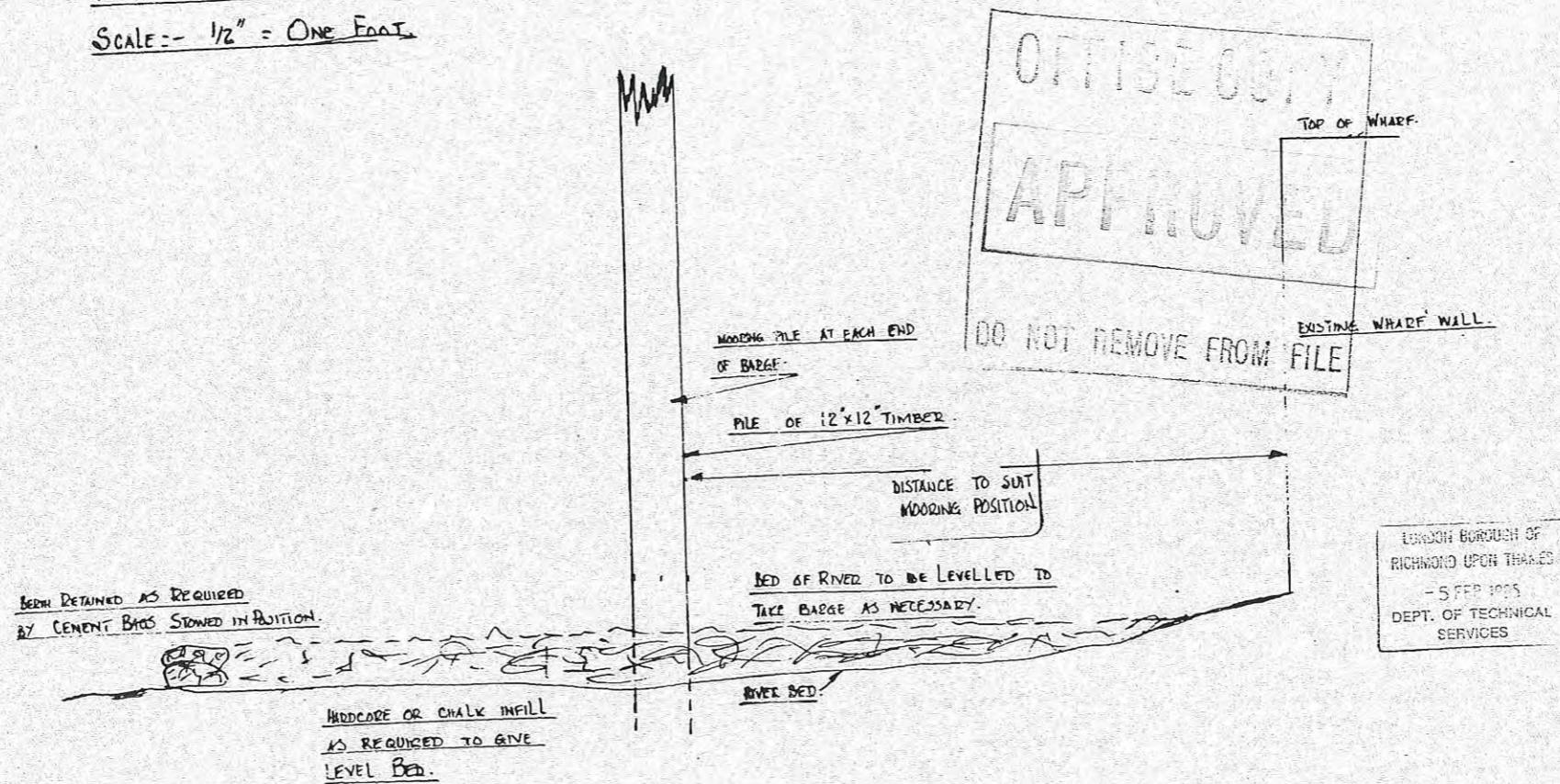
A4 8 9 A3 11 12 13 14 A2 16

PROPOSED BERTH BELOW RICHMOND BRIDGE

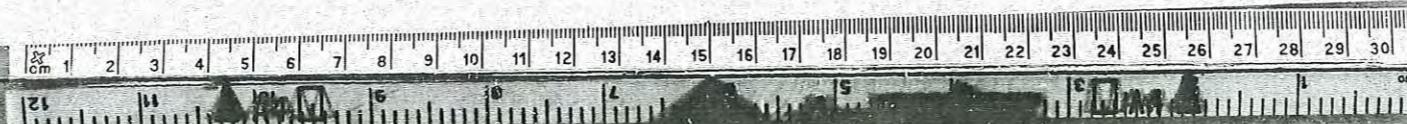
FOR R.J. TURK & SONS.

