

Application No:	2018/3810	Application Type:	FULL
Case Officer:	Jennifer Margetts	Ward:	Molesey East Ward
Expiry Date:	05/04/2019		
Location:	Jolly Boatman and Hampton Court Station Redevelopment Area Hampton Court Way East Molesey Surrey KT8 9AE		
Proposal:	Development to provide 97 residential units, a hotel (84 bedrooms) and retail units (within use classes A1, A2 and/or A3) together with access, station interchange, car parking, servicing, new public realm, landscaping and other associated works following demolition of some existing buildings and structures on site including Hampton Court Motors.		
Applicant:	Alexpo Ltd and Network Rail Infrastructure Ltd		
Agent:	Mr James Owens JLL 30 Warwick Street London W1B 5NH		
Recommendation:	<p>Recommendation A</p> <p><i>Subject to the completion of a satisfactory legal agreement securing the highways alterations and improvements, provision of travel plan, car club and public transport infrastructure improvements and the provision of on-site affordable housing provision together with late stage review mechanism within 6 months of the Committee resolution, the recommendation is to grant permission subject to the planning conditions set out below.</i></p> <p>Recommendation B</p> <p><i>If a satisfactory legal agreement is not completed, delegated authority be given to the Head of Planning Services to refuse planning permission.</i></p>		

Report

1. Site Description

- 1.1. The application site (as shown in Figure 1) is located to the east of Hampton Court Way, East Molesey. The northern boundary of the site is the River Thames, beyond which lies Hampton Court Palace on the opposite bank. The eastern boundary of the site abuts Cigarette Island Park and to the south is the River Ember. The site consists of a number of parcels of land detailed below:

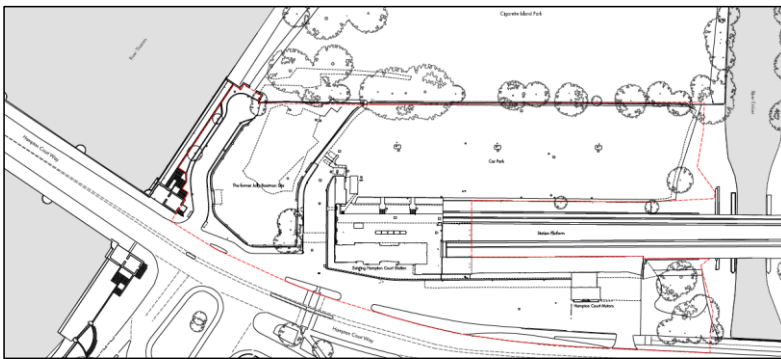


Figure 1: Existing site plan showing Hampton Court Station

Hampton Court Railway Station

- 1.2. This includes the locally listed station building, built in the mid-1800s together with ancillary structures; surface car park for approximately 204 vehicles; train tracks; platforms; coach and bus parking area; and land to the southwest of the tracks, currently occupied by Hampton Court Motors which is a second hand car sales garage. The lawful use is for railway purposes, including the ancillary station car park and transport interchange. Hampton Court Motors had the benefit of a temporary planning permission for car sales which authorised the use for a year and has now lapsed.

The Jolly Boatman Site

- 1.3. This is separated from the station by the access to the station car park. The former building of this name was demolished in 2002. It occupied about one third of the site. The remainder was an outdoor standing and seating area for the food and drink use and included two mobile food kiosks. The site is surrounded by hoarding and is currently overgrown. The site contains the underground storage tanks which were installed by Gladedale Homes as part of the implementation of planning permission 2008/1600 for the redevelopment of the site.

Highway

- 1.4. A small service access is located to the north of the Jolly Boatman site, which gives access for maintenance vehicles to Cigarette Island Park. This road is adopted Highway within the ownership and control of Surrey County Council. The road takes its access from Hampton Court Way and there is a small spur connecting it with the forecourt of the station.

Accesses

- 1.5. There are a number of accesses to the site including the access route to Cigarette Island Park to the north, the access to the station car park to the north of the station buildings, the bus layby, the access to the west of the station and the access to the car sales garage.

Other

- 1.6. There is a portion of undeveloped land to the south west of the station site between Hampton Court Motors and the River Ember. This land is owned by Network Rail and is covered by a Tree Preservation Order.
- 1.7. The application site is located within the East Molesey (Bridge Road) Village Centre and the East Molesey Kent Town Conservation Area as shown on the Elmbridge Borough Core Strategy 2019 Proposals Map. It is situated within the sub-character area MOL03: East Molesey Village and Hampton Court Station as defined in the Elmbridge Design and Character Supplementary Planning Document 2012. The site is situated approximately 420m to the north-east of the East Molesey Bridge Road Conservation Area.
- 1.8. The railway station building is locally listed and Hampton Court Bridge that crosses the River Thames by the site is a grade II listed structure. Within the borough of Richmond is Hampton Court Palace, which sits to the north of the site beyond the River Thames. This is listed Grade 1 and is a Scheduled Ancient Monument of international significance. Although outside the boundary of Elmbridge, it is classified as a key landmark on the Core Strategy Proposals Map, with strategic views from the Palace into the Borough to the east of Cigarette Island Park. The site is also situated to the south and west of Hampton Court Park and Bushy Park which are a Grade I Registered Park and Garden.
- 1.9. Much of the site is made up ground and it slopes gently down from the River Thames towards the River Ember. A submitted topographic survey indicates that the existing ground levels within the main site fall from west to east from approximately 9.0m above Ordnance Datum (AOD) to 8.4m AOD in the north and 9.0 AOD to 7.6m AOD in the south. The levels within the area for the proposed temporary car park are generally flat, varying between 7.5m AOD and 7.6m AOD. In this report all building heights have been quoted from the 9.1m AOD datum of the station plinth.
- 1.10. The site is situated within Flood Zones 2 and 3a which are areas with medium and high probability of flooding. Flood Zone 3a covers part of the station car park and the land to the south of Hampton Court Motors. Cigarette Island Park to the east of the site is within Flood Zone 3b which is the functional floodplain and the highest risk category. The extent of Flood Zones 2 and 3 are depicted in Figure 2 with Flood Zone 2 shown in light blue and Flood Zone 3 in the darker blue. **A PLAN SHOWING ZONES 2, 3a and 3b SHOULD BE INCLUDED RATHER THAN A PLAN SHOWING "2 and 3"**

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Figure 2: A site plan showing the extent of Flood Zone 2 (light blue) and Flood Zone 3 (dark blue)

- 1.11. Hampton Court Way is a classified road (A309), running on an approximate north/south direction, and connects with Hampton Court Bridge to the north. The station itself is the terminus of the Hampton Court to London Waterloo service. The station has its own car park for rail passengers. There is also a bus interchange to the front of the station, serving a number of routes.

