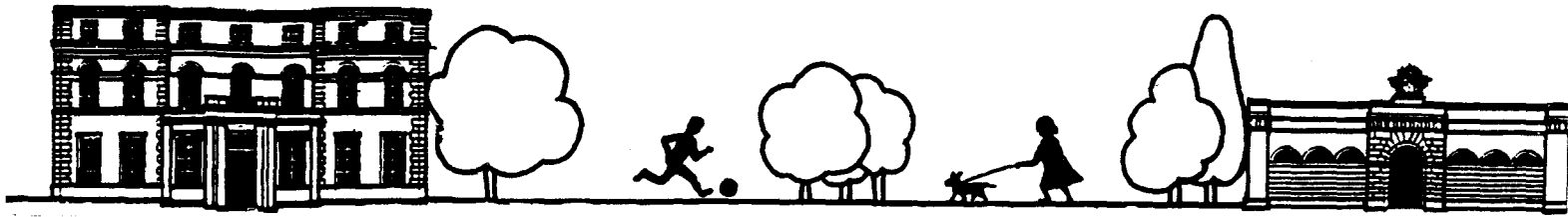


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NEWSLETTER



ARBITRATION OVER THE STABLES

The following is a transcription of the full text of the Arbitrator's Report on the dispute between the Gunnersbury Park Joint Committee and the London Borough of Hounslow over the future of the Stable Blocks:

GUNNERSBURY PARK
COACH HOUSE & STABLES

ARBITRATION

FOR THE LONDON BOROUGHS OF
EALING AND HOUNSLOW
APRIL 1990

Background Information

01 Gunnersbury Park, a former home of the Rothschild family, is administered by a joint committee formed from the councils of the London Boroughs of Hounslow and Ealing. For planning purposes it lies in the area administered by the London Borough of Hounslow.

02 The Coach House and Stable Block are listed Grade II. However, as a component of the Gunnersbury Park complex of buildings they are associated with the mansion which is listed Grade II*. Both Coach House and Stables are in a critical condition, and photographs taken only ten years ago confirm the need for urgent repair as the fabric is deteriorating rapidly.

03 The Gunnersbury Park Joint Committee have considered commercial uses as a means of obtaining finance to restore the buildings which it is their statutory obligation to maintain. These buildings form part of an overall historic complex of mansion, orangery and various landscape features, which as a whole is currently being considered for designation as a conservation area.

04 The result of negotiations left the Park Joint Committee and Ealing Council in favour of approving a scheme put forward by Swakeleys House Ltd. The scheme involved additions to the historic buildings to form a Carriage Museum, and the construction of two large office blocks adjacent to the Stables and Coach House. The "planning gain" derived from this commercial development in the park would cover the restoration costs of the Coach House to form a museum, and endow it with a certain amount of capital to cover operational costs. The proposals would also restore the Japanese Garden and create a glazed display over the 19th century folly at the rear of the coach house.

05 Because Hounslow Borough Council were opposed to any commercial development in the park the matter was referred to arbitration under the following headings:

"GIVEN that in recommending that the proposals from Swakeleys for the restoration of the Coach House and Stables buildings to include offices be proceeded with, the Gunnersbury Park Joint Committee took into account:

- (i) the joint responsibility for maintaining the Gunnersbury Park Coach House and Stables, under the Agreement between the London Boroughs of Ealing and Hounslow dated 1967;
- (ii) the poor condition of the Coach House and Stables, and the statutory responsibility to maintain these Grade II listed buildings;
- (iii) the agreed object of restoring

the buildings for use in part as a carriage museum;
(iv) the prospect of little or no public subsidy;
(v) the restrictive covenants on the use of Gunnersbury Park and its buildings;
(vi) the views of the Friends of Gunnersbury Park.

WHETHER, in the light of the decisions of the Gunnersbury Park Joint Committee, Hounslow Council who as a matter of principle do not wish to see offices in public parks, should, in discharging the function of the management agreement, have refused to permit the proposals from Swakeleys for the restoration of the Coach House and Stable Building, including offices, to proceed further."

06 I visited the site on 28 February 1990 in company with representatives of both Hounslow and Ealing Councils and the Park Joint Committee together with the Museum Curator and a representative of Swakeleys. At that meeting it was agreed that I should be allowed to contact the architect for the scheme and also representatives of English Heritage.

07 My initial finding on the proposal as submitted is that regardless of any commercial consideration it is unworkable for two reasons:

07.01 The proposed glazed area, which would house the carriage collection, is impractical. This type of museum display should not be put in an area covered by glass where it will suffer extremes of temperature contingent upon the difficulties of controlling solar gain. The result would be rapid deterioration of the artefacts.