SCALE -- 1/2" = ONE FOOT.

85 / 139



Frank Bandey,
C.E., F.R.I.M.A.
16 Oatlands Chase,
Weybridge,
Surrey KT13 8SA



A3

A3

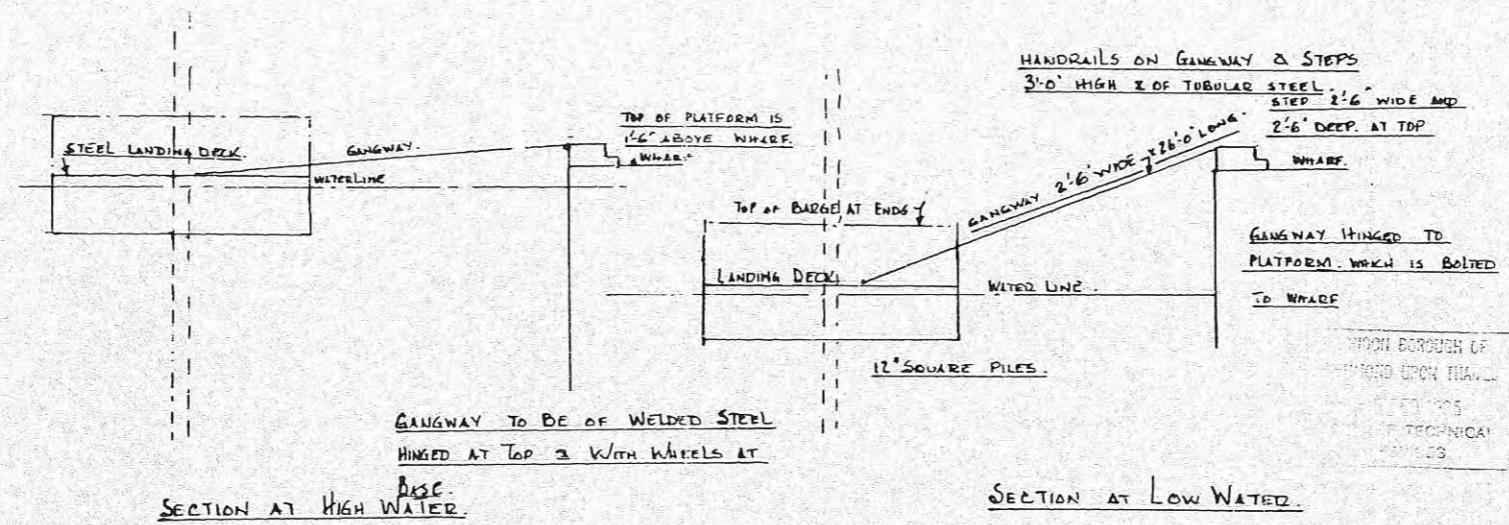
16 A2 14 13 12 A10 9 8 A4 A5 A4 8 9 A3 A11 12 13 14 A2 16

PROPOSED LANDING BERTH AT RICHMOND BRIDGE

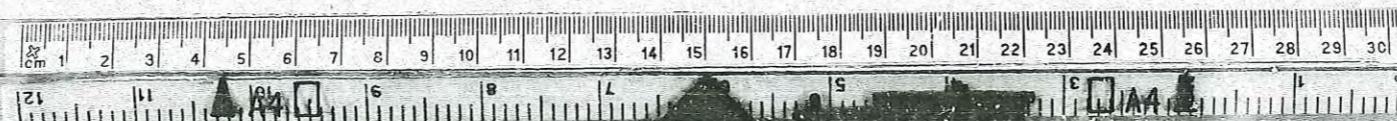
FOR R. J. TURK & SONS.