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2. Constraints

- 2.1. The relevant planning constraints are as follows:

- Air Quality Management Area
- Contaminated Land
- Conservation Area
- Flood Zones 2 and 3 (including 3b)
- Surface Water Flooding Low
- Listed Buildings (Hampton Court Palace and Hampton Court Bridge)
- Locally Listed Building
- Thames Policy Area
- Tree Preservation Order

3. Policy and Guidance

- 3.1. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

Core Strategy 2011

- CS1 – Spatial Strategy
- CS7 – East and West Molesey
- CS12 – The River Thames Corridor and its tributaries

CS14 – Green Infrastructure
CS15 – Biodiversity
CS17 – Local Character, Density and Design
CS19 – Housing type and size
CS21 – Affordable housing
CS23 – Employment land provision
CS24 – Hotels and Tourism
CS25 – Travel and Accessibility
CS26 – Flooding
CS27 – Sustainable Buildings

Development Management Plan 2015

DM2 – Design and amenity
DM3 – Mixed Uses
DM4 – Comprehensive development
DM5 – Pollution
DM6 – Landscape and trees
DM7 – Access and parking
DM8 – Refuse, recycling and external plant
DM10 – Housing
DM11 – Employment
DM12 – Heritage
DM13 – Riverside development and uses
DM20 – Open Space and views
DM21 – Nature conservation and biodiversity

Design and Character SPD 2012

Flooding SPD 2016

Developer Contributions SPD 2012

Thames Landscape Strategy

Landscape Character Reach 02 Hampton Court

Hampton Court Station and Jolly Boatman Sites Development Brief 1999

3.2. The current Planning Brief was formally adopted by Elmbridge in November 1999.

Aims:

3.3. The aims of the brief are summarised within it as:

- To promote a comprehensive development of the site, to include a comprehensive solution for access.
- To enhance the site's role as a public transport interchange.
- To ensure that the development enhances the East Molesey Conservation Area and provides a scheme of the highest architectural quality which respects its location opposite Hampton Court Palace and adjacent to Hampton Court Bridge.
- To ensure that the development maximises the opportunity to improve the frontage of the River Thames and to encourage a range of uses which promote enjoyment of the River.
- To encourage environmental improvement of the site and the immediately adjacent highway.

- To enhance the site as a gateway to the borough, particularly for tourists visiting Hampton Court.
- To encourage a mix of uses appropriate to the site's location.

Changes Since Adoption Of The Planning Brief

Flooding

- 3.4. The Brief makes no reference to flooding. At the time it was prepared the site was not shown to be at significant risk from flooding due to its height above the adjacent rivers. However, the Environment Agency has issued more cautious Flood Zone mapping since the Brief was prepared. Current flood zone maps apply a higher standard of risk, based on potentially higher flood levels and climate change adjustments. Consequently, the areas that are identified as potentially liable to flooding are more extensive than in the 1990s.
- 3.5. It means that any application now has to take account of the additional design constraints which the flood risk imposes –such as minimum floor height, safe dry access, flood compensation etc. These were not envisaged when the Brief was prepared. This has implications for the layout, height and use of any buildings, as well as the cost of construction.

Affordable Housing

- 3.6. The Brief also makes no reference to affordable housing and neither does it explain that omission. At the time it was adopted the Council was applying a policy of 30% affordable housing on sites of this size. The current Elmbridge policy is that 40% of all new housing on larger sites such as this should be affordable.

Status Of The Planning Brief

3.7. The Planning Brief is a material consideration in the assessment of this planning application. The normal assumption would be that any application that follows the specifications in the Brief would be approved, unless there has been a material change in the planning circumstances that renders the Brief outdated or contrary to latest adopted policies.

3.8. In the case of this site there have been material changes of planning circumstance that must be taken into consideration and these must carry weight in the determination of planning applications on the site.

3.9. In addition to the adoption of a Core Strategy and Development Management Plan post the adoption of the Brief AS I HAVE SAID ABOVE, THIS DOES NOT OF ITSELF AFFECT THE WEIGHT TO BE ACCORDED TO THE BRIEF. THE ISSUE IS IN WHAT WAY IS THE CONTENT OF THE BRIEF RENDERED OUT OF DATE BY THE LATER POLICIES. WHIST THE DETAILED DESIGN GUIDANCE WILL HAVE BEEN AFFECTED BY THE REVISED FLOOD RISK CATEGORISATION, WHICH THE AIMS IS OUT OF DATE?

there is also an extant planning permission. The extant permission in place under application reference 2008/1600 is for the demolition and comprehensive redevelopment of Hampton Court Station, the Jolly Boatman site and adjoining land to include 66 residential units, retail and commercial floorspace (603sqm), 46 bedroom hotel (redesigned), 61 bedroom care home, refurbished railway station, new transport interchange, new areas of public open space, car parking, highway improvements together with other works incidental to the proposed development. The extant permission on the site is discussed in more detail below but it now sets the parameters for development on the site. IT IS UNWISE TO RELY ON THE EXTANT PERMISSION SETTING OUT THE PARAMETERS FOR THE DEVELOPMENT OF THE SITE

BEFORE YOU HAVE CONSIDERED WHETHER THERE IS ANY PROSPECT OF THE EXTANT PERMISSION BEING FURTHER IMPLEMENTED. FURTHER WHILST THE EXTANT SCHEME MAY BE A MATERIAL CONSIDERATION (SUBJECT TO YOUR CONCLUSION ON THAT ISSUE), IT DOES NOT OVERRIDE THE BRIEF BUT IS A FACTOR WHICH MIGHT WEIGH AGAINST ITS RIGID APPLICATION.

STATUORY DUTIES

YOU NEED TO ADD REFERENCE TO SECTION 70 OF THE TOWN AND COUNTRY PLANNING ACT 1990, SECTION 38(6) OF THE PLANNING AND COMPULSORY PURCHASE ACT 2004, SECTION 66(1) AND 72(1) OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 AND THE EQUALITY ACT 2010 AND MAKE SURE THAT EACH IS PROPERLY ADDRESSED IN THE RELEVANT SECTIONS OF THE REPORT.

4. Relevant Planning History

- 4.1. The earliest planning record of the Jolly Boatman site was for a permission granted in 1948 for the erection of a refreshment pavilion and ice cream kiosk. During the late 1940s, 1950s and 1960s various applications were approved to allow extensions and additions to the structures on site.
- 4.2. The Jolly Boatman itself, which evolved from the refreshment kiosk over time into a two-storey public house, restaurant and music venue, was destroyed by fire in the mid 1980s.
- 4.3. The Station pre-dated planning legislation and the first record of planning permission dates to 1952 when approval was given for a change of use of part of the land from a builders' yard to the stationing and display of cars for sale and the use of the building as an office (7758). This has been continually renewed and currently expires in 2009 THIS NEEDS UPDATING. The erection of showrooms for the sale of cars was refused in 1960 (18009).
- 4.4. On the station site outline planning permission (84/901) was refused in 1985 for a three-storey block of offices, new railway station and conversion of the existing railway station to offices with associated coach and car parking. This was refused due to conflict with office policies, adverse effect on the local environment and failure to achieve a comprehensive development with the Jolly Boatman site.
- 4.5. That refusal was taken to appeal. However, before the appeal was considered the Council adopted a Planning Brief for the Hampton Court Station and Jolly Boatman sites (in November 1986). This had been prepared jointly by officers at Elmbridge Borough Council and Surrey County Council. It sought a comprehensive development of the site, primarily for leisure and tourist uses with a refurbished station building or its replacement further south and the existing building re-used for another purpose.
- 4.6. The refused application 84/901 went to appeal where it was dismissed with the additional ground that it conflicted with the planning brief, which had been adopted in the meantime, and promoted tourist uses rather than offices.
- 4.7. After the above proposal was refused, applications were submitted to jointly redevelop both the railway station and Jolly Boatman site.
- 4.8. Outline planning permission was granted in 1987 for a three-storey 76 bedroom hotel with ancillary accommodation, relocation of railway station and provision of 170 car parking spaces and 5 coach spaces (87/1180).
- 4.9. A further planning application was received in 1987 for timeshare accommodation, plus a hotel, restaurants, conference facilities, casino, sporting and recreational facilities and car parking. This application was refused as it was considered that the timeshare

facilities were too similar to residential and therefore in conflict with the applicable planning brief at that time (87/1430).

