

MAYOR OF LONDON

planning report GLA/4279/04

2 December 2019

Citroen Site, Capital Interchange Way, Brentford

in the London Borough of Hounslow

planning application no. 01508/A/P6

Planning consent

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

Strategic issue

There is a need to update the Mayor in relation to assessment of some additional harm that has been identified to heritage assets in the course of preparing for the forthcoming public inquiry and following a recent planning decision by the Secretary of State

Recommendation

That the Mayor notes the content of this report and confirms that, having regard to those matters, his resolution that planning permission should be granted, made on 22 August 2018, remains unchanged.

Context

1. The Mayor resolved to grant planning permission for the Citroen scheme on 22 August following a public representation hearing. Following his resolution to grant, the Secretary of State issued a holding direction which prevented the Mayor from granting permission for the scheme.
2. On 6 May 2019, the Secretary of State called in the application for his own determination. A public inquiry will be held in January 2020 to consider the application. As he recovered the scheme using his 'call in powers' the Mayor will be considered as the Local Planning Authority for the purposes of the inquiry and therefore both a heritage and planning witness give evidence on behalf of the Mayor at the forthcoming inquiry.
3. The purpose of this update report is to inform the Mayor of the position of the GLA's heritage witness which raises some additional impact on heritage assets compared to those set out in the Stage 3 report and has identified these additional impacts in light of the approach of the Inspector and the Secretary of State in the report and decision, given on 19 July 2019, concerning the proposed Chiswick Curve scheme¹. These additional impact concern the Royal

¹ The Chiswick Curve Inquiry Decision can be found here: https://www.gov.uk/government/publications/recovered-appeals-land-at-chiswick-roundabout-junction-of-gunnersbury-avenue-great-west-road-london-w4-ref-3180962-3173208-19-july-2019?utm_source=682625fb-b927-4bdc-b33c-9cf1caf30436&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

Botanic Gardens Kew and the Mayor is asked to consider these additional impacts and to confirm his decision that planning permission should be granted.

4. This report must be considered in conjunction with the Representation Hearing Report originally published on 12 July 2018, addendums published on 20 July 2018 and 22 August 2018 (GLA ref: GLA/4279/03).

Impact on Royal Botanic Gardens Kew

5. Since the Mayor resolved to grant planning permission for the Citroen scheme, the Secretary of State has refused the Chiswick Curve scheme which was recovered in 2017. The planning inspector's report on the Chiswick Curve clarified the interpretation of the NPPF and PPG in relation to assessment of harm to buildings within the World Heritage Site. The Inspector concluded that if a key building within a conservation area or WHS is harmed, then the area based heritage asset as a whole would also be harmed. The Council, the London Borough of Hounslow, has recently followed this approach in their assessment of the 1-4 Capital Interchange Way (adjacent to the Citroen site). The Council's planning committee resolved to approve the 1-4 Capital Interchange Way in September 2019.
6. Whilst the Mayor's Stage 3 report identified that the proposal would result in less than substantial harm to the Grade I listed Orangery (albeit at the lower end of the scale), it was not concluded that, thereby, the proposal would result in harm to the Royal Botanic Gardens Kew World Heritage Site or the related Registered Park and Garden and Conservation Area.
7. In view of the reasoning set out in Paragraph 201 of the NPPF, the inspector's report for the Chiswick Curve (a material planning consideration) and the officers report for 1-4 Capital Interchange Way, the Mayor's heritage witness considers that it would be both consistent and proportionate, and correct, to conclude that the proposal would result in less than substantial harm (at the very lower end of the scale) to the significance of the Royal Botanic Gardens Kew World Heritage Site, the Registered Park and Garden and the associated Conservation Area. N.B. The three separate designations coincide in respect to the same property; the Royal Botanic Gardens, Kew The boundary of the World Heritage Site (inscribed in 2003) is aligned with the Registered Park and Garden (designated October 1987 at Grade I), however, the RPG also includes the Old Deer Park to the south west. All of the Royal Botanic Gardens Kew Conservation Area (designated by Richmond Borough Council on 29th January 1991) falls within the WHS boundary.
8. The position on all other identified heritage assets remains as set out in the Stage 3 report and associated addendums.
9. In conclusion, it is considered that the proposed development should be regarded as generating 'less than substantial' harm to significance of the Royal Botanic Gardens Kew World Heritage Site, the Registered Park and Garden and Conservation Area but the extent of the harm the very low end of the scale. Nevertheless, the Mayor must give considerable importance and weight to this additional harm in the balance of considerations into this case.

