

Appendix 21 – Complaints

Edward Appah

From: Raybould, Craig <CRaybould@wandsworth.gov.uk>
Sent: 18 January 2018 12:21
To: Kerry McLaughlin
Cc: Nicki Dale
Subject: NEW CASE: FW: Conflict between Licensing and Planning Cllr [REDACTED]
Attachments: FW: Conflict between Licensing and Planning Cllr [REDACTED]

Hey Kerr,

Can you allocate a new please:

- **Site:** Petersham Nursery, Petersham Road.
- **Breach:** Breach of conditions NS04 (Hours of use) and NS05 (limiting the extent of the café/restaurant use) of PP 08/4312/FUL.
- **Complainant:** [REDACTED]

***Notes for officer:** Please see more details from Nicki D below. I would suggest contacting Petersham Nurseries and advising that they are in breach of the above conditions owing to the current opening hours of the café/restaurant, the temporary evening events they are hosting and the extent of the café/restaurant beyond the limits imposed by condition NS05. If they wish for us to consider these changes, they will need to submit an application. I would suggest it may be a good idea for them to come in for pre-app to bottom out what is likely / not likely to be considered acceptable prior to submission.*

Any problems, please speak to me or Nicki.

Thanks

Craig

From: Nicki Dale [mailto:Nicki.Dale@richmond.gov.uk]
Sent: 18 January 2018 11:36
To: Planning Enforcement
Cc: Jim Thomson; Raybould, Craig; Robert Angus
Subject: FW: Conflict between Licensing and Planning Cllr [REDACTED]

Hi team,

Please see below and attached. It's not going to make us popular but I'm afraid I think we're going to have to open a file on this given that the matter has been brought to everyone's attention through the recent planning application refused at Committee yesterday.

From what I can see, Petersham Nurseries are currently operating in breach of two conditions on 08/4312/FUL:

- Condition NS05 - The café/restaurant areas shall be confined solely to the areas identified for these purposes on Approved Drawing Number DP7/2857 for Permission 07/1235/FUL. REASON: To safeguard the MOL, conservation area, amenities of nearby residential properties and the area generally.

The approved drawing shows a very limited A3 area and from officers site visits it is clear that the café element has extended into the other two glasshouses and there are extensive further areas of outdoor seating. I'm not 100% sure, but I got the impression that the restaurant area has also expanded to take up a greater floor area within the eastern-most glasshouse. I have no idea how long it has been operating like this for.

If they want to apply for a VRC to regularise this, we're going to get into the question of whether or not this is still a genuine mixed use and the impact of the intensification of the A3 use on traffic & MOL in particular. Many of the recent objections to 14/0345/VRC have been on traffic and parking grounds due to the number of visitors in the day and the transport surveys that have submitted do show that there is overspill into River Lane in the daytime.

- Condition NS04 - There shall be no sale of food for consumption on or off the premises during the following times: Tuesday to Sunday – before 1000hrs and after 1630hrs and on Sundays – before 1100hrs and after 1630hrs. The A3 premises shall not be open on Mondays. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside. REASON: To safeguard the MOL, conservation area, amenities of nearby residential properties and the area generally.

There are two issues here. Firstly, the daytime use appears to be operating outside of these hours according to the times advertised on their website. The restaurant is open 12-5pm and the teahouse opens to 5pm too. The extra half an hour isn't a significant concern but if they want to regularise those hours with a new application we're going to need to consider to what extent we deal with the increase in the A3 use at the site at the same time.

The business has been operating evening A3 use some 12 times a year for some time. They have given the impression that this is all fine as they've sorted the licencing through Temporary Event Notices, but nonetheless are in breach of the planning condition. Craig, a response to [REDACTED] questions may be best coming from you, or we can just say that we're opening an investigation for the time being?

The Green Travel Plan condition hasn't been discharged yet either but we do have a current application for that which Jim & I can discuss further.

At last night's Committee I did flag up publicly that we would encourage the applicant to discuss this matter with us and I've put an informative on the decision notice to 14/0345/VRC to that effect.