- 4.10. A planning application was submitted in 1990 for a heritage centre, single-storey and two-storey restaurant buildings, extension and conversion of the railway building to a restaurant and two flats, new station, boat house office/studio buildings and car parking. This application was withdrawn prior to determination (90/0024) following criticisms of the scheme by the Council due to the inclusion of a significant amount of office space.
- 4.11. An application in relation to the Jolly Boatman site only was submitted in 1995 for a part two-storey/part single-storey building for use as a licensed premises/restaurant and was refused as being uncoordinated and non-comprehensive redevelopment, poor design, inadequate parking, and potential confusion and inconvenience in respect of access from Hampton Court Way (95/1003).
- 4.12. In the late 1990s the Council replaced the Planning Brief with an updated version in an attempt to encourage development. It had been noted that the earlier schemes had all either proved non-viable or had been unacceptable in planning terms. Some of this was because of constraints in the original brief that limited the more viable uses, but also because it had failed properly to identify the costs involved in redevelopment. The new version was prepared with the assistance of consultants and adopted in November 1999. It sought to find a balance that allowed a sensitive development with a good mix of uses, while providing sufficient value to attract a quality development.
- 4.13. In 2007 planning permission was refused for the demolition and comprehensive redevelopment of Hampton Court Station, the Jolly Boatman site and adjoining land to include 66 residential units, retail and commercial floorspace (592 sqm), 46 bedroom hotel, 61 bedroom care home, refurbished railway station, new transport interchange, new areas of public open space, car parking, highways improvements together with other works incidental to the proposed development. This was refused for the following reason:

'The 'Boathouse' design for the hotel building facing the Thames would have an adverse impact on the character and appearance of Cigarette Island Park, Hampton Court Station (locally listed) and Hampton Court Bridge (Grade II Listed) as well as cross river views from the nationally designated Hampton Court Palace and the Thames Path, and the Molesey Conservation Area, contrary to national policies PPS1 and PPG15 as well as local saved policies ENV1, ENV2, HEN8, HEN11, RTT1, RTT2, RTT7, and the advice in the Thames Landscape Strategy.'

- 4.14. The design of this building was amended, and the proposal was resubmitted under application 2008/1600. In 2009 planning permission was granted (2008/1600) for the demolition and comprehensive redevelopment of Hampton Court Station, the Jolly Boatman site and adjoining land to include 66 residential units, retail and commercial floorspace (603sqm), 46 bedroom hotel (redesigned), 61 bedroom care home, refurbished railway station, new transport interchange, new areas of public open space, car parking, highway improvements together with other works incidental to the proposed development.
- 4.15. Subsequent to this application there have been a number of applications to discharge the planning conditions applied to application 2008/1600. Following the discharge of the planning conditions underground storage tanks were installed on the site by Gladedale Homes. They received confirmation from Elmbridge Council that this constituted the commencement of planning permission 2008/1600 which remains an extant permission on the site.

4.16. In relation to the current application there are two further items of planning history. The first, (2018/2065), was a request for a Scoping Opinion which is detailed in section 5 below.

4.17. The second is a planning application which is currently under consideration. This is application 2018/3803 for temporary car parking and associated works for Hampton Court Station to provide 110 spaces, for a period not exceeding 2 years from date of first use, and subsequent reinstatement. The purpose of the temporary car park is to speed up the delivery of this proposal. However it is not essential to the site's development. THESE LAST TWO SENTENCES SHOULD BE RE-PHRASED TO BE MORE INFORMATIVE AS TO THE RELATIONSHIP BETWEEN THAT APPLICATION AND THIS ONE.

5. Environmental Impact Assessment (EIA)

5.1. The applicants submitted EIA Scoping Report on 28th June 2018. The Environmental Statement for which the developer was seeking in opinion is intended to inform the decision maker of the likely significant environmental effects of the proposed development, both during construction and after completion. It identified measures to prevent, reduce or offset any significant effects on the environment and identify cumulative and residual effects.

5.2. The applicants identified in their scoping report the following key issues and likely significant effects to be addressed in the Environmental Statement (ES) as follows:

- Development Programme, Demolition and Construction
- Socio-economics
- Transport and Access
- Air Quality
- Noise and Vibration
- Water Resources and Flood Risk
- Ground conditions
- Heritage (Below Ground Archaeology)
- Ecology
- Wind Microclimate
- Daylight, Sunlight, Overshadowing and Solar Glare
- Townscape, Visual and Heritage Impact

5.3. The Scoping Report was found to be satisfactory on the 24th August 2018. Elmbridge Borough Council and technical consultees after careful assessment considered the report submitted to be acceptable subject to detailed consideration of the issues raised in the Officer's Report and suitable statements and reports accompanying any future planning application for the proposed development of this site.

5.4. An Environmental Statement was submitted with the current planning application and responds to the scoping opinion issued by the Council on the 24th August 2018. Technical consultees have reviewed the submitted information and an assessment of the contents of the Environmental Statement and the impact of the proposed development will be included in this report.

Proposal

5.5. The proposal is for a comprehensive redevelopment of the whole site including the former Jolly Boatman site, railway station (including the station building, car park, tracks, platform and land on the Hampton Court frontage), highway and the parcel of undeveloped overgrown land to the south-west of the station. The proposed development would provide 97 residential units with approximately 9,646 sqm (GIA) of open market housing and 1270 sqm of affordable housing. The proposed development also includes 3,171 sqm of C1 floor space to provide an 84 bedroom hotel, 435 sqm of

A1 retail space and 268 sqm of A2/A3 café/restaurant. Proposed works also include access, station interchange, car parking, servicing, new public realm, landscaping and other associated works following demolition of some existing buildings and structures on site including Hampton Court Motors.

- 5.6. The proposal comprises 3 distinct elements which will be referred to though-out this report. These are the Riverside Building, the Villas and the Hampton Court Way Building. The development also includes a two storey underground car park, public realm space and private amenity space for the proposed residential units. The proposed layout of the site is shown in Figure 3 below.

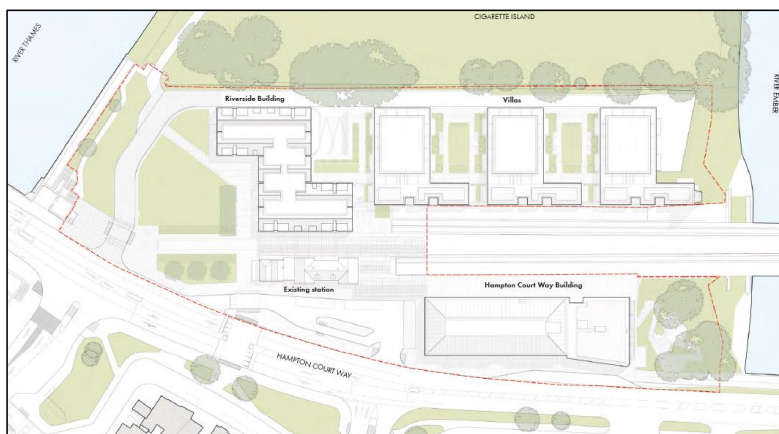


Figure 3: Masterplan showing layout of proposed development

- 5.7. No details have been provided of any proposed works to the train station. This is because Network Rail as a Statutory body have Permitted Development rights as set out in the Town and Country Planning General Permitted Development Order to carry out specific works without the need for planning permission.
- 5.8. The following amendments/amplifications to the proposed development were received during the course of the application on which neighbours and consultees were re-consulted.
- Amended Plans showing change of external materials/appearance of the Hampton Court Way building
 - Updated Environmental Statement Heritage, Townscape and Visual Impact Assessment (Appendices 1-3)
 - Amended and additional CGI's showing change of external materials of the Villa buildings
 - Additional site section plan from Hampton Court Way across the open space to Cigarette Island.
 - Email and amended plan confirming vehicle tracking for fire and refuse vehicles
 - Amended 'Dimensions Plan – Site Plan' and amplifying email which amends service road width from 3.5m to 3.7m and removes reference to measurements marker of 7.5m on south side of development.

