

17 January 2024

London Borough of Richmond upon Thames
Planning Department
Civic Centre
44 York Street
Twickenham
TW1 3BZ

Dear Officers

Application for listed building consent for proposed works at the Japanese Gateway | Royal Botanic Gardens, Kew, TW9

Introduction

Enclosed is an application for listed building consent, made on behalf of Royal Botanic Gardens, Kew (RBGK), in support of proposed repair and refurbishment works at the Japanese Gateway, a Grade II listed structure in Kew Gardens. The proposed works include the redecoration of the gateway and balustrade, bat mitigation measures, and bird deterrent measures. The Japanese Gateway is located in the Japanese Gardens to the south-east of Kew Gardens, close to the Great Pagoda and Cedar Vista, as well as the Lion Gate entrance.

The proposed description of development for the application for listed building consent is: *“Proposed repair and refurbishment works at the Japanese Gateway, to include the redecoration of the gateway and balustrade, bat mitigation measures, and bird deterrent measures”*. The proposed works have been recommended following condition surveys of the Japanese Gateway and use appropriate materials and historic precedent to guide the repairs.

Application content

This application has been submitted via the Planning Portal (PP-12557662): This cover letter and the following form the application and supporting documents:

- Application form and Certificate;
- Drawings (prepared by Clews Architects), as follows:
 - Location and Block Plan (ref. 23_082 100A)
 - Existing Plans (ref. 23_082 110A)
 - Existing Elevations (ref. 23_082 111A)
 - Proposed Plans (ref. 23_082 210A)
 - Proposed Elevations 1 + 2 (ref. 23_082 211B)
 - Proposed Elevations 3 + 4 (ref. 23_082 212B)
 - Proposed Sections (ref. 23_082 213B)
 - Proposed Sections (ref. 23_082 214B)
- Design, Access and Heritage Statement (DAHS), prepared by Clews Architects;
- Condition Survey, dated March 2021, prepared by Martin Ashley Architects;
- Heritage Report, dated January 2024, prepared by Clews Architects;
- Bat Survey, dated November 2023, prepared by Furesfen;
- Copper Repoussé Trails, dated October 2023, prepared by Dorothea Restorations;
- Timber Report, dated November 2023, prepared by Floyd Consulting.

There is no fee payable for an application for listed building consent.

The Royal Botanic Gardens Kew Estate

RBGK is a world-famous scientific organisation, internationally respected for its outstanding collections as well as its scientific expertise in plant and fungal diversity, conservation and sustainable development in the UK and around the world. In addition to its scientific and research function, Kew Gardens is a major international and a top London visitor attraction. Kew Gardens' 330 acres of landscaped

gardens, and Wakehurst, Kew's wild botanic garden in Sussex, attract over 2.5 million visits every year. Kew Gardens was made a UNESCO World Heritage Site (WHS) in July 2003 and celebrated its 260th anniversary in 2019.

Kew Gardens is located adjacent to the River Thames in the north of London Borough of Richmond upon Thames (LBRuT), partly aligning the boundary with the London Borough of Hounslow. The wider estate is bounded to the north-east by the rear of residential properties facing Kew Green, to the east by residential developments along Kew Road, and to the south by the Old Deer Park, Richmond Athletic Grounds and the Royal Mid Surrey Golf Course. The western and northern aspects of the gardens are bounded by the River Thames.

The principal public access to the site is via the Victoria and Lion Gates (located on Kew Road); Elizabeth Gate (located on Kew Green); and Brentford Gate, accessed via Ferry Road. Vehicular and staff access is via Shaft Yard Gate on Kew Road. RBGK has a visitor car park located by the Brentford Gate. The site is located 400m from Kew Station; with a number of bus routes running down Kew Road.

The Japanese Gateway

The Japanese Gateway is a Grade II listed structure. The 'Chokushi-Mon', or 'Gateway of the Imperial Messenger', was gifted to Kew after its inclusion in the Japan-British Exhibition of 1910 in London. The structure is a four-fifths scaled down replica of the Karamon Gate of the Nishi Hongan-ji Temple in Kyoto, once the capital of Japan.

Heritage designations | The Japanese Gateway is Grade II listed (list entry number 1251790). The listing description is as follows:

A replica of the famous gateway in Japan. It was made for an exhibition in London in 1910, and presented to the Gardens. Six piers in rectangular formation, with gates hung within centre pair. Timber, with traditional copper roof (which replaced the original made of cedar bark as part of the 1995 restoration works), gabled on all four sides. Rich carving within gables, and to screens and corbels below.

In addition, the Gateway lies within the Kew WHS, the Royal Botanic Gardens Kew Conservation Area, the Grade I Registered Park and Garden and an Archeological Priority Zone. Other planning designations that are relevant to the site include its location within Metropolitan Open Land (MOL), Flood Zone 1, an Other Site of Nature Importance, the Thames Policy Area, a Village Character Area and Flood Zone 1.