SCALE $\frac{1}{8}$ " = ONE FOOT

85 / 139



Frank Bandey,
CEng, FRINA
16 Oaklands Chase,
Weybridge,
Surrey, KT13 9SA



▲ A3 □

□ A3 ▲

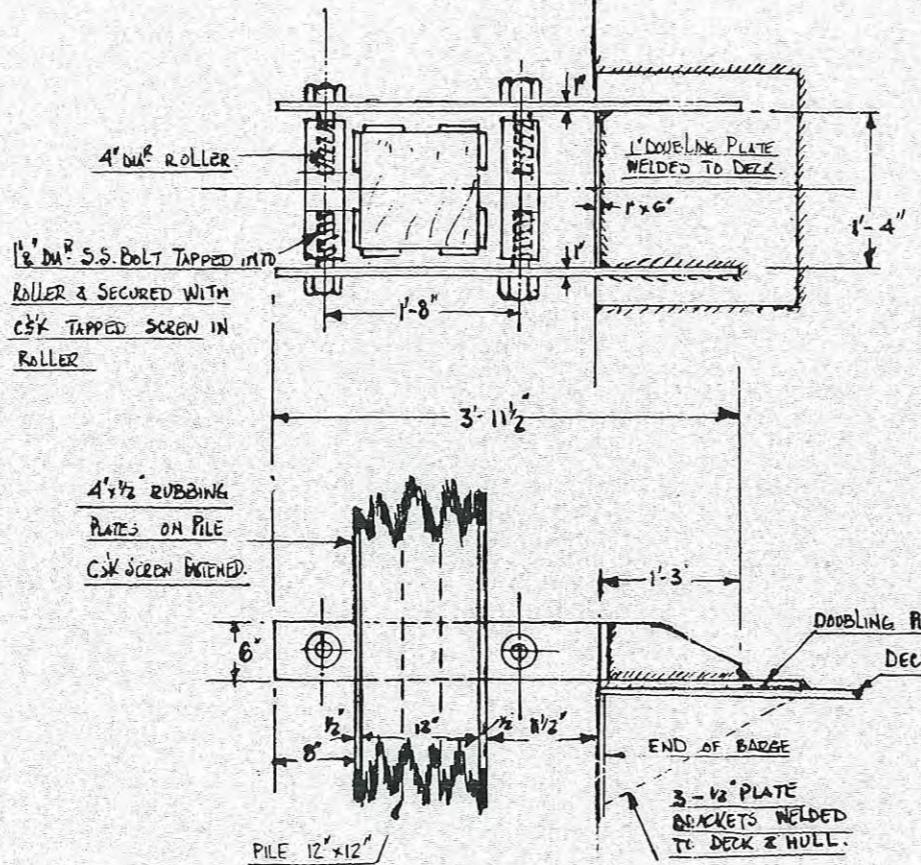
16 A2 14 13 12 ▲ 10 9 8 ▲ A4

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A4 ▲ 8 9 A3 ▲ 11 12 13 14 A2 ▲ 16

PILE ATTACHMENT FROM BARGE FOR PROPOSED LANDING STAGE AT RICHMOND
FOR R.J. TURK & SONS.

SCALE: 1" = ONE FOOT



85 / 139

LODGE BURGH OF
RICHMOND BURGH THAMES
4-5 FEB 1955
DEPT. OF TECHNICAL
SERVICES

Frank Bandey,
C.E. & F.R.I.M.
16 Oaklands Chase,
Weybridge,
Surrey, KT13 9SA



▲ A3 □

□ A3 ▲

A2 14 13 12 ▲ 10 9 8 A4

A4 8 9 A3 11 12 13 14 A2 16

Appendix 6



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
Kidds

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:

TURK'S BRIDGE PIER, RICHMOND BRIDGE, RICHMOND,
for

HOORING 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:

RS01	DEVELOPMENT BEGUN WITHIN 5 YRS	DV28	EXTERNAL ILLUMINATION
RS03	RESTRICTION PLAYING MUSICAL INST	RS04	EXTRACTION EQUIPMENT RESTAURANT
RS01	NON-STANDARD	RS02	NON-STANDARD
RS03	NON-STANDARD	RS04	NON-STANDARD
RS05	NON-STANDARD	RS06	NON-STANDARD
RS07	NON-STANDARD		

INFORMATIVES:

IP01	DISABLED PERSONS	IP20	SOIL & SURFACE WATER DRAINAGE
IP26	FOOD HYGIENE	IP28	RESTAURANTS - EHO CONSULTATION
IP38	ADVERTISEMENTS	IP44	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

Maureen Freeman

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

(SEE ATTACHED NOTES)

Mr G Williams & N J Turk
c/o Conoley & Webb
67 Strathmore Road
Teddington
Middx

Reference No. 92/0659/FUL

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 RESTRICTION 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 EQUIPMENT 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 Tewer 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:

IP01 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.

IP20 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.

IP26 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.

IP38. 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.

IP44 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

PLANNING SUB-COMMITTEE - 20 AUGUST 1992

In general, first floor infill extensions between houses are resisted since they result in a terrace effect and the identity of the individual houses is lost. Indeed it is felt that the proposal as originally submitted would have had just such an effect and the application was not considered to be acceptable for this reason. With a set back of some 5.0 metres from the front elevations as now proposed, however, Members may agree that the extension will appear subordinate to the two houses. The gap and view of sky between the two houses will be lost but Members may feel that this loss is justified in order to upgrade the facilities of the home for the elderly.