- Additional noise and air quality information
- Confirmation that the green space to the south of the proposed Hampton Court Way building would be private amenity space to serve the residents of that building
- Confirmation of ecological protection following the consultation response from Surrey Wildlife Trust to overcome their concerns regarding bats and veteran trees
- Additional cross sections across the public space to the front of the site
- The minutes of the meeting between the Environment Agency, the Applicants and Planning Officer
- Amended Flood Risk Assessment to overcome concerns raised by the Environment Agency

6. Consultations

Heritage/Landscape

- 6.1. Historic England – no objections – confirms that having reviewed the submitted documents the impact on the designated heritage assets is confined to the issue of setting. The development within the conservation area is on the edge of the area and reasonably distant from the key residential zone within the Kent Town conservation area. The setting of the principal assets, Hampton Court Palace and the registered park and garden will sustain some harm from the development, although it will be largely screened behind trees when in leaf both within the palace, and on the other side of the river. They highlight that the continued presence of trees will be important to screen the development from views from the palace. In accordance with the NPPF (paragraphs 194 and 196) the impact upon setting will need to be weighed against heritage benefits. The proposed development addresses a complicated site, the current (and long-standing) state of which has had an adverse effect on the setting of multiple designated heritage assets. The proposed development is less impactful upon heritage than previous applications and will replace the existing car park and station forecourt/car dealership and include public realm improvements to remove visually-intrusive elements such as hoarding around the Jolly Boatman site. In particular the proposed 'Riverside Gardens' will create an area of public realm which will greatly improve the sense of arrival at Hampton Court. Historic England confirm they have no objection to the application on heritage grounds.
- 6.2. Historic Royal Palaces – confirmed that the proposed scheme addresses a major part of their concern with the extant permission on the site however they still have the following concerns:
- The Council should ensure that the extant permission on the site is extinguished if permission is granted for the proposed development and that the retention of the Jolly Boatman site as riverside and public space is secured in perpetuity through a legal agreement
 - Concern about the eastern elevation of the buildings and the materials proposed
 - Compliance with the height requirements for developments set out in The Railways Act
 - The importance of retaining and strengthening the tree screen on Cigarette Island
 - The parking surveys are not an accurate reflection of current parking patterns

Historic Royal Palaces sent a second response in which they detailed that they would like to see greater enhancement of the tree and landscape screen currently present on Cigarette Island between Hampton Court Palace and the proposed development. They provided details of suggested landscaping to strengthen the screening and confirm that they would like to work with the developer and the Council to enhance the screening of the western boundary and tree cover on Cigarette Island together with a landscaping design for the public realm area.

In response to these comments the applicant has amended the materials for the eastern elevation of the Villas to a buff brick. They have also amended the materials for the balconies and glazing of the north elevation of the riverside building. Historic Royal Palaces were notified of these changes and the following comments were received:

- S106 to secure the 'square' as open space is welcomed
- A single material across the three pavilions fronting Cigarette Island may appear as a block and HRP consider some variety could help to achieve a more recessive look. However, should tree planting proposed in the landscape scheme which was provide by HRP be implemented then the proposal would hopefully be adequately screened.
- Apply a restrictive covenant to both the height and any further development on the open space would be essential
- Low reflectivity glass is welcomed. HRP would prefer black or gunmetal handrails to white handrails
- No further comments to make regarding car parking.

- 6.3. The Gardens Trust – strong objection, substantial and irreversible harm to the setting of the Grade I Hampton Court Palace Registered park and garden.
- 6.4. SCC Conservation and Archaeology– No objections subject to pre-commencement condition relating to further archaeology work
- 6.5. SCC Conservation and Historic Buildings – no comments
- 6.6. Hampton Court Palace – no comments received however comments have been received from Historic Royal Palaces
- 6.7. East Molesey Conservation Area Advisory Committee - objection raising the following summarised concerns:
 - Objection to the increased height generally but particularly the hotel
 - Objection to the proposed vehicular access which fragments the public space facing the river
 - The elevation facing the palace should be realigned to face the river
 - Station forecourt should be laid out to ensure that passenger drop off is catered for in lieu of the proposed arrangement in the basement which is likely to generate safety issues
 - Road side reserve strip should be softened with tree planting
 - The station should be listed and the decision delayed until it has been considered

- The station building should be restored to its former quality
- Adequate provision for coach parking is required
- Care should be taken to ensure that urbanisation of this sensitive area is minimised by use of soft finishes and materials, abundant public planting, and strict control and a sympathetic approach to signage and street furniture generally.
- Require assurance that the road works are to be simultaneous with development
- Required block modelling showing massing
- They raised a number of concerns regarding the Hampton Court Way building and its impact on the setting and surrounding area
- There is a shortfall in parking that will increase parking stress in the surrounding area
- The development has little sympathy with the surrounding area, it does not sit comfortably amongst neighbours and in particular the Palace.

6.8. Hampton and Molesey Riverside Trust – no comments received

6.9. Thames Landscape Strategy (TLS) – The Thames Landscape Strategy ask that the council take into account TLS guidance set out in the Thames Landscape Strategy Review 2012 which relates to the importance of the setting of Hampton Court Palace from the river and enhancement/protection of the river and surrounding areas.

Flooding

6.10. Environment Agency – no comments received

6.11. AECOM (Elmbridge's flooding consultant) – confirmed that the scheme is policy compliant but raised concern that the Flood Zone 3 mapping has been updated and therefore recommend that confirmation is sought for the EA to establish if the FRA was based on the latest available information accessible at that time (December 2018). In addition, if this updated hydraulic modelling data is now available, it is recommended that applicant make reference to the data within the planning application flood risk assessment.

In response to these comments, the Council has consulted the Environment Agency on the application and their consultation response is detailed above in paragraph 6.10.

6.12. SCC Sustainable Drainage and Consenting Team – no objections subject to pre-commencement conditions and relating to sustainable drainage systems and an informative relating to the construction phase.

Environmental

6.13. Natural England – no objections as it is considered that the proposed development would not have significant adverse impacts on statutorily protected sites

6.14. Environmental Health –

Noise – The consultation response considers the submitted Noise Assessment which is discussed in more detail within the remit of the report below. Environmental Health

were satisfied with the submitted materials, however they have identified that further noise mitigation may be required to the facades of the buildings that are affected by events at Hampton Court Palace than is currently proposed and this can be addressed by a pre-commencement condition. Further pre-commencement conditions are recommended relating to noise insulation between the retail and residential units; noise from plant, machinery, extraction or filtration, refrigeration equipment and air conditioning units; and vibration from the railway.

Air Quality – The consultation response considered the submitted Air Quality Assessment and recommends a glazing and ventilation scheme on the Hampton Court Way properties that face directly onto Hampton Court Way and those that face the side of the highway. Environmental Health have considered the submitted information relating to the impact of the proposed development on air quality and considered that further evidence may be required to demonstrate that the proposed development would facilitate an improvement in air quality. Pre-commencement conditions are recommended relating to fresh air ventilation to habitable rooms, CHP plant emissions, a travel plan to minimise car use and details of electric vehicle charging points. A post completion condition is recommended for further air quality studies of the proposed highway improvement scheme. Environmental Health raise concern about the amount of parking proposed. They state that ideally the development would be car free in this sustainable location ~~to~~ to help improve air quality and that the overprovision of parking on this development will further add to the air quality burden. They would therefore recommend a reduction in parking.