[REDACTED]

Regards,
Nicki Dale
South Area Team Manager

Serving Richmond and Wandsworth Councils
Tel: 0208 891 1411
Email: nicki.dale@richmond.gov.uk
Web: www.richmond.gov.uk / www.wandsworth.gov.uk

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

-----Original Message-----

From: Robert Angus
Sent: 18 January 2018 10:54
To: Nicki Dale; Jim Thomson
Subject: FW: Conflict between Licensing and Planning Cllr [REDACTED]



Regards

Robert Angus

Head of Development Management (Richmond) Serving Richmond and Wandsworth Councils

Tel: 020 8891 7271

Email: r.angus@richmond.gov.uk

www.richmond.gov.uk

This e-mail contains my opinion only that I give without prejudice to any consideration that the Local Planning Authority may give to an application on this site in the future.

-----Original Message-----

From: Members Express

Sent: 18 January 2018 09:10

To: Robert Angus

Subject: FW: Conflict between Licensing and Planning Cllr 

Dear Robert,

The SLA response for this query is 7 working days; please therefore ensure you have responded by 29/01/2018

Regards,


Members Express.

-----Original Message-----

From: 

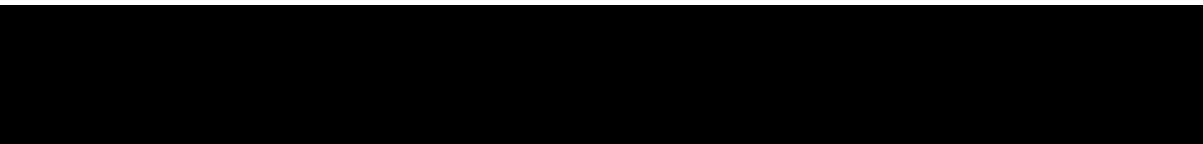
Sent: 17 January 2018 23:05

To: Members Express

Subject: Conflict between Licensing and Planning Cllr 

I am confused why it is that the conditions on a permanent premises licence do not override planning conditions on, for example, hours of use, but a temporary events licence apparently overrides a planning condition.

This is occurring at Petersham Nursery where the planning condition rule out evening use as a restaurant but temporary events licences are being used to permit fairly frequent evening restaurant use.



LB Richmond

upon Thames

Edward Appah

From: Richmond Firmstep forms <FormsNoReply@richmond.gov.uk>
Sent: 23 January 2018 07:51
To: Planning Enforcement
Subject: Report an alleged breach of planning control has been submitted - FS-Case-25298915

An online Report an alleged breach of planning control has been submitted.
The reference for this request is FS-Case-25298915

Please provide us with as much information about the alleged breach as you can: Petersham Nurseries was open for a supper club last night 22/01/18.(a Monday) Address is Church Lane, Petersham TW10

To my knowledge no TENS had been applied for on this date. This is in contravention of their planning permission and causes light pollution and is against established Metropolitan Open Land Policy and disrupts the tranquility of the area.

[REDACTED]
Rosebank
[REDACTED]

Supporting evidence:

What is the location of the development/use?: Petersham Nurseries
Church Lane
TW10

Please specify the name and address of the owner or occupier of the land (if known): Petersham Nurseries Ltd

Why do you believe the development is unauthorised?: The Planning permission granted does not allow opening at night to sell food

What harm (if any) do you think that the unauthorised development causes?: It disrupts the tranquility of Metropolitan Open Land

What steps would you like to see taken to overcome this problem?: Enforcement

Edward Appah

From: Richmond Firmstep forms <FormsNoReply@richmond.gov.uk>
Sent: 24 January 2018 20:13
To: Planning Enforcement
Subject: Report an alleged breach of planning control has been submitted - FS-Case-25352444

An online Report an alleged breach of planning control has been submitted.
The reference for this request is FS-Case-25352444

Please provide us with as much information about the alleged breach as you can: Petersham nursery had an unauthorised supper opening this Monday evening. We were woken by the noise and the traffic.

Supporting evidence:

What is the location of the development/use?: Petersham nursery, Petersham

Please specify the name and address of the owner or occupier of the land (if known):

Why do you believe the development is unauthorised?: Same happened in the past

What harm (if any) do you think that the unauthorised development causes?: Noise, traffic, litter, parking problems

What steps would you like to see taken to overcome this problem?: Stop Petersham nursery from having any events outside their opening times. Not extend opening hours. No more supper clubs.