This site is densely developed and opportunity for further extension is severely limited. With regard to the current application, however, it is felt that the extensions will have minimal impact on neighbours, on the existing buildings, streetscene and conservation area and are therefore acceptable. In the circumstances I therefore recommend PERMISSION subject to the following condition and informatives:

Standard Conditions:

EDC4 - Materials to match existing

Standard Informatives:

IF16 - Damage to public highway

IF30 - Noise control - building sites

IF44 - Decision Drawing Nos. - 910/03, 05, 07 and 08 received on 24 February 1992, 910/04E and 06E received on 25 June 1992 and 910/09C received on 23 July 1992

RICHMOND HILL WARD

~~PROPOSAL~~
TURK'S BRIDGE PIER
RICHMOND BRIDGE
RICHMOND

Proposal:

Mooring of Jesus College Barge against R J Turk pontoon for use as restaurant below and above deck.

Applicant:

Conoley & Webb for Mr O Williams and M J Turk

Application received:

8 April 1992

Properties consulted:

Hotham House No. 1, Bridge House No. 3, Basement, ground, first and second floors at Palm Court No. 4, Heron House No. 5, Heron Square
Flat at Tower House

PLANNING SUB-COMMITTEE - 20 AUGUST 1992

Main Development Plan Policies:

RTAAP Policies 2, 3, 11, 14, 34, 35, 49, UDP deposit draft ENV 1, 3, 10, 11, 26, CFI 2, RIV 4, 5, 7, 8, 9, CA, Tower House LB II, Metropolitan Open Land, Area of Special Character

Present Use:

River

Site and Proposal:

Turks Bridge Pier comprises a floating pontoon some 36 metres long by 5 metres wide which is located on the river immediately in front of the Richmond Riverside development and close to Richmond Bridge. It is intended to moor the Jesus College Barge against the pontoon on the land side close to the existing slipway. The Barge, a maximum of 19.3m long by 4.1m wide would be converted to a restaurant prior to its mooring. The restaurant would be used throughout the year; during the winter this would be "below decks" for approximately 70 covers and in the summer would be on the top deck below a canopy. The restaurant is to be used in conjunction with the River Terrace Restaurant and one of the under terrace boat stores will be used to gain access to the existing River Terrace Restaurant basement for servicing purposes. Pedestrian access to the barge will be from the pontoon via the existing gangway.

An application for Listed Building Consent Ref. 92/0969/LBC follows this report for the formation of an access between the boat store and the basement of the River Terrace Restaurant.

Public and Other Representations:

Historic Buildings and Monuments Commission - has no observations to make.

Conservation Areas Advisory Committee - the Panel were not opposed to the idea of a barge being moored at the pier but were very worried at the prospect of it being permanently moored. In particular, concern was expressed about what arrangements would be made for sewage, rubbish collection and noise emission. Concern was also expressed about the possibility of setting a precedent for other commercial boats to be moored permanently on the riverside. Perhaps temporary permission should be granted to allow the use to be monitored.

Thames Water Utilities - has no objection to the proposal.

Port of London Authority - fully supports this proposal although the licence currently granted to Turks would need to be amended.

National Rivers Authority - has no objection to make.

PLANNING SUB-COMMITTEE - 20 AUGUST 1992

The Richmond Society - views the application with reservation. If permission were granted conditions should be imposed to minimise potential loss of amenity to residents and the general public and to ensure that facilities required are provided in a visually and socially satisfactory manner. Permission should be restricted to this boat only and be for a limited period, say 5 years.

Vehicular access and parking should be prohibited. Refuse storage and collection needs to be controlled and any supply cables/pipes must be laid underground to the side of the bank nearest the mooring. Sound levels must be restricted to a low level. Hours of use should be restricted to align with the other restaurants in the vicinity. The adequacy of the width of the brow is questioned. Colours, signage etc should all be supplied before a decision is made.

River Thames Society - two letters have been received from different branches of the Society:

1. The barge will restrict river traffic and prevent access to the river by other users since temporary moorings are in short supply.
2. How will foul sewerage be disposed of?
3. There will be excessive noise and disturbance to residents in the locality and other river users.
4. Have the regulations and recommendations of LPAC made in respect of floating restaurants been adhered to?
5. Is the development suitable for the conservation area?
6. What parking facilities are there?
7. What noise control limits will be applied?
8. Do the Port of London Authority and the City of London Port Health Authority approve?