Contamination – The consultation response considers the submitted Environmental Statement – Chapter 12: Ground Conditions and associated figures and documents. Environmental Health confirm that they are satisfied that the site poses a potential significant risk under future use as a result of the current ground conditions and the associated uncertainty. They therefore recommend pre-commencement planning conditions relating to further investigation work to overcome these concerns. Informatives are recommended relating to contamination investigation, hours works and ancillary operations and disposal of construction waste.

6.15. Joint Waste Solutions (refuse) – no objection subject to condition – they initially raised concern about the width of the access road, however the applicant supplied a swept path analysis and Joint Waste have confirmed that this overcomes their concerns. They have raised concern about the collection point and stated that they would expect access to be provided at all times between 06:30 and 15:00 on collection day and for dropped kerbs to be installed for the communal bins to be wheeled across the vehicle. They have also stated that the waste storage does not meet minimum capacity requirements. This is discussed in more detail below and Joint Waste Solutions have confirmed that they would be satisfied with the use of pre-commencement planning conditions to address these issues.

6.16. Surrey Wildlife Trust – no objection subject to condition – in their first response they sought further clarification of the impact of the development on protected veteran trees and bats. They also recommend the following pre-commencement conditions:

- The submission of a sensitive lighting management plan
- Conduct further badger survey immediately prior to the works and submit relevant mitigation scheme if badgers activity is found
- The submission of a Construction Environmental Management Plan

They also set out recommendations for biodiversity enhancement on the site.

The applicants provided an additional statement relating to veteran tree and bats and Surrey Wildlife Trust have subsequently confirm that this sufficient to overcome their concerns about the potential presence of veteran trees and potentially active bat roosts.

- 6.17. Elmbridge Borough Council Tree Officer – no objection subject to conditions – the consultation response will be considered in detail within the remit of the report below.

Highways/Transport

- 6.18. SCC Highways – no objections subject to a legal agreement – The proposed development has been considered by the County Highway Authority who recommends an appropriate agreement should be secured before the grant of planning permission to cover the proposed highway works which ~~principally involve~~ ~~principally~~ the reconfiguration of Hampton Court Way from Hampton Court Bridge to River Ember Bridge. Provision of these elements is to be subject to detailed design and further safety audits, all details to be agreed with the Highway Authority. They also ask that the agreement includes the submission of a travel plan and payment of monitoring fee, the provision of a car club with 3 electronic vehicles and the provision of a new bus layby in River Bank and the relocation of 2 bus stops in Creek Road. Planning conditions are recommended relating to accesses, parking, Construction Transport Management Plan and cycle storage. Informatives are also recommended relating to highways. The report concludes that the trips generated by the site amount to a minimal increase compared to the existing levels of traffic on the road. The changes to the highway layout would significantly improve the current situation with particular attention paid to vulnerable road users – cyclists and pedestrians. Car parking at the station is an issue for Elmbridge Borough Council to satisfy themselves as the levels provided will not lead to safety or capacity issues. SCC Highways Authority confirmed that any amenity concerns of neighbours could be addressed by means of an extended CPZ with increased enforcement.

Further comments were sought from SCC Highways with regards to the impact of the proposed development at Units 1 and 2 Summer Road, Thames Ditton on the highway capacity and safety. They responded that their understanding of the planning process is that each application is considered on its own merits. In this instance neither response should be changed as the new application for Units 1 and 2 Summer Road Thames Ditton is not committed development.

- 6.19. Network Rail – have commented on the proposal, however this was from the perspective of the applicant and therefore is considered to be a supporting document rather than a consultation response.

Others

- 6.20. Elmbridge Borough Council Housing – request that a Late Stage Review of the affordable housing contribution is included in the S106 agreement
- 6.21. Elmbridge Borough Council Green Spaces Manager – confirmed that they are in support of the proposed public space on the Jolly Boatman site. Other comments in their response relate to the temporary car parking and so will be considered under that application.
- 6.22. Health and Safety Executive (HSE) – the application site is out of consultation distance and therefore the HSE do not need to be consulted at present
- 6.23. Thames Water – Following initial investigations, Thames Water has identified an inability of the existing foul water network and water network infrastructure to accommodate the needs of this development proposal. Thames Water recommend a planning condition relating to water water and waste water network upgrades as well an associated informative.
- 6.24. Surrey Police – Recommended a pre-commencement condition requiring the development to achieve the full Secured by Design award for the residential and

commercial elements of the development and to fully engage with Design Out Crime Officers and Counter Terrorism Security Advisors in relation to all other aspects of the proposal including security for the hotel and car parks. This condition has been added to the list of agreed conditions.

6.25. Surrey Fire and Rescue – confirmed that the development should comply with section B5 of Approved document B. This are is under the jurisdiction of the Building Control body appointed and would be consulted on formally, once they have received the application.

6.26. Hampton Court Rescue Campaign (HCRC) –

Parking and Transport – HCRC produced a report responding to the submitted Parking and Transport Assessment and raised the following summarised concerns:

- Coach parking will be removed from the site
- The sustainability of the site is tempered by the underperforming transport infrastructure
- The site has unique characteristics which cannot be ignored such as the seasonal parking demand from Hampton Court Palace, the under-performing public transport, high levels of congestion and pollution, removal of coach parking and increased commuter parking in surrounding roads
- The parking assessment is inaccurate/misleading and there is an under provision of parking proposed on the site. It does not take into account the use of the car park by visitors to Hampton Court Palace. They have provided estimates for likely car park demand for the proposed car park and made allowances if a Controlled Parking Zone (CPZ) is implemented in the surrounding streets.
- The proposed parking provision does not comply with Surrey County Council or Elmbridge Borough Council policies (DM7) and 1 space per residential unit should be provided. Additional parking is required for the hotel and commercial users as well on top of the existing train station car parking. They recommend that the proposed development would lead to an under provision of 123 car parking spaces and 163 if a CPZ is introduced.
- The proposal will lead to increased parking stress on local roads.
- Questioning the public status of the car park
- The 58 parking permits will not be allocated and therefore breach the Council policy DM7. The claim that national policy ~~supports suggests that~~ no parking is spurious in relation to this development.
- With regards to the footway adjacent to the Hampton Court Way building, it would be the same width as the existing which is far too narrow to be used as a shared pedestrian and cycle path, plus cycle parking is proposed on the footway which will cause pedestrian conflict at this point.
- HCRC submitted a report to Surrey County Council's consultation response disputing the response and its conclusions.
- HCRC have submitted a series of emails in correspondence with Network rail regarding the control of parking in the proposed car park and how this could be managed. This discussion is focused on the legality/ability of those managing the car park to restrict its use to the general public.