The Planning Balance

10. The NPPF states that where a proposed development will lead to 'substantial harm' or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

11. The Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council case tells us that Parliament, in enacting section 66(1), did intend that the desirability of preserving listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.
12. As set out above the Mayor’s heritage witness has identified ‘less than substantial’ harm, as set out above, to the Royal Botanic Gardens Kew World Heritage Site, Registered Park and Garden and Conservation Area, albeit at the very lower end of the “less than substantial” scale. This additional harm must be considered by the Mayor, in addition to the assets identified as harmed in the Stage 3 report (being, the Grade I Listed Orangery, the Grade II*/II Listed 64-71 Strand on the Green and the Strand on the Green Conservation Area).
13. The proposal would result in a number of public benefits as set out in the Stage 3 report. The foremost public benefit of the scheme would be the delivery of 218 affordable housing units (equating to 50% by habitable room) which would significantly contribute to the borough achieving its target for affordable housing delivery. In addition, the proposal would deliver 441 new residential units equating to 50% of the Council’s London Plan annual housing target and significantly toward the much higher targets set out in the draft London Plan. The scheme would also deliver a transformational change through the replacement of the existing car showroom, hardstanding and poorly presented public realm with carefully considered new buildings that would recreate street edges, provide a high-quality public plaza and define a clear route from Gunnersbury Station to the Brentford Community Stadium.

Conclusion

14. Having regard to paragraph 134 of the NPPF, it is considered that the public benefits of the scheme significantly and clearly outweigh the less substantial harm identified to the setting of all affected heritage assets and therefore the officer’s recommendation, to approve planning permission, remains unchanged.
15. Reason for approval III is amended as follows:

‘The design and layout principles are well-considered and the scheme achieves a high quality of placemaking, with well-defined new public routes and spaces, enhanced by high quality landscaping. The massing strategy responds to the site characteristics and the existing and emerging context. The quality of design, architecture and materials will ensure a distinctive and high quality development which will contribute positively to the regeneration of this part of Brentford. The setting and significance of most nearby designated and non-designated heritage assets would remain unharmed. Less than substantial harm has been identified to the Grade I Listed Orangery located in the Royal Botanic Gardens Kew World Heritage Site and to the Strand on the Green Conservation Area, and to the Royal Botanic Gardens Kew World Heritage Site, Registered Park and Garden and Conservation Area (three separate designated heritage assets that coincide in respect to the same property), to which significant weight and importance has been attached. However, it is considered that, the public benefits delivered by the scheme namely the delivery of housing including 50% affordable housing outweigh the limited harm to identified designated heritage assets. The proposals adhere to the principles of designing out crime. As such the proposal complies with Policies 3.5, 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10 and 7.13 of the London Plan; Policies GG6, D1, D2, D4, D7, D8, D10, D11, D13, HC1, HC2 and G5, Hounslow Local Plan Policies CC1, CC2, CC3 and CC4, the draft Great West Corridor Local Plan Review (2017) and the draft Brentford East SPD (2017).’

Decision record

The content of this report is noted and the Mayor confirms that the resolution to grant planning permission made on 22 August remains unchanged, subject to the consequential modifications to the reasons for granting planning permission set out above.



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Mayor of London

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