Director of Health, Housing and Consumer Services - is concerned with regard to possible noise nuisance to residents on either side of the river.

Leisure Services Department - support the proposal which is consistent with policy to make the River Thames more available to the general public. Whereas the Department has, in the past, opposed floating restaurants in other location; eg. on the Port of London Authority pier at Richmond; it was because the restaurant would have interfered with the safe working of the regular passenger vessels servicing Richmond. In this proposal this criterion would not apply.

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Richmond Riverside is an under-used public space which the floating restaurant would enhance. Its nature would emphasise the availability and attractiveness of the Riverside Development as well as the two adjacent piers offering passenger boat trips. The vessel has a good historical background and would complement the style that planning decisions have sought to achieve on this site recently.

Neighbours - 3 letters have been received raising objection on the following grounds:

1. Richmond is sufficiently provided with restaurants.
2. Lack of parking for this use and generally.
3. Servicing problems will arise and the towpath will be used.
4. Cables, pipes etc run to the boat will be unsightly.
5. Foul sewage disposal could cause problems.
6. The pontoon is in a poor state and the boat could be similarly neglected.
7. Barge will detract from visual quality of river scene and will also block views of the river from the land.
8. The riverside is already congested with people and cars, no further uses exacerbating this problem should be allowed.

The applicants agent - the barge is flat bottomed with a shallow draft enabling it to be placed between the pontoon and the river bank without being affected by the tides. This location will not affect the cruising business in terms of volume or function that is currently carried out from the pontoon.

Toilet facilities and a galley will be provided inside the barge and waste from these areas pumped into the pontoon which has a liquid waste storage tank.

The Jesus College Barge has an interesting history and is currently being refurbished in Sunbury. The character and visual appeal as well as the history of the barge make it a welcome addition to any river front and in this location would mirror in quality the eclectic architectural styles of the riverside development.

The applicant would be willing to accept a restriction that the permission relate to the Jesus College Barge only but would not accept a temporary permission. Further the applicant would be willing to consider refurbishing the toilets under the bridge for use by the public and people using the restaurant. This should not, however, be considered as part of the application.

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Amendments:

As originally submitted part of the under terrace boat store was to be used for storage for the restaurant. As this was not favoured, the application was amended to provide access only through the boat store to the existing restaurant store. An application for Listed Building Consent to form an access between the rear of the Turks Store and the River Terrace basement store has been received, the report on which follows.

Professional Comment:

Members may be aware that several applications for floating restaurants have been received in the past for various locations on the River Thames but that these have been resisted. In these instances the locations have been outside commercial locations and therefore considered inappropriate. The current application differs in that the site is within the Richmond Town Centre Area where it is recognised that there is activity both throughout the day and evening. Indeed there are several restaurants/wine bars in and adjoining the Richmond Riverside development. Policy 34 of the Richmond Town Action Area Plan states that recreational use of the river and the riverside is to be encouraged and in the Unitary Development Plan deposit draft the site is within a 'C' reach of the river wherein again recreational uses of the river and river bank area to be encouraged. Although the proposal does not constitute a river related use, it would most certainly add to the riverside environment and activity at this particular location. The Unitary Development Plan deposit draft recognises that there are very few locations where a floating fixed restaurant would be acceptable since in most areas such a use would threaten the sensitive environment. I do not feel that such is the case with the current application. The barge would be tucked between the permanently moored pontoon and the hard edge of the river bank and will not therefore have any effect on the ecology of the river or on river navigation.

The barge has historic interest, is an attractive structure and is likely to enhance the river life and scene. The planning guidelines for permanently moored vessels and structures in the river produced by LPAC and referred to by the River Thames Society in their representation, states that vessels should enhance the river and should be orientated towards public enjoyment of the river. Furthermore the document states that floating structures should not detract from the setting of listed buildings or conservation areas. In this particular case it is felt that the Jesus College barge would make a positive contribution to the character and appearance of the conservation area and would not detract from the setting of neighbouring listed buildings including Richmond Bridge.

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If Members accept that the siting of the barge and the use proposed are acceptable in principle then one must consider the effects of the operation of the restaurant on the area. In terms of servicing, this application and the accompanying Listed Building application make provision for servicing to take place from the existing basement to the Terrace Restaurant via one of Turks boat stores. It is important that no servicing by vehicles from the towpath takes place and conditions to this effect should be imposed on any permission that might be granted. Furthermore rubbish must not be stored on the pontoon or towpath since this would detract from the visual quality of the area. Liquid waste is provided for in the cesspit facility on the pontoon.