Urban Design/ Heritage/Visual impact – HCRC produced a report addressing specific issues on Urban Design and Heritage to be read alongside other objection submissions on their overall concerns, the parking study report and other issues. They raised the following summarised concerns in relation to urban design, heritage and visual impact:

- The heritage study does not give sufficient regard to the station – the development will cause significant adverse harm to the setting of the station
- HCRC submitted an application to Historic England for the statutory listing of Hampton Court Station. HCRC submitted to the Local Planning Authority all of the documents submitted for the spot listing request as part of their consultation response. They asked that the Council postponed the determination of the planning application until the Listing decision had been received.
- Concern is raised about the scale, bulk and massing of the proposed building being excessive which will dwarf the Bridge Road and Creek Road tight knit forms. They are out of scale with the buildings on Hampton Court Parade. This is an overdevelopment of the site.
- The computer generated images (CGIs) and the few architectural perspectives in the Design Statement, all have narrow angles and give a limited unrepresentative impression of the scale of the complete development. 3D aerial images and modelling are needed to understand the proposal in the surrounding context and should be submitted before the application is presented to Committee
- The Villas are not 4 storey in height. They are 4.5 storey when viewed from the station platform and 5 stories looking on to the park.
- The development will be in breach of the planning brief for this site which is outdated and the inherent challenges for the site should lead to a revised planning brief and ultimately a much smaller development and no overbearing scheme.
- The height of the proposed development breaches the 1913 South Western Railways Act, an act of parliament which established that no buildings can be built within 1.5 miles of Hampton Court Palace which exceed 50 feet in height. The Council has no jurisdiction to approve this scheme and HCRC have stated that they will seriously consider taking judicial review proceedings if the development is approved over 50 feet high.
- The development relies on tree screening which is misrepresented in the CGIs.
- The building will look monstrous and destroy the setting and tranquillity of the park
- HCRC express strong concerns regarding the Hampton Court Way building in terms of its scale and appearance. From the south the building would appear excessive in scale, and completely obliterate the view of the station and will reduce the long view of the Lutyens listed bridge. The building line is set on the back of the footway so the building appears to have landed in the wrong place. The amendments to the materials do not help overcome the concerns. It would cause harm to the Kent Town Conservation Area and Hampton Court Station. Recommendations are made for improvements to the proposed Hampton Court Way Building.
- The proximity of the development to the historic station canopy will make maintenance difficult.

- The commercial development is being facilitated by public land
- Details of the Riverside open space and its relation with the bank and mooring platform should not be subject to a condition. Further details of how the public space by the riverbank is to be incorporated into the open space, with the railing relocated to the mooring platform retaining wall should be submitted prior to determination.
- Concern that the highway layout will result in the open space being visually fragmented and cluttered once all of the traffic lights, a raised table and drop off layby are in place. This open space would not be user-friendly or high quality.
- The access road due to its positioning and levels will require a new retaining wall with balustrading which is not shown in the submitted CGIs or perspectives as the road is set at least 1m above existing levels. This will visually block the park from the station and this is something that has been expressed to the developers by HCRC and Historic Royal Palaces that the objective is to open up views of the park and the visual and functional improvements. The 1950s derelict graffiti covered wall on the boundary of the park should be removed to help visually connect the spaces.
- The new open space is enclosed by a large building that has a very geometric solid feeling, which is partly a result of its positioning that relates solely to the villa block behind.
- The Riverside building does not address the river, it overpowers the station in height and design, it is too heavy with the balconies and overlarge windows, the CGI's are misleading.
- The development sits uncomfortably with the river frontage and the Surrey end of the listed Lutyens bridge, which includes the attached listed embankment and mooring walls, and the obelisks at the park entrance. This is to the detriment of the setting of the Grade 2 listed building, which the Council has the duty to preserve. Concern is raised about other view points and how the development relates to the setting of the heritage assets and locality. Specific reference is made to the development dwarfing the train station building and causing harm to the Conservation Area and the heritage assets including the Listed Lutyens Bridge and Hampton Court Station.
- The proposed development does not sufficiently address the wall to Cigarette Island Park which appears to form part of the former Jolly Boatman site. HCRC has been campaigning with Historic Royal Palaces for many years to connect an open space at the landing stage to Cigarette Island park. They consider the opportunity is being missed to enhance this connection. HCRC agree there is no need to touch the obelisks that do not belong to applicant, but there could be a creative scheme by specialist landscape architects to redesign and relocate the focal entrance to the park. The 1950's photos show that the original intentions of the park opened in 1935 was to create an open space for the community to enjoy views of the river and Palace. Whilst the positioning of the projecting wing to the riverside block undermines the desire to fully open up the riverside from the bridge through to the park, removing the wall would at least give greater opportunity for more creative landscaping. The retention of the wall will simply reinforce the private nature of the new open space. The public should not be misled into believing this proposal includes a public space if the intention is to create a private open space.
- The levels within the open space should be fully understood if this new public space is to contribute to an enhancement of the arcadian riverside. The

submitted documents are insufficient to enable a full understanding. Further cross sections are needed.

- The raised lawn is at +9.5m and the adjacent park level is shown as +8.05m. Further along the hedge the level at the existing pedestrian gate is +7.8m, and moving into the park the average level is around 7.5m. The raised private open space is to be set at 2m above the average level of the park. Further sections are required to see how the raised lawn will relate to the landing stage and enclosed bank.
- The problem of an unacceptable juxtaposition continues along the access road along the riverside building as seen in the elevations and sections in drawing ...203 P3 where the road sits at +9.1m and shows the park and hedge at 1-1.5m below with what appears to be a retaining wall holding back the raised road. There is a railing or balustrade shown on top of the wall that raises above the hedge which is 2-2.5m high from within the park. This will result in a substantial engineering structure.
- The proximity of a substantial engineered structure up against the hedge will result in its loss. The retention of this hedge is important to give privacy and comfort to users of the park. It is 2-2.5m in height and its replacement will not be possible up against a 1-1.5m retaining wall.
- 4 trees within the hedge line have fallen in recent winds and 6 further trees in the hedge are equally vulnerable as they are choked with ivy growth. The tree survey should be updated and the proposed replacement planting reviewed.
- Was the landscaping scheme design led or engineering led?

Flooding

- The robust EA objection needs to be set in the context of Elmbridge Council's recent Climate Emergency Declaration and its acknowledgement that "a significant proportion of its population and a large number of its settlements are located on low or flood plain areas which would be severely affected by more frequent and extreme storms and rainfall"
- The EA's recent proposals for works to the Lower Mole Flood Protection Scheme are inter-related to the consideration of flooding on this site
- Use of the underground car park for the storage of flood water:
 - The existing Network Rail carpark sits at an average AOD level of 8.2m which is 4 meters higher than the average summer river levels (4.3m AOD) of the Embur and Thames.
 - To provide storage compensation for the loss of footprint taken up by the proposed scheme, the undercroft (upper level) park will sit at 7.25m AOD and will be floodable.
 - The basement carpark will sit at a lower level (4.3m AOD) and is not designed to flood – this is facilitated by the entrance ramp which is raised and sits much higher than CIP.
 - The winter 2014 flood levels peaked at 6.7m AOD and were sustained at close to this level for a number of weeks, so 0.55m below the level of the floodable undercroft.
 - The applicant has argued that flooding is predictable and if the carpark was about to flood they would have 4-5 days (page 1 FRA) warning when they could empty the carpark. They have also incorrectly stated that there is no tidal flooding (spring tides come over Teddington lock). If cars are not removed in time they create pollution and loss of storage compensation.
 - Why does this matter:

- We have an existing carpark (8.2m AOD) which all parties will agree is unlikely to flood.
- This current carpark has a public amenity and has a variety of users.
- The proposed scheme lowers the level of the carpark by an average of 1m which inevitably makes it much more likely to flood – only 0.5m above 2014 flood levels.
- The applicant should agree with the EA the trigger levels to close the car park prior to the determination of the application as the impact on public amenity from the closure for long periods of time will need to be considered

Other matters raised by HCRC:

- Affordable housing provision is insufficient
- The proximity of the buildings to the Ember River and the lack of an 8m buffer zone being retained
- Impact on wildlife and trees and the wildlife corridor along the river bank
- Land ownership
- The identity and finances of the applicants
- Issues relating to temporary car parking which will be considered separately under application 2018/3803
- The site should be developed as part of a wider comprehensive redevelopment with the Hampton Court Trading Estate

6.27. Molesey Residents Association – confirm that they have never been opposed to development on the site if it is of an appropriate scale and design which reflects its location and the heritage of an area. Whilst they are pleased to see the Jolly Boatman area landscaped it should not detract from the fact that the development is too dense, lacks necessary parking capacity, lacks environmental credentials and does not provide sufficient real affordable housing. They urge the Council to reject the application.

