

Town and Country Planning Act 1990 – Section 79 and
Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Statement of Case of
Royal Botanic Gardens, Kew

Application by Starbones Ltd.

Land at Chiswick Roundabout, Great West Road, Chiswick, London W4 5QB

Local Planning Authority reference 00505/EY/P18 and P/2015/5555

PINS reference APP/F5540/W/17/3180962

1.0 Introduction

- 1.1 This Statement of Case is submitted by the Royal Botanic Gardens, Kew following the decision of the Planning Inspectorate, set out in their letter of 8th August 2017, to have the appeal by Starbones Ltd of the refusal of application planning application reference P/2015/5555 decided at an inquiry.
- 1.2 The application which is the subject of the appeal is for full planning permission for a 32 storey building comprising 320 residential units (Use Class C3), office (Use Class B1), retail/restaurant uses (Use Class A1-A3), basement car and bicycle parking, and other facilities.
- 1.3 The Royal Botanic Gardens Kew has written to the Planning Inspectorate to request Rule 6 status at the inquiry, which has been agreed. We wish to take the opportunity presented by the appeal to set out the particular reasons why we believe this application causes substantial harm to the setting of the Royal Botanic Gardens, Kew and to attributes of Outstanding Universal Value of the World Heritage Site and why permission should be refused.

2.0 The Royal Botanic Gardens Kew

- 2.1 The Royal Botanic Gardens is a world famous centre for, and leader in, botanical and mycological knowledge. The Royal Botanic Gardens has two sites: at Kew in London, established in 1759, and at Wakehurst Place in Sussex, established in the post-war period.
- 2.2 The Royal Botanic Gardens Kew was inscribed as a World Heritage Site in 2003. The criteria for inscription, a description of the integrity and authenticity of the site, and management and protection measures are set out in the Statement of Outstanding Universal Value (SOUV) contained in the World Heritage Site Management Plan. The SOUV was updated in 2010.
- 2.3 The boundary of the World Heritage Site aligns with the current administrative boundary of the Royal Botanic Gardens Kew, which encompasses the entirety

of the historic botanic garden, the designed landscape and approximately 40 listed buildings and structures. Of these, Kew Palace, Queen Charlotte's Cottage and the Pagoda are managed by Historic Royal Palaces.

- 2.4 There is a "buffer zone" surrounding the site, described in UNESCO's Operational Guidelines as: *"an area surrounding the nominated property which has complimentary legal and/or customary restrictions placed on its use and development to give an added layer or protection to the Property"*. The buffer zone at Kew extends to the north side of the river but does not take in the appeal site itself. However sight lines and vistas from Kew project beyond the buffer zone towards the appeal site.
- 2.5 The Royal Botanic Gardens Kew and Historic Royal Palaces work together to conserve the site and to maintain its Outstanding Universal Value in accordance with United Kingdom's obligations under the World Heritage Convention. Policies and procedures for the conservation of the site and maintenance of Outstanding Universal Value are set out in the World Heritage Site Management Plan, 2014.
- 2.6 The World Heritage Site Steering Group, consisting of representatives of the Royal Botanic Gardens, Historic Royal Palaces, the London Borough of Hounslow, the London Borough of Richmond, Historic England, the Greater London Authority, ICOMOS UK and others meets twice a year to monitor the implementation of the WHS Management Plan. Planning applications likely to cause harm to the setting of the World Heritage Site and attributes of Outstanding Universal Value are discussed at Steering Group meetings.

3.0 The site of the proposed development.

- 3.1 The appeal site is located on the north side of Chiswick Roundabout, between the elevated section of the M4 and the A406 North Circular Road/Gunnersbury Avenue. This location is approximately 1km from the boundary of the Royal Botanic Gardens itself, at its closest point at Kew

Green, and is approximately 400m from the boundary of the buffer zone at its closest point by Kew Bridge

3.2 There have been other planning applications for the appeal site submitted in recent years. These have been considered by in-house staff and consultants and we have come to the view that these were of a height that would not have an effect on the OUV of the Royal Botanic Gardens, Kew. Consequently we did not comment on these applications.

4.0 Our response to the planning application

4.1 We have taken a close interest in the application for the appeal site, which has been discussed at successive meetings of the World Heritage Site Steering Group. We also attended the pre-application exhibition of the proposals which took place at Kew Steam Museum on 22nd October 2015.