07.02 The proposals involve cutting two large openings into the folly wall, together with the addition of works to the II* Stable Block and an extension to it which would be out of scale to the degree that it is highly unlikely that listed building consent could be obtained for the work.

However, it is important to be positive about this appreciation. The rapid deterioration of the fabric was a sufficiently compelling reason for me to carry further discussions with both the developers and English Heritage as

authorised at the site meeting.

Discussions with English Heritage

08 I met representatives of English Heritage on March 2, and again on April 2 when it was confirmed that their view of the current proposals was that the overall size and massing could well have a detrimental effect on the listed buildings. They informed me that a scheme had also been put forward for the creation of a car museum which did not involve new building. They stated that because of the fact that this scheme could be non-commercial, it may be considered for grant-aid to contribute to the cost of restoration. However, the Swakeley scheme, being purely commercial, would not attract any grant aid.

Discussions with Peter Newson Associates

09 I met Peter Newson of Peter Newson Associates on 9 March. Discussion of the scheme with him revealed that it was in fact a flexible proposal which could still be tailored to meet criticism. I therefore asked him to investigate the feasibility of relocating the office accommodation away from the Stable Block on to an area of back land at the edge of the park, adjacent to the North Circular Road. A development here could be "dug in" to the ground to a certain extent to reduce the visual impact, and bearing in mind that the Japanese Garden is not at risk, I asked him to reduce the size of the office block so that any planning gain agreement would cover only the restoration of the two listed properties to be then used as a museum, with caretaker's flat over the carriage block. This would result in the buildings being restored to a state as designed, and in particular would remove the later, 20th century clutter from around the Stable Block, which could then be properly visible.

10 As a result, Peter Newson Associates have prepared revised proposals which, to my mind, overcome my objections (7.01 & 7.02 above). This still leaves the consideration of commercial use.

Other representations

11.01 Friends of Gunnersbury Park.
I received representations from the

Friends of Gunnersbury Park dated 27th February 1990 together with enclosures, including the views of the Land Tribunal on the semi commercial use now in operation in the Gunnersbury Park Small Mansion. The Friends of Gunnersbury Park support the Swakeley proposal because they see no other way to obtain the finance necessary to restore the Stable Block. It is my understanding that they would find the possible amendments to the Swakeleys proposal rather more acceptable than the original scheme. As a group of people concerned with the operation of a museum, I am sure they will appreciate the significance of the omission of the glazed display area which would generate many technical problems.

11.02 Christopher Renwick Ltd. I also received details of a proposal put forward by Christopher Renwick Ltd in which he puts forward a scheme to use the Coach House, together with the existing 20th century structure around the Stable Block, for storage and display of historic motor vehicles. In this scheme the Stable Block would become the carriage museum, which would involve structural alterations to allow the carriages to be brought in.

In further discussions with both Mr Renwick and his associate, it became evident that the realities of the provision of storage for valuable historic cars mean in practical terms that the building would be used as a warehouse, whereby owners of historical vehicles who were unable to find suitable garaging would pay a rental to have them stored and minor maintenance carried out. The collection would be open only to enthusiasts and possibly escorted school parties, by request. Restrictions would be inevitable in view of the increasing value of historic cars. Mr Renwick already has another similar scheme operating, but this does not mean he is no longer interested in the Gunnersbury site. I include reference to the proposal because of English Heritage support for it, and also because in Hounslow's statement of reasons for objection to the Swakeley scheme they state that there are prospects of achieving further opportunities for working with other developers.

Main Issue

12 Assuming a reasonable development

proposal which will restore the Stable Blocks to the satisfaction of all parties, the main issue is whether this can be achieved by relaxing local planning policies to allow commercial usage. It is the view of central government that planning authorities should not be too rigid in adhering strictly to local plan uses if the result involves the restoration of a listed building. Paras 19 and 20 of Circular 8/87 are particularly relevant. They point out that: "controls over land use allocation should be relaxed to enable historic buildings to be given a new lease of life".

13 The listing of the Stable Blocks is particularly important: not only do they fall into the above category because of their inherent interest, but they also form part of an interesting group of historic buildings and landscape which is generally in good condition. Their contribution within the whole makes them correspondingly more valuable.

14 There is now overwhelming pressure to arrive at a decision. To my mind it would be wrong to await the possibility of further proposals in the future. Over the last fifteen years they have not been forthcoming, and it is extremely unlikely that any viable alternatives will appear in the immediate future.