Planning History | While Kew Gardens has an extensive planning history, here is little planning history of relevance to the Japanese Gateway specifically. The only recorded planning history relates to an application for its restoration, which commenced in October 1994 and was completed in November 1995 using a mix of traditional Japanese skills and modern innovative techniques (ref. 95/0254/C84).

Proposed Works

The aim of the proposals is to protect and conserve the building for future generations and improve the visitor and guest experience. A number of the proposed elements of work comprise like-for-like repairs or cleaning, therefore we do not consider that listed building consent is explicitly required for them. However, the application details all elements of work to ensure a comprehensive approach. We have highlighted in green below the elements of work we consider to require listed building consent:

- i. Refix loose ridge finial brackets to match with existing fixing detail;
- ii. Refix loose carved joinery to match existing;
- iii. Specialist conservation clean and refix loose copper repousse detail to match existing;
- iv. Repair decayed timber to match existing;
- v. Splits in carved joinery to be repaired to match existing;
- vi. Redecorate the gateway and balustrade in appropriate finish to complement the traditional Japanese architecture using paint analysis and historical records to determine the finish;
- vii. Re-fix ridge tiles to match existing;
- viii. Install bat mitigation as designed by ecologist;
- ix. Install bird deterrent measures (including a combination of spikes and netting) as designed by specialist. The need for this has been driven by pigeons roosting underneath the copper roof – as a result, guano has covered some of the elaborate carvings and the pavement beneath. Pigeon spikes have been previously installed but these are failing and not deterring the pigeons;
- x. Replace corroded bottom iron hinge journals with new to match existing and adjust hinges;
- xi. Clean paving stones to remove blue/green staining caused by copper roof;

- xii. Reset raised paving stones to provide level surface finish.

Development Plan

The following outlines relevant planning policy and sets out an assessment of national and local policy as justification for the proposals. The proposals are to be determined in accordance with the Development Plan, which in this case is formed of the London Plan 2021, and the LBRuT Local Plan (July 2018, updated March 2020). LBRuT also have an emerging Local Plan which was consulted on at Regulation 19 consultation stage in July 2023. Adoption is not anticipated until Winter 2024/25, albeit the policies are now a material consideration in decision making and afforded limited weight in accordance with paragraph 48 of the National Planning Policy Framework 2023 (NPPF). The NPPF (and the PPG) also form a material consideration in the determination of this application. Other Supplementary Planning Guidance (SPG) includes:

- Royal Botanic Gardens Kew World Heritage Site Management Plan 2020-2025
- Royal Botanic Gardens, Kew Conservation Area Statement (undated)
- London Borough of Richmond-upon-Thames Public Space Design Guide (Jan 2006)
- GLA's London's World Heritage Site – Guidance on Settings SPG (Mar 2012)

Planning Policy Assessment

Impact on heritage assets

Paragraph 194 of the NPPF sets out that where proposals affect heritage assets local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

London Plan Policy HC1 (Heritage conservation and growth) requires that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. Policy HC2 (World Heritage Sites) states that development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value (OUV), including the authenticity, integrity and significance of their attributes, and support their management and protection. In particular they should not compromise the ability to appreciate their OUV, or the authenticity and integrity of their attributes.

LBRuT Local Plan Policy LP1 seeks to retain the high-quality character and heritage of the borough. Policy LP3 (Designated Heritage Assets) requires development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. Development proposals likely to adversely affect the significance of heritage assets will be assessed against the requirement to seek to avoid harm and the justification for the proposal. The significance (including the settings) of the borough's designated heritage assets, encompassing Conservation Areas, listed buildings, as well as the Registered Historic Parks and Gardens, will be conserved and enhanced. Policy LP6 (Royal Botanic Gardens, Kew World Heritage Site) identifies that the Council should protect, conserve, promote and where appropriate enhance the Royal Botanic Gardens, Kew WHS, its buffer zone and its wider setting. Local Plan Policy LP43 supports proposals which promote and enhance the borough's existing tourist attractions, including the Royal Botanic Gardens, Kew.

Policy 29 (Designated heritage assets) of the Draft Local Plan reaffirms the language used in the adopted Plan, requiring development to conserve and, where possible, take opportunities to make a positive contribution to, the historic environment of the borough. The policy requires the use of appropriate materials and techniques and strongly encourages any works or repairs to a designated heritage asset to be carried out in a correct, scholarly manner by appropriate specialists.

The relevant heritage designations are set out above. The Japanese Gateway is Grade II listed and sits in Kew Gardens WHS, the Grade I Registered Historic Park and Garden, the Royal Botanic Gardens Kew Conservation Area and an Archaeological Priority Zone. Its heritage interest and significance are identified in more detail in the submitted Heritage Report by Clews Architects, which has informed the proposed works that are subject to this application.