4.2 Our letter objecting to the application was sent to the London Borough of Hounslow on 9th February 2016. The reasons for our objection were summarised in the opening part of our letter as follows:

“We wish to object to this application due to the substantial harm the proposed building will cause to attributes contributing to Kew’s Outstanding Universal Value (OUV) as set out in our World Heritage Site Management Plan, namely:

- i) Kew’s rich and diverse historic cultural landscape, and*
- ii) Kew’s iconic architectural legacy, in particular Kew Palace and the Orangery.*

We also object to harm the proposed building would cause to the setting of the World Heritage Site, particularly views from Kew Green.”

4.3 We pointed out that the proposal would be contrary to Local Plan policy CC3 on tall buildings, in particular paragraphs c), d), f), g), h), i), j), l), and p). Also policy CC4 on heritage, in particular paragraph d) which refers to the outstanding universal values of the Kew World Heritage Site.

- 4.4 We further pointed out that Local Plan policy SV1 required the Council to undertake a “Local Plan Review” of the Great West Road area, including the identification of sites suitable for tall buildings. As this work had only just commenced (and is ongoing at present) it was evident that the application lacked a proper assessment framework.
- 4.5 We were advised by London Borough of Hounslow on 4th November 2016 that the application had been amended to increase in the number of residential units and office floor space, and to alter the advertising screens on the lower floors. We replied on 15th November to point out that the application was effectively the same from our point of view and to reiterate our objections.
- 4.6 On 19th December 2016 we sent a report to London Borough of Hounslow responding to the points in the Environmental Statement Addendum Volume A3: Townscape, Heritage and Visual Impact Assessment: Clarifications and Minor Corrections, October 2016. In particular our report responded to points made in section 2.0 on the Royal Botanic Gardens Kew, and section 3.0 on Kew Green.

5.0 Our case

- 5.1 We will set out the full significance of the Royal Botanic Gardens, Kew as a World Heritage site, a conservation area, registered historic landscape, and the site of approximately 40 listed buildings and structures including five buildings listed Grade I. We will also set out the significance of Kew Gardens as a world-class scientific institution.
- 5.2 We will put the case that the setting of Kew Gardens is crucial to the experience and understanding of the site. As a designed landscape, Kew Gardens is closely interrelated to areas beyond the administrative boundary of Kew Gardens itself, both within the buffer zone and beyond. The protection of the setting is thus an essential part of protection of the Outstanding Universal Value of the site.

- 5.3 We will draw attention to and concur with the concerns of ICOMOS who, in their 2002 site evaluation, drew attention to the intrusiveness of existing tall buildings on the Brentford side of the river in key sightlines and views. We will show that it is not the visibility of tall buildings per se but their particular location and impact when seen in key views from within the designed landscape that is the key consideration.
- 5.4 We will show how the 2002 and 2014 WHS Management Plans incorporated policies and procedures to protect key sightlines and views. Where these have been disregarded - as with the “Kew Eye” tower on the Great West Road completed circa 2012 - attributes of Outstanding Universal Value have been harmed.
- 5.5 We will show how the London Borough of Hounslow’s 2015 Local Plan incorporates new and strengthened policies concerning the location and height of tall buildings and new and strengthened policies for the protection of the Kew World Heritage Site. The 2015 Local Plan specifically refers to the aims and objectives of the WHS Management Plan.
- 5.6 We will show that the proposed development which is the subject of this appeal is contrary to the aims and objectives of the 2015 Hounslow Local Plan which incorporates the aims and objectives of the Kew WHS Management Plan in preserving OUV, and that therefore the London Borough of Hounslow was justified in refusing the application.
- 5.7 This Statement of Case draws upon the Royal Botanic Gardens Kew World Heritage Site Management Plan, 2014 and other documents listed in the references.

Estates Department, Royal Botanic Gardens

20th December 2017

References

Greater London Authority:

London's World Heritage Sites – Guidance on Settings SPG, March 2012

ICOMOS:

Royal Botanic Gardens, Kew: Site Evaluation, January 2002

Guidance on Heritage Impact Assessments, January 2011

Royal Botanic Gardens, Kew:

World Heritage Site Management Plan, 2002) (Chris Blandford Assocs)

Site Conservation Plan, 2002 (Chris Blandford Assocs)

Site Development Plan (Wilkinson Eyre, 2002)

Statement of Outstanding Universal Value, updated 2010

World Heritage Site Management Plan, 2014 (Gross Max Landscape Archs)

Landscape Master Plan, 2010 (Gross Max Landscape Archs)

Results of UNESCO Periodic Reporting exercise, 2011-12

Letters and reports relating to the current application

History of the Royal Botanic Gardens, Kew (Ray Desmond)

UNESCO:

World Heritage Convention 1972

Operational Guidelines 2015

Thames Landscape Strategy – Hampton to Kew

1994 report (Kim Wilkie Environmental Design) and subsequent updates