15 Despite the proposals from Christopher Renwick including an opportunity for public involvement they must in reality be classed as warehousing, and they therefore constitute a commercial use in the same way as the scheme for offices. It is necessary, however, to consider the medium term future of such enterprises and the possibility of pressure for expansion. In my view, there is more control over the limitation of size in the case of a small office block than over a building governed by a specific activity. This is because it is relatively easy to find another tenant for an office block should the initial users have to move away owing to expansion; whereas an acceptable alternative warehousing use may be more difficult to find should Mr Renwick have to move, bearing in mind there is no scope for expansion of his operation here.

16 Swakeleys' office proposals give

more space over to museum use, bearing in mind that both buildings will be restored and used for this purpose. Also it will be possible to restore the Stable Block without altering the fabric to a degree which would be unavoidable if it were to be used to display carriages. Swakeleys revisions ensure that the Coach House reverts to its original design use and the Stables will give additional accommodation for exhibition of items which can be moved in and displayed without the need to widen door openings. In addition, because there is a single use on the site, the yard area can also be brought into use as the museum expands, and the conflict of interest which could arise from the Renwick proposal would be avoided. Management problems may arise involving the yard: it would be common ground between areas allocated for museum use, with full public access, and the necessarily protected environment of the private car warehouse.

17 Neither scheme now involves the restoration of the Japanese Garden. I do not think this is crucial as the garden is not at risk in that the few remaining plants and trees are surviving healthily and any restoration really means a re-creation of the garden which could equally well be carried out at any time in the future. It is more important to ensure that the buildings which cannot wait for restoration receive attention quickly by means of a scheme which does not detract from the listed buildings or their setting.

18 Of the two commercial uses proposed, the impact of offices could be said to be greater on the park as a whole; but looking at the specific parts of the site and at views towards the area in question, visually they will not be apparent. The setting of the Stable Block will undoubtedly be improved by the removal of the 20th century additions which would remain in the case of Mr Renwick's proposals. There will be a positive increase of visible public open space. Also, old photographs show that the park originally had many more large trees. Additional screen-planting, both around and within the car park, would help to restore the original character of Gunnersbury Park without losing space available to the public.

19 At this point I should add that Mr Renwick suggested that if he were given a 125-year lease he would be prepared to consider the restoration of both Stable Blocks and the removal of the 20th century additions, provided he could then use the buildings as a dwelling with storage facilities for two or three cars under his direct control. Whilst this proposal would undoubtedly be good as far as the buildings were concerned, it contributes nothing to the public use of the park as a recreational facility - and, indeed, would prejudice the further development of the park and museum in that area for the duration of the lease. In that respect, I think it would be more difficult to lift the restrictive covenant on the park.

20 When previously consulted on the Covenant, The Lands Tribunal stated that one of the factors to be considered is the practical benefit to other persons. I think it is more likely that the Tribunal would find in favour of altering the restriction for a scheme which does continue to afford benefit to the public in accordance with the aim of the Covenant, rather than merely taking the land into private management.

21 Another question which must be answered is: "Can it be said that the use to which the land is restricted by the Covenants such that there is no reasonable prospect of its being applied to such use?" i.e. the applicant must show the Lands Tribunal that there is no reasonable chance of the land being put to a use within the Covenant.

22 I believe that the present condition of the Stable Block is such that without an injection of capital there is no means of bringing them back into use as part of the Gunnersbury Park complex. This capital has to come from a private source as under the present financial restrictions there is no way that either local authority can make appropriate funds available. This, then, would form the basis of the argument that the Covenant should be broken so that there is resulting benefit of an increased public facility in the park as a result of a commercial use.

23 I have noted the objections raised

by Hounslow to the change in planning policy and precedent, but I believe that this Stable complex is too important to be left to deteriorate further. There are instances where commercial offices have been allowed in parks administered by Hounslow, albeit on a smaller scale than this; so a precedent has been established. However, I believe that Hounslow were right to be cautious in withholding approval of the initial Swakeley proposals. The resulting re-examination has enabled a much more sensitive scheme to be worked out.

Findings

24 The proposals by Swakeleys House Ltd, as revised, are acceptable in principle subject to detailed financial negotiation on limiting the size of the new office block. This proposal will not adversely affect the setting of the Stable complex, which will be much improved by the removal of the 1920's additions. There are precedents for office development in other parks controlled by Hounslow, and also implicit in current government policy, which suggests that planning authorities should not be too rigid in holding uses to exact local plan zoning when dealing with historic buildings. As the proposals now involve using the Stable Block and Coach House purely as an adjunct to the Museum, it may be possible that English Heritage will reconsider their attitude towards grant aid as, in effect, this is a less "commercial" use than the alternative proposal for car museum/storage.

25 This requires immediate negotiation between the two local authorities, Swakeleys and English Heritage as, if grant aid is available, the economics of their proposals will be affected and the size of the office block - already reduced by some 5,000 sq. ft. from the initial proposals - could be reduced still further. The exact terms of the lease need further consideration, Swakeleys state that if they could be given a longer lease they would increase their contribution to the benefit of the Park.