6.28. London Borough of Richmond – objects to the proposed development for the following reasons:

- The London Borough of Richmond upon Thames expresses regret that the applicant has failed to engage with them at a preapplication stage regarding transportation, ecological, design and heritage aspects of the proposed development bearing in mind the site's close proximity to the boundary between the two boroughs.
- Whilst the introduction of a landscaped area between the built development and the River Thames is welcomed, Richmond remains seriously concerned at the detrimental impact on heritage assets, visual amenity and in particular views to and from Hampton Court Palace (Grade 1 Listed), its Registered Park and Gardens (Grade 1 Listed), Hampton Court Bridge (Grade II Listed), the River Thames, its towpath and other areas on the north side of Hampton Court Bridge caused by the excessive scale and height of the development in this key architectural, cultural and historic setting.
- The amended proposed brickwork for the east elevation is noted and welcomed.
- It is not considered that the submitted transport documentation adequately takes into account the highway and parking impacts on this Council's public highway network and specifically Hampton Court Road. There is a particular concern that the loss of parking for coaches used by visitors to Hampton Court Palace, and events therein, which are currently allowed to park on the railway

station forecourt has not been adequately addressed. In the event of an approval this Council would wish to be consulted in relation to any proposed Construction Management Statement in relation to construction traffic.

- Mitigation to the impact on wildlife through a requirement to provide sensitive lighting and the creation of an enhanced habitat for bats and other wildlife is strongly encouraged.

7. Representations

- 7.1. 1078 letters of representation were received from 878 properties objecting to the proposed development. The letters of representations in this consideration include those submitted following the original neighbour consultation as well as those submitted following the re-notification letters that were sent out during the course of the application following receipt of amended or additional information.
- 7.2. These representations include comments from residents groups and advisory boards that do not fall under the consultees category as they were not directly consulted by the Council. This includes comments received from the following:
- Thames Landscape Strategy Community Advisory Group
 - Campaign for the Protection of Rural England (CPRE)
 - Sustrans (custodians of the National Cycle Network)
 - Friends of Bushy and Home Parks
 - Thames Ditton and Weston Green Residents' Association
 - Esher Residents Association
- 7.3. In addition to the letters of objection, 111 standardised objection forms were received from 95 different properties. These forms were created and delivered by Hampton Court Rescue Campaign and are filled in by hand using a tick box format stating the reasons for objecting to the proposed development. The reasons for objection raised on the forms are included within the issues detailed below. Of the 111 standardised objection forms received 9 of these were from properties which had previously submitted a letter of representation.
- 7.4. The location of the properties from which letters of objection and the standardised objection forms were received have been detailed in the pie chart in Figure 4. This shows that over three quarters of the objections received were from Elbridge residents that are local to the proposed development.

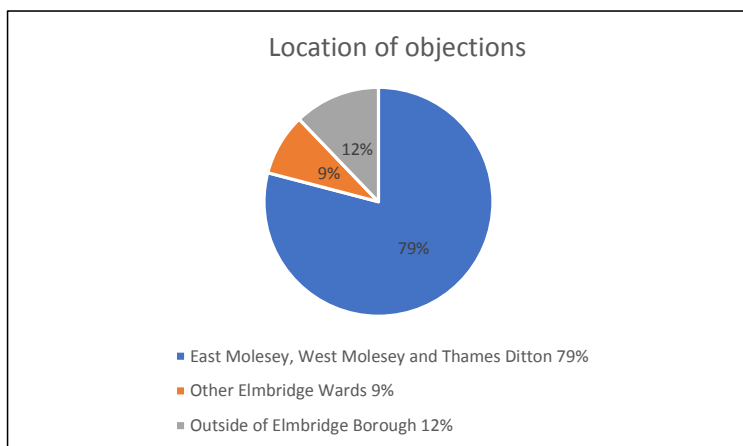


Figure 4: Location of the addresses from which people sent letters objecting to the proposed development

7.5. The submitted letters of objection raised the following summarised concerns:

Scale, layout, design and appearance

- Massive overdevelopment of the site, density too high
- The height and density of this proposal exceeds the one of the controversial 2018 planning application
- The proposed development would breach the South-Western Railway Act of 1913 which prohibits the development of any buildings greater than 50ft within a one and a half mile radius of Hampton Court
- The proposed development would dramatically alter the skyline due to high elevations
- The Hampton Court Way building is situated too close to the kerbside
- Out of keeping with the surrounding area, architectural style ugly and inappropriate
- Design, appearance and materials are inappropriate
- The development is disappointing and of low quality
- Incongruous development
- Unsightly, obtrusive and claustrophobic
- It would cause harm to the street scene
- The development is too modern
- Very little attempt to create a public realm
- The change to the proposed materials on the Hampton Court Way Building and the Villas does nothing to overcome previous concerns
- Design reminiscent of a prison block
- Hampton Court Way frontage needs some breaks and variation of materials to offset the length
- Metal balconies particularly unsightly
- The development would completely destroy the openness and views in and out of the area
- Too much reliance in the CGI's and submitted documents on unrealistic tree screening
- Frontage onto Hampton Court Way too close to the road with no greenery, there should be a green verge adjacent to the Highway.
- Too much hardstanding
- Balconies would end up as storage areas
- Poor use of space for the one-bed flats
- No need for additional retail or cafe
- No need for another hotel in the area; concerns that it will turn into residential apartments
- Not enough affordable housing; lack of social housing, sheltered/emergency accommodation
- The amendments made during the course of the application to the design do not overcome previous objections to the scheme

Heritage Assets

- Concerns regarding the excessive height of the proposal in relation to the Hampton Court Station and the surrounding buildings in the area; overpowering and dwarfing the station, Palace and existing properties in the area
- Lack of consideration to local heritage
- Concerns over a detrimental impact and substantial and irreversible harm to Heritage Assets including:
 - World Heritage site assets
 - Historic location and setting
 - Hampton Court Palace and its setting including key views of the Palace and views from the Palace and its grounds

- Two Conservation Areas
- Several Listed Bridges including Hampton Court Bridge and its associated features
- Hampton Court train station and its canopies and other associated features and setting
- Several listed buildings and their setting
- The application is historic vandalism
- Substantial and irreversible harm to the key setting of the Palace, grounds and views
- Hampton Court Station should be statutory listed
- Not enough details have been provided on the planned improvements to Hampton Court Station
- Damage to the listed Hampton Court Bridge from stationary traffic
- The widening of the access road will cause greater harm to Hampton Court Palace