Objections on parking grounds are not felt to be justified since the site is within the town centre area where public transport facilities are good and parking is provided for in public car parks. Individual uses within the centre are not expected nor encouraged to provide their own private parking accommodation.

Since considerable expense will be incurred in refurbishing the barge, the applicants are not willing to accept a temporary permission and Members may agree that such an imposition would be unreasonable.

With regard to the activity on the barge and effect on local residents, the applicants state that the restaurant will provide a maximum of 70 covers and indeed the intensity of use will be necessarily controlled by the limited size of the galley and bar. Although a restaurant use will generate some noise; eating is generally a quiet social activity and a condition could be imposed prohibiting the playing of music. In any event the barge would be situated within the commercial area and residents who live in proximity to the town centre would expect a noisier environment than those in an exclusively residential area. The River Terrace Restaurant has a large outside area which is used for eating in fine weather and it is not felt that the current proposal would be materially different than this in terms of effect on neighbours.

It is not felt that the objection raised by the River Thames Society regarding restriction on river traffic and prevention of access to the river can be substantiated since the pontoon is private and is used for hire boats. It does not offer temporary moorings. Similarly I cannot agree that the barge will block views of the river but rather feel that it will add to the visual quality. Objection raised on grounds that there are sufficient restaurants in Richmond Town would be difficult to support since competition is not a matter over which the Local Planning Authority has control. With regard to concerns expressed on signage, the barge would be subject to normal advertisement control.

In the circumstances I consider that the proposal would make a positive contribution to both the character and appearance of this part of the river and therefore recommend PERMISSION subject to the following conditions and informatives:

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Standard Conditions:

- SV28 - External illumination (Adapted) - delete "prior to the occupation of the buildings"
- RS03 - Restriction on playing musical instruments (Adapted) - delete "before...at any time"
- RS04 - Extraction equipment for restaurant

Other Conditions:

- RS01 - 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.
- RS02 - No goods, merchandise, materials or article of any description including refuse shall be stacked or stored anywhere other than within the barge.
- RS03 - Servicing of the restaurant shall not take place at any time from vehicles parked on the towpath.
- RS04 - 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.
- RS05 - The restaurant hereby approved shall not be used other than as part of the River Terrace Restaurant situated in Tover House.
- RS06 - The maximum number of covers provided on the barge shall not exceed 70.

Standard Informatives:

- IF01 - Disabled persons
- IF20 - Soil and surface water drainage
- IF26 - Food hygiene
- IF28 - Restaurants - EHO consultation
- IF34 - Advertisements
- IP44 - Decision Drawing Nos. 3/1329.01, photographs of the barge, 3/1329/03 received on 8 April 1992 and 3/1329/02A received on 1 June 1992

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RICHMOND HILL WARD

92/0969/LBC
TURKS BRIDGE PIER STORAGE VAULT
RICHMOND BRIDGE
RICHMOND

Proposal:

Formation of access between rear of Turks storage vault and River Terrace basement store.

Applicant:

Conoley & Webb for Mr O Williams

Application received:

1 June 1992

Main Development Plan Policies:

RPAAP Policy 2, UDP deposit draft ENV 11, CA, LB II, ADV

Present Use:

Boat store and restaurant store

Proposal:

This proposal accompanies the town planning application Ref. 92/0969/FUL previously reported. It is for Listed Building Consent for the formation of a door between the rear of Turks boat store under the River Terrace restaurant and the existing basement store for the restaurant. It is required to provide access so that the proposed barge may be serviced from the restaurant without the need to use the towpath.

Public and Other Representations:

Historic Buildings and Monuments Commission - have directed conditional Listed Building Consent.

Professional Comment:

No objection is seen to this minor alteration. I therefore recommend LISTED BUILDING CONSENT subject to the following conditions and informatives:

Standard Conditions:

LB04 - HDMC - Consent prior to work commencing - dated 22 June 1992

LB08 - Specified details required - the new door, door opening and steps

Standard Informatives:

1F44 - Decision Drawing Nos. - 3/1329.01, 3/1329/02A and 3/1329/03 received on 1 June 1992



**CONOLEY
& WEBB
CHARTERED
ARCHITECTS**

Job RIVER TERRACE RESTAURANT
BARGE, TURKS BRIDGE PIER.