26 English Heritage state that the Stable Block group has been assessed as part of the Gunnersbury Park mansion complex, of which the main building, listed Grade II*, has been classified

as "outstanding" for Grant Aid purposes. The Commissioners have expressed a keen interest in Gunnersbury, and included it as a special site in the itinerary for their tour of inspection last year. Grant Aid for the restoration of the Stable Block complex will therefore be considered, but each individual case is assessed on its merits and a final decision will only be made when a detailed application has been studied.

27 The proposals put forward by Mr Renwick do have merit, but there is little gain to the public; and in view of the fact that the 1920s buildings will be repaired and remain to detract from the Stable complex, and because office block tenancies can be controlled more easily, I prefer Swakeley's scheme. However, the importance of obtaining agreement with a developer as quickly as possible for this important restoration means that the Renwick scheme should not be dismissed until the future of the complex is otherwise assured.

28 Any planning permission should be the subject of an agreement under Section 52 of the Town and Country Planning Act. Such an agreement must ensure that the Stable complex is fully restored before the office block is allowed to be occupied. There should be a separate contract for the restoration work identifying all costs; but it may well be practical to use the same contractor for both restoration and the new-build work in order to achieve economies of site management. Details of the maintenance of the planting scheme should also be included in any such Agreement.

Signed: JOHN S ANDERSON TD BA MSc ARIBA
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5th April 1990

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EVENTS SINCE THE ARBITRATION

The Arbitrator's Report was sent to both Councils in the week preceding the scheduled meeting of the Gunnersbury Park Committee on 6th April. Glen Barnham, Chair of the Gunnersbury Park Committee, welcomed the Report in a TV broadcast on 6th April; in the same broadcast Cllr Alan Keen from LB Hounslow accepted the Report. But that same afternoon LB Hounslow published a Press Statement welcoming the finding which they claimed vindicated their position and expressed concern that the arbitrator "seems to have acted outside his original brief" by finding in favour of a scheme on which Hounslow had not been consulted.

That evening, insufficient Hounslow members attended the meeting to create a quorum and a new meeting was arranged for 20th April. Then three Hounslow Labour Councillors were removed from the Committee (Spence, McCafferty and Williams) and replaced by Cllrs Alf King, Ted Pauling and Vanessa Smith. On the 20th, Cllr King submitted a motion (in a tone which made clear that they will fight against the content of the Report) suggesting that everything be held in abeyance until Hounslow Planning Department had prepared a Planning Brief for the site. This was rejected and the Committee voted to accept the Arbitrator's Report.

In the elections on May 3rd LB Hounslow stayed Labour, Ealing went Conservative. Who will be nominated for the Gunnersbury Park Committee and will this dispute ever be solved? Time will tell... It will also destroy the buildings....

TREES

Joan Catterall writes: As you will have noticed on your walks through the Park, trees have been replaced gradually since the storm of 1987.

The last of the trees was replaced in March of this year when a Prunus was planted at the backs of the houses at the Lionel Road end of Popes Lanes and a Salix (willow) and Nyssa (an American species that will give good autumn colour) were planted by the Boating Lake to replace the willow lost in the storm. Two Hornbeams have been planted on the lawn at the back of the Small Mansion and two Cedrus Deodara donated by the Townswomen's Guild have been planted by paths at the bottom of that lawn.

Many requests were received for Oak trees and these have been planted along the Lionel Road side in the wooded area. Unfortunately due to vandalism and the dry weather last year we have lost some of last year's trees, but they are being replaced. To replace two trees lost in this year's storms, the Friends have donated half the cost of a Cedar of Lebanon and the full cost of a Blue Spruce (these will be planted in 1990/1).

Replacing these trees would not have been possible without your generosity and your donations. We would also like to thank Greg Arthur (Park Superintendent) and Karen Fitzsimon for their help.

THE ANNUAL GENERAL MEETING

The Annual General Meeting of the Friends Of Gunnersbury Park will be held in the Temple at 3.00 on Sunday 27th May. We will organise a Park Walk starting at 2.00 from the Temple, to see the new planting, the restored Orangery, the condition of the Stables and other delights!

THE RE-OPENING OF THE MUSEUM

The Museum has now re-opened! The dry rot has been treated and the Social History Gallery has been completely re-displayed. The room containing this new display has been redecorated and re-gilded. The "From Plough To Platter" exhibition which had to be postponed is now in the main museum and the Temporary Exhibition gallery. Only the Archaeology Gallery is still closed off, but by a magnificent mural. Now is the moment to celebrate the improvement in the Museum's fortunes - please visit it, and take your friends!