If the Council can act, how would you like to see the matter resolved?:

Please enter details of anything else we should take into account:

I would like information about officer's findings once the complaint is investigated: Yes

I confirm that the information being provided is a true representation of the facts as I understand them: Yes

Title: [REDACTED]

First name: [REDACTED]

Last name: [REDACTED]

Email: [REDACTED]

Telephone:

Address:

Postcode	Select the address
[REDACTED]	The House River Lane [REDACTED]

Edward Appah

From: Richmond Firmstep forms <FormsNoReply@richmond.gov.uk>
Sent: 12 July 2018 14:40
To: Planning Enforcement
Subject: Report an alleged breach of planning control has been submitted - FS-Case-29393849

An online Report an alleged breach of planning control has been submitted.
The reference for this request is FS-Case-29393849

Please provide us with as much information about the alleged breach as you can: My family and I have just endured another Sunday where we have been unable to sit in our garden and, as we are entitled to, quiet enjoyment of it. This is because of the noise from customers sat at tables which are adjacent to our property in the NW corner of Petersham Nurseries and which does not have planning permission for restaurant use.

Please could you ensure that the Nurseries abide by the terms of their pp and remove the tables from the western and northern edge of their property which is in clear contravention of the designated permitted dining area, (inside the greenhouse).

Supporting evidence:

What is the location of the development/use?: Petersham Nurseries, Petersham, Surrey.. TW10 7AB

Please specify the name and address of the owner or occupier of the land (if known): The Boglione family of Petersham House, Petersham, Surrey.

Why do you believe the development is unauthorised?: The current planning permission only grants restaurant activity in a designated area inside the greenhouse. I am complaining about the large amount of tables outside alongside our garden wall and that of our neighbours, the [REDACTED] of Rutland Drive.

What harm (if any) do you think that the unauthorised development causes?: Very loud noise for neighbouring houses; disruption; additional waste necessitating additional heavy traffic along Church Lane

What steps would you like to see taken to overcome this problem?: That the Nursery owners abide by the terms laid down in the Planning Consent.

If the Council can act, how would you like to see the matter resolved?: Removal of all restaurant/cafe tables other than those in the agreed areas

Please enter details of anything else we should take into account: This has been ongoing for many years now. It is time the Council stepped in and ensured that the planning consent is adhered to. Why has nothing been done since this violation came to light at the planning meeting earlier this year?

I would like information about officer's findings once the complaint is investigated: Yes

I confirm that the information being provided is a true representation of the facts as I understand them: Yes

Title: [REDACTED]

First name: [REDACTED]

Last name: [REDACTED]

Email: [REDACTED]

Telephone: [REDACTED]

Address:

Postcode	Select the address
[REDACTED]	Rosebank [REDACTED]

Hadi, Saba

From: Richmond Firmstep forms <FormsNoReply@richmond.gov.uk>
Sent: 06 April 2021 17:14
To: Richmond Planning Enforcement
Subject: Report an alleged breach of planning control has been submitted - FS-Case-323232419
Attachments: IMG_3719.jpeg

An online Report an alleged breach of planning control has been submitted.
The reference for this request is FS-Case-323232419

Please provide us with as much information about the alleged breach as you can: Petersham Nurseries appear to be breaking their planning restrictions by adding many additional seats for customers. From a what we can see, they don't have permission for all of this extra seating. We are particularly concerned as we live nearby and, aside from the additional traffic to the area, we are seriously concerned about the noise levels. The Nurseries quietly created a new seating area last year (without the relevant permissions) and they are now adding to it. Additionally, they have created a large tented area (seemingly without permission or communication) - The pictures are attached. As you will the see the structure ruins the landscape. We have raised our concerns directly with the Bogliones and Paula (the Manager) and we have been met with an aggressive attack and unwillingness to talk, so we are now coming to you for help. Many thanks.

Supporting evidence: IMG_3719.jpeg

What is the location of the development/use?: Petersham Nurseries.

Please specify the name and address of the owner or occupier of the land (if known): The Boglione Family, Petersham Nurseries, Church Lane, TW10 7AB

Why do you believe the development is unauthorised?: Yes

What harm (if any) do you think that the unauthorised development causes?: Too much traffic and noise to a quiet residential area that does not have the space for such a destination.