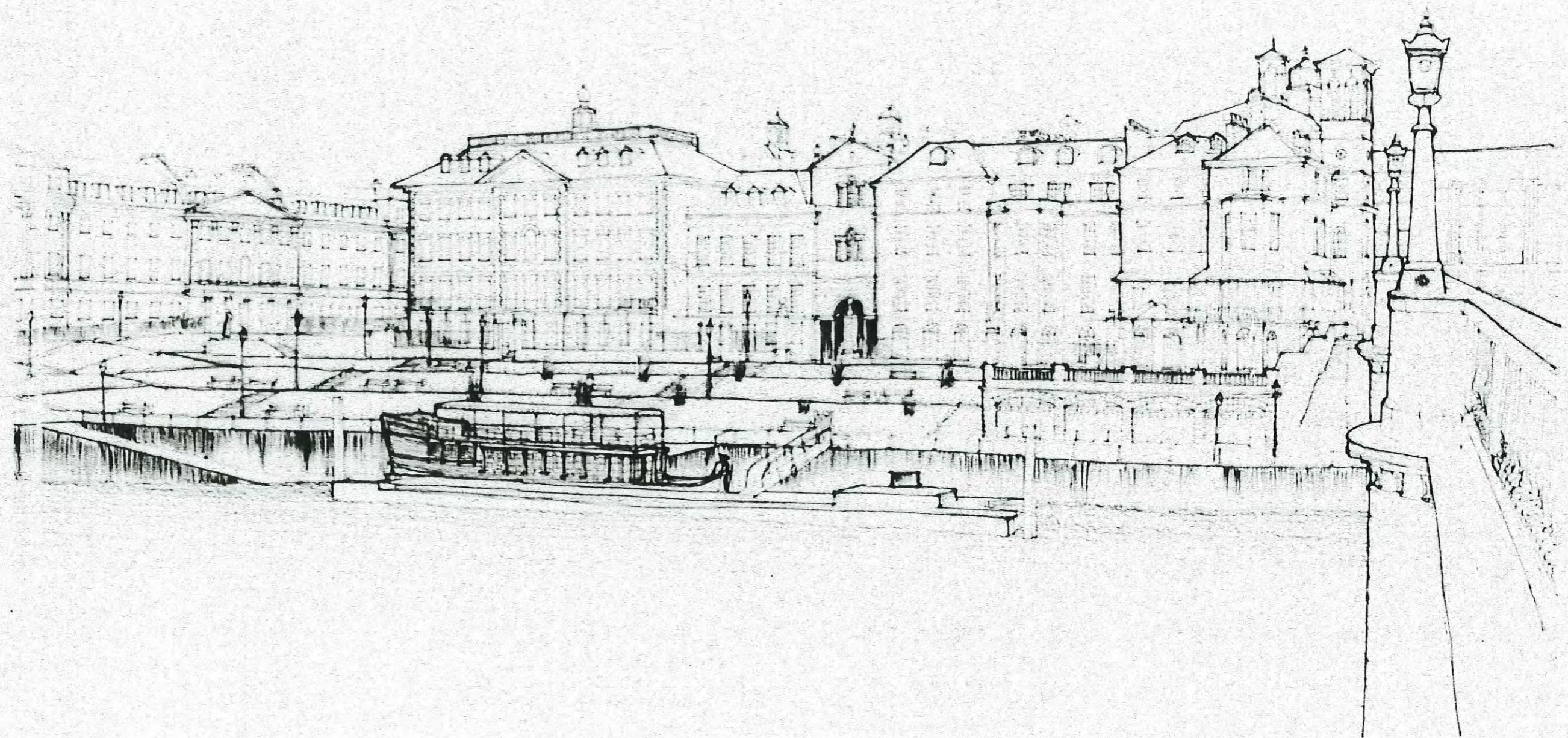
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Title