As identified above, a number of the proposed elements of work relate to like-for-like repairs and refixing loose joinery and tiles, as well as non-invasive cleaning and resetting raised paving stones to provide a level surface finish. These elements will have a positive impact on heritage assets, including the listed structure and setting of the surrounding Conservation Area and WHS, due to an improved appearance. Notwithstanding, these items do not specifically require listed building consent due to their like-for-like and non-invasive nature.

Other proposed items of work include redecoration of the gateway and balustrade. This will use an appropriate finish to complement the traditional Japanese architecture using paint analysis and historical records to determine the finish. This will match the original as closely as possible, therefore the visual impact will be minimal. Rather, the proposed work will improve the condition and appearance of the structure, which will result in positive heritage impact.

The bird deterrent measures, which will be a combination of spikes and netting, will be designed to be as unobtrusive as possible. Minimal fixings will be used as this area is not exposed to the elements. Any fixings that are required will be installed into the top of the wood where possible to minimise them being seen from ground level. Clear silicone will be used to secure the measures where possible, as opposed to more intrusive methods. Previous spikes that have been installed will be removed. Therefore, the proposals will help to maintain a tidy appearance by deterring birds from perching and roosting within the Japanese Gateway. This will ensure the protection and preservation of the structure into the future, in accordance with national and local planning policy.

Overall, the proposed repair and restoration methods have been established following a series of desk-based studies on and refurbishment of the Karamon Gateway in Jongan-ji, on which the Japanese Gateway is replicated. The proposed methods also take into account the specific nature of the structure and its condition, and have been further refined following review and feedback. This detailed design process and due consideration of traditional Japanese joinery techniques demonstrate that the proposed works will be as authentic and sensitive as possible and will closely resemble the original construction of the Gateway insofar as possible.

The proposed works will not prejudice the aims and objectives of London Plan policies HC1 and HC2, and Local Plan policies LP1, LP3 and LP6, but rather would preserve the OUV of the WHS, its conservation area setting and surrounding views. The proposals will not impact on any heritage assets, rather the proposals seek the preservation and longevity of the Japanese Gateway for future generations which is a benefit.

Ecology

London Plan Policy G6 (Biodiversity and access to nature) confirms that Sites of Importance for Nature should be protected. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. LBRuT Local Plan Policy LP15 (Biodiversity) seeks to protect and enhance the borough's biodiversity. New development should include new or enhanced features and habitats, design (such as green roofs, nesting boxes and bat boxes) and landscaping (including trees and hedges) that promote biodiversity.

The submitted Bat Survey by Furesfen sets out mitigation measures to avoid direct impacts to bats and features with potential to support roosting bats, as well as maintain the ecological functionality of the site as a valuable commuting and foraging resource for bats. A bat box was placed on the Gateway during the licence application as a temporary 'decant' box for any bats found whilst stripping the soffits at the Great Pagoda. During the Licence monitoring 2018-2019, a Brown Long-eared bat was seen to exit the box (June 2019). The licence was returned in 2021 and on the return the box was termed 'permanent' as it had been used as a bat box. The report sets out two options – Option 1 for works timed between 1st November – 1st May, and Option 2 for works commencing in Spring 2024. Both options provide mitigation measures to ensure that there is no risk to bats and all species on-site will be protected.

Overall, the survey confirms that any impact on ecology can be wholly mitigated through appropriate working practices. All work will be undertaken in accordance with the mitigation recommendations contained within Furesfen's report and are therefore compliant with all relevant policies.

Flooding

The Japanese Gateway is located in Flood Zone 1. In addition, flood risk within the area is mitigated by the flood protection along the riverbank which forms part of the Thames Tidal Defenses, which provides a 1 in 1000-year standard of protection against tidal and fluvial flooding. No floorspace is proposed, nor is any change to existing site levels or access. Relevant flood events are predictable and manageable under standard daily operation at Kew Gardens. The proposals comprise repair and conservation works, therefore, no

additional mitigation to existing flood defences is proposed. Overall, the proposals will not increase flood risk on-site or elsewhere and are therefore wholly in accordance with policy.

Summary

Listed building consent is required for repair and refurbishment works, including the redecoration of the gateway and balustrade, bat mitigation measures, and bird deterrent measures, at the Japanese Gateway in Kew Gardens. Other works, including like-for-like repairs and superficial cleaning of paving stones, that do not require listed building consent, are also proposed to the structure. The proposed works will ensure the conservation and preservation of the Japanese Gateway into the future. Overall, the proposal complies with the relevant provisions of the NPPF, the London Plan and LBRuT's policies.

If you have any questions or require any information, please contact Lindsay Egnor on 0207 257 9363 or at lindsay@theplanninglab.com.

Yours faithfully,

The Planning Lab