What steps would you like to see taken to overcome this problem?: We would like a planning officer to take a look at what Petersham Nurseries are doing and then to make sure that they reduce their capacity back to what has been agreed.

If the Council can act, how would you like to see the matter resolved?: A reduction in the seating area within the nurseries and to make it clear to the owners that they must adhere to the law.

Please enter details of anything else we should take into account:

I would like information about officer's findings once the complaint is investigated: Yes

I confirm that the information being provided is a true representation of the facts as I understand them: Yes

Title [Redacted]

First name [Redacted]

Last name [Redacted]

Email: [Redacted]

Telephone: [Redacted]

Address:

Postcode	Select the address
[Redacted]	2 Rutland Drive [Redacted]

Edward Appah

From: Richmond Firmstep forms <FormsNoReply@richmond.gov.uk>
Sent: 14 October 2018 00:03
To: Planning Enforcement
Subject: Report an alleged breach of planning control has been submitted - FS-Case-31501713

An online Report an alleged breach of planning control has been submitted.
The reference for this request is FS-Case-31501713

Please provide us with as much information about the alleged breach as you can: 11.55pm on Saturday 13th October
Loud party held at Petersham Nurseries in apparent contravention of opening times

Supporting evidence:

What is the location of the development/use?: Petersham Nurseries

Please specify the name and address of the owner or occupier of the land (if known): Francesco Boglione Petersham House Petersham Road Petersham

Why do you believe the development is unauthorised?: Opening times restricted to 5.30pm

What harm (if any) do you think that the unauthorised development causes?: Denies neighbours quiet enjoyment of their garden

What steps would you like to see taken to overcome this problem?: Please ensure PN comply with their planning constraints.
Multiple complaints have been made in the past, about trading times and extent of restaurant use but no response other than an acknowledgment has ever been received.

If the Council can act, how would you like to see the matter resolved?: Compliance with planning restrictions imposed when permission granted

Edward Appah

From: Richmond Firmstep forms <FormsNoReply@richmond.gov.uk>
Sent: 16 October 2018 14:04
To: Planning Enforcement
Subject: Report an alleged breach of planning control has been submitted - FS-Case-31556468

An online Report an alleged breach of planning control has been submitted.
The reference for this request is FS-Case-31556468

Please provide us with as much information about the alleged breach as you can: On Saturday 13th October, Petersham Nurseries were hosting a large party that went on past midnight. The noise from the event was disruptive and woke my youngest daughter up.

Supporting evidence:

What is the location of the development/use?: Petersham Nurseries, Church Lane, TW10 7AB.

Please specify the name and address of the owner or occupier of the land (if known): Petersham Nurseries.

Why do you believe the development is unauthorised?: I don't believe that Petersham Nurseries are authorised to host large parties after certain hours.

What harm (if any) do you think that the unauthorised development causes?: Noise and disruption to local residents.

What steps would you like to see taken to overcome this problem?: We would like them to be reminded of what they are allowed to host and when. Also, the area that they are dedicating to catering need to be reviewed.

If the Council can act, how would you like to see the matter resolved?: We would like them to be fined and reminded of what their planning authorises them to do.

Please enter details of anything else we should take into account:

I would like information about officer's findings once the complaint is investigated: Yes

I confirm that the information being provided is a true representation of the facts as I understand them: Yes

Title: [REDACTED]

First name: [REDACTED]

Last name: [REDACTED]

Email: [REDACTED]

Telephone: [REDACTED]

Address:

Postcode	Select the address
[REDACTED]	2 Rutland Drive [REDACTED]

Hadi, Saba

From: [REDACTED]
Sent: 08 April 2021 11:49
To: Richmond Planning Enforcement
Subject: Fw: Petersham Nurseries

From: [REDACTED]
Sent: 06 April 2021 15:16
To: cllr.MElengorn@richmond.gov.uk <cllr.MElengorn@richmond.gov.uk>
Cc: [REDACTED] <[REDACTED]>
Subject: Re: Petersham Nurseries

Dear Councillor Elengorn

Have you had a chance to look into the planning contravention at Petersham Nurseries? As background, [REDACTED] and I have made multiple objections and complaints to the Planning Enforcement people on both this subject and night opening - going back to November 2010. Very little has been done during that time despite our continued requests.