LOCATION PLAN

3/1329 • 01



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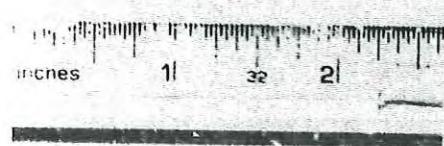
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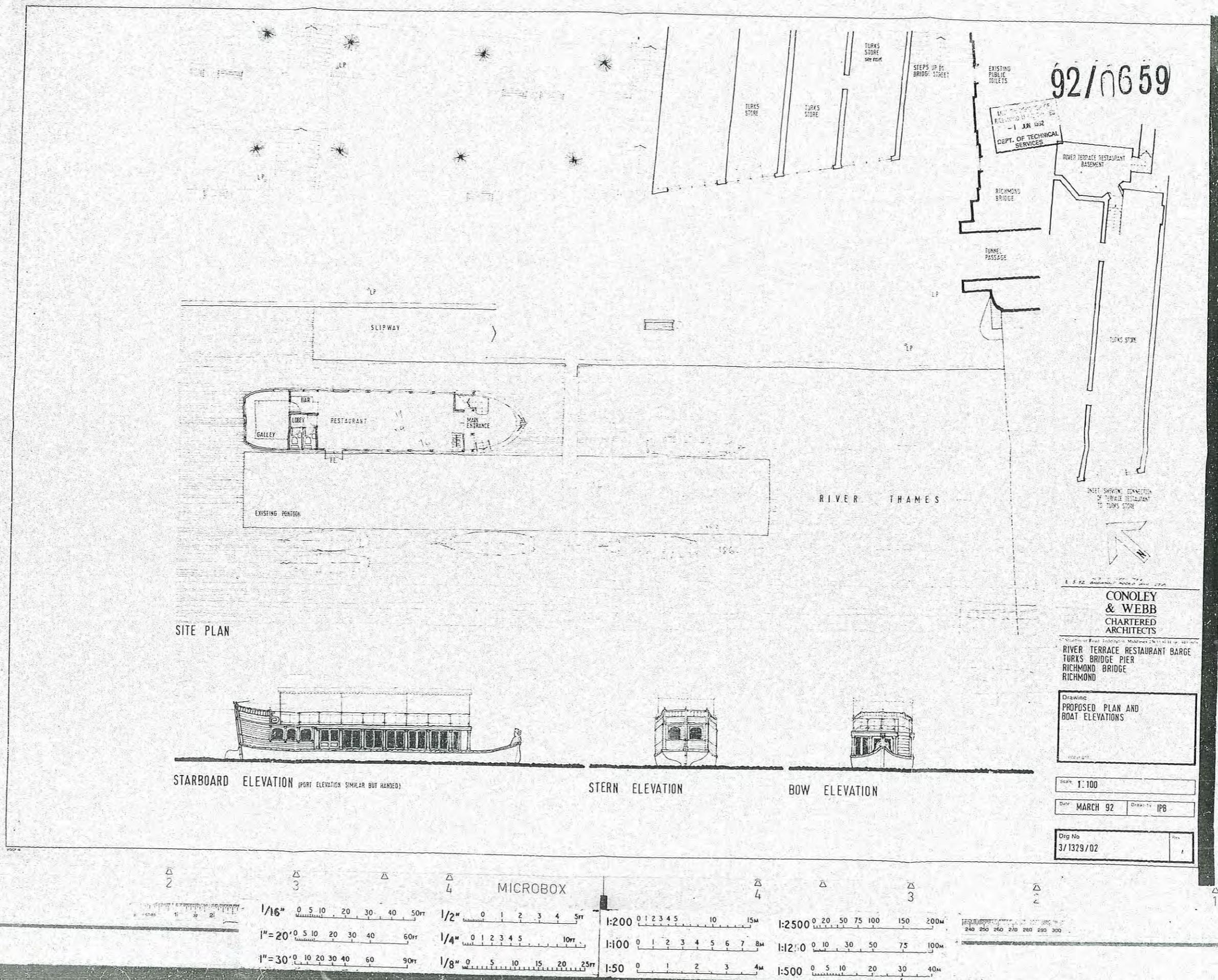


1/16" 0 5 10 20 30 40 50FT
1" = 20' 0 5 10 20 30 40 60FT

1/2" 0 1 2 3 4 5 5FT
1/4" 0 1 2 3 4 5 10FT

1:200 0 1 2 3 4 5 10 15M
1:100 0 1 2 3 4 5 6 7 8M

1:2500 0 20 50
0 10 30



Appendix 7



London Borough of Richmond upon Thames

TOWN AND COUNTRY PLANNING ACT 1990

Reference No. 93/1734/FUL

Date: 20th January, 1994

Mr O Williams & M J Turk
c/o Conoley & Webb
67 Strathmore Road
Teddington
Middx TW11 8UH

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 17th November, 1993 and illustrated by plans for the permission of the Local Planning Authority to develop land situated at:

TURKS BRIDGE PIER, RICHMOND BRIDGE, RICHMOND.
for
ERSECTION OF A CANOPY OVER GANGPLANK TO MATCH THAT ON JESUS COLLEGE BARGE.

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

INFORMATIVES:

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

Maurice Grunow
HEAD OF PLANNING & BUILDING CONTROL
Signature.....
(SEE ATTACHED NOTES)

Reference No. 93/1734/FUL

Mr O Williams & M J Turk
c/o Conoley & Webb
67 Strathmore Road
Teddington
Middx TW11 8UH

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.

INFORMATIVES:

IF44 DECISION DRAWING NUMBERS

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows: 1/1451.01, 02 and 03; 3/1424.01 and 3/1329.04A received on 17 November 1993.

Appendix 8





Appendix 9