It is a grave concern that the Nurseries Manager seems to be using the tack that they have been "operating like this for ten years " so it is Ok to ignore the planning restrictions that were originally put in place to limit the number of covers at both the restaurant and cafe. Since I last emailed you they have erected a large and very obtrusive roof cover over the outside dining area. The website says from next Monday they will be open for lunch and afternoon tea every day and dinner three times a week. Previously, the Nurseries have only been allowed to open in the evenings by applying for TENS which are restricted I believe to 12 per year.

We do understand that they wish to regain lost monies caused by the recent pandemic restrictions, however, I'm afraid that judging by past behaviour, if they are allowed to operate outside of planning regulations as a temporary measure, they will continue to do so after all restrictions are lifted.

Petersham is a very peaceful, rural, residential area. The Nurseries now attracts visitors from far and wide thanks to very skilled PR and international promotion, and is a beautifully styled restaurant and gift shop - with a few plants for sale! The size and scope of the enterprise far exceeds the local infrastructure, and sadly is once again causing disruption to its neighbours and local residents and I would ask you to intercede.

Many thanks.

Kind regards,
[REDACTED]

From: [REDACTED]
Sent: 24 March 2021 17:31
To: cllr.MElengorn@richmond.gov.uk <cllr.MElengorn@richmond.gov.uk>
Cc: [REDACTED] Frost, Penelope (Cllr) <Cllr.P.Frost@richmond.gov.uk>
Subject: Petersham Nurseries

Dear Councillor Elengorn

I am writing to you in your capacity as a member of the LBRUT Planning Committee with regard to Petersham Nurseries.

At a January 2018 Planning Committee meeting alongside two other residents of Petersham I spoke against an application by the Nurseries for evening opening. This application was denied, and I recall you being vociferous in your views against the Nurseries being allowed to open at night.

You were also very surprised to hear that the Nurseries had not adhered to the permitted area of use for dining granted in 2007, and in fact had doubled the area in which they serve food. Despite my husband and I protesting against this infringement of planning, the Nurseries continue to abuse the agreed area and have expanded even more since 2018.

Today my neighbour [REDACTED] and I spoke to the Nurseries Manager, Paula Foulser. We asked what the plans are for the reopening of the cafe as it appears that additional space was going to be used for F&B. We were told that they will be using the same outdoor dining space they have used "for ten years" when they reopen on April 12th and that they are constantly talking to the Council about this. If so I sincerely hope that the Council takes action against the infringement of their Planning decision and tell the Nurseries that they can only serve F&B in the permitted areas. I attach the plan to indicate the permitted areas and the areas currently in use.

I would be very grateful for your views on what the Council plans to do to stop this planning breach. We are of course happy to see the Nurseries reopen and wish them well after a period of reduced trading. However, they should respect the planning decision and keep to the permitted dining area in order to reduce the impact on their neighbours.

Kind regards,
[REDACTED]

Hadi, Saba

From: Richmond Firmstep forms <FormsNoReply@richmond.gov.uk>
Sent: 05 May 2021 09:11
To: Richmond Planning Enforcement
Subject: Report an alleged breach of planning control has been submitted - FS-Case-331917779

An online Report an alleged breach of planning control has been submitted.
The reference for this request is FS-Case-331917779

Please provide us with as much information about the alleged breach as you can: unlawful extended area of dining and the weekly evening openings

Supporting evidence:

What is the location of the development/use?: Petersham Nurseries

Please specify the name and address of the owner or occupier of the land (if known): n/k

Why do you believe the development is unauthorised?: Against previous planning permissions.

What harm (if any) do you think that the unauthorised development causes?: Nuisance and noise.

What steps would you like to see taken to overcome this problem?: Enforce the approved planning consents.

If the Council can act, how would you like to see the matter resolved?: as above.

Please enter details of anything else we should take into account:

I would like information about officer's findings once the complaint is investigated: Yes

I confirm that the information being provided is a true representation of the facts as I understand them: Yes

Title: [REDACTED]

First name: [REDACTED]

Last name: [REDACTED]

Email: [REDACTED]

Telephone:

Address:

Postcode	Select the address
[REDACTED]	163 Petersham Road Petersham [REDACTED]