Highway layout, safety and capacity including parking

- Traffic flow plan difficult to understand and needs further clarification
- Additional traffic lights will result in more traffic delays
- Plans must also include improvements to the roundabout traffic
- All the proposed traffic improvements must be put in place and tested before planning permission is considered
- A round-about should be considered at the junction of A3050 and Hampton Court Way
- The increase in the number of residential units in the area as well as the hotel and commercial units will result in traffic chaos in an already congested area
- Concerns regarding road safety as a result of the proposal
- It will increase delays for emergency services
- The construction phase will result in gridlock lock of traffic across the bridge
- Lack of road and pavement improvements which will help vehicle movements and pedestrian/cycle safety
- It is unclear from the drawings what type of signalised crossing is proposed at the junction with A3050, this should be a toucan crossing to facilitate cycle movement
- Toucan crossing should also be installed at the new hand turning lane on Creek Road, as well as a reduction in the crossing distance
- Unclear how pedestrians would get to the taxi rank as it appears that station users would be in conflict with moving vehicles in the carriageway
- Unclear if the entry treatment fronting the station forecourt on Hampton Court Way is proposed to be a continuous crossing
- Request for the August 2018 petition highlighting the risk to pedestrians crossing Cigarette Island Lane from a proposed Alexpo development of the Hampton Court Station/Jolly Boatman site to be made a public document; the petition requests SCC to reject the use of Cigarette Island Lane as the major vehicle entrance and exits for Alexpo's proposed scheme due to the risk to pedestrians
- Proposed road entrance and exit to the development to close to Hampton Court Bridge
- Pathway parallel to Hampton Court Way too narrow and unsafe in a 40 mile per hour road
- Concerns regarding car/cycle parking provision:
 - Insufficient number of parking spaces leading to further parking congestion in an area already suffering from severe parking problems
 - Not enough information regarding parking for visitor coaches
 - Developer has seriously underestimated the number of parking spaces required
 - More consideration should be given to disabled parking spaces

- SCC and EBC policy to reduce reliance on cars is unrealistic, the consequences will be borne by the local residents
- No provision for cyclists
- Car club details are vague, more details needed
- Need for residents parking scheme
- Lack of consideration for events at Hampton Court Palace
- Multi-storey car park design may lead to driver confusion and safety issues
- Concerns regarding safety of parking underground, especially at night
- If a Controlled Parking Zone is introduced in this area then parking on the site would need to be increased
- Concerns relating to the separate planning application for the proposed temporary car parking (2018/3803)
- Concern about public transport:
 - The development will conflict with the current bus stops at the station
 - No improvements to public transport which is already inadequate for the existing population
 - All bus stands should be retained
 - Local residents, commuters and students from Esher College rely heavily on buses – Council should ensure that the bus stand and stop for R68 bus would remain as this is not clear from the plans
 - No provisions made for future railway expansion or consideration of HS2
 - The future of the development will depend on the provision of a successful railway service which is currently not reliable

Amenities of the future occupants, neighbouring properties and surrounding area

- Overbearing impact
- Loss of light and sunlight for the properties across Hampton Court Way
- Poor outlook for the occupants of flats and hotel
- General loss of light and overshadowing to the surrounding area
- The tranquillity of the area will be destroyed
- Access to the site for those with disabilities is poor
- Concerns regarding the increase in the number of residents and the impact on the already stretched infrastructure and community services
- Huge disturbance to local residents during the construction phase; no compensation to those affected
- Negative impact on resident's health, lives and well-being
- The proposed development poses a fire risk as it would not be accessible to Fire Engines
- Commercial units will adversely impact the local shops/businesses
- The local infrastructure cannot support the increased uses on the site
- Existing foul water and water network infrastructure would not be able to cope with the proposed development resulting in potential sewage flooding and low water pressure
- Compensation should be paid to local residents
- Loss of light to the train station making it a dark and dingy place which will require artificial lighting
- Loss of views from the trains

Ecology including Green Space/Trees/Wildlife

- Loss of green space and important views, especially to and from Hampton Court Palace
- Proposal would adversely impact the natural beauty of the area
- Loss of trees – including mature/veteran trees
- Amount of green space is unacceptably small

- Concerns regarding losing green space for 2 years in order to provide parking for the development phase; loss of trees will ruin the island forever
- Concerns regarding the effect on the trees, vegetation and animal life on Cigarette Island
- No provision for any ecological measures
- Full survey on all the protected species required
- Site should be bought by the Council and turned into a park
- The Horse Chestnut Trees have a disease which causes their leaves to fall early therefore the leaf cover on Cigarette Island will be for only 6 months of the year
- No sustainable environmental features
- Development should be built to the highest ecological standards
- Strain on the local environment
- Concern about impact of pollution of flora, fauna and the river habitats

Flooding

- Encroachment on river bank
- Concerns regarding the large volume of excavation and the construction of a basement in close proximity to 2 rivers which would increase the risk of flooding; this would result in properties in the area being in danger of being flooded
- Flood management approach is risky and dangerous
- FRA uses outdated Flood Risk Map
- Lower Mole Flood Alleviation Scheme is reaching the end of its design and needs refurbishment. Any changes e.g. sluice gate removal, will impact the site since the Thames flows on one side and the combined Mole and Ember ~~flow~~ on the other side
- The development would seriously increased the risk of flooding, the site is in Flood Zone 3 – the highest risk
- The development will increase surface water flooding
- The local sewerage system and drainage infrastructure is already at capacity and may result in sewage systems flooding

Pollution

- Detrimental impact on public health
- Concerns regarding the noise and pollution generated by the development
- Concern that there is insufficient noise insulation in the proposal to mitigate occupants against existing uses and events in the locality
- Concerns regarding light pollution; no lighting strategy
- The Environmental Impact Report states that currently Air Quality Targets for Nitrogen Dioxide are not being met.
- Concern is raised about how the Local Authority monitor air pollution currently and that inaccuracies in monitoring would not allow for proper assessment of the proposal
- Concerns regarding the impact on air quality and pollution both to the existing residents in the area and to the River Thames
- Significant detrimental impact air pollution can have on health and specifically asthma sufferers
- The continuous running of a Combined Heat and Power Plant unit and other internal systems will result in exhaust fumes and hot air being blown over existing trees and hedges
- Vehicle emissions will increase
- The Energy Statement submitted by Watermans is inaccurate, factually incorrect and misleading with regards to CHP, Hot water storage and district heating, energy consumption/calculation errors and its exclusions and recommendations.
- Lack of renewable energy, water collection or recycling, green roofs to help filter CO2/increased vehicle emission

- Detrimental environmental impact – damage to flora and fauna due to increase vehicle exhaust fumes; possibility of chemicals polluting the Thames
- Carbon footprint of the site will increase

Other matters

- The proposed development is against local and national policies
- There is already crowding in the South East and adding more housing is just making transport and services more stretched
- Lack of consultation with the residents of the area
- The underground car park will be unpleasant particularly for women
- Concern over terrorism
- Underground car parks pose a fire risk
- Concerns regarding the proposed access road to the carpark not being wide and long enough for a Council refuse lorry
- Concern over use of private waste collection
- Station platform level incorrectly referred to as ground level when it is actually the present car park level
- Some of the letters of representation make reference to examples of other development which they feel provide good example of development
- Applications in the nearby vicinity have been refused for much lesser development
- Total disregard to the views of the current residents
- Council refused previous application, so this should be refused as well
- The proposal will not help the local housing situation as there will be luxury and expensive apartments unaffordable to most
- No value added to the local community
- Potential stress on the utilities as a result of a multi storey development
- Letters of support done via a standard pre-populated form accessed from the Developers website, Facebook and surveymoney.com should be disregarded
- End of local democracy – buildings should not be approved despite local objection
- Land should be turned into community space, public square or park
- Developer only concerned by profit, not taking into account the residents wishes
- Concerns regarding the financial stability of the developer and the catastrophic effect if the scheme were to be started and abandoned
- More information and greater transparency required about the status, track record and accountability of Alexpo
- The Council would be making a lot of money ~~of-outout of~~ Council Tax and only interested in the money it will make from the developers
- Viability study by Red Loft is questionable, Council should investigate
- Concerns over the possible supermarket, not Tesco or similar
- Concern the site may be sold on again
- The development will set a precedent
- Will EBC undertake due-diligence if this project is to go ahead?

7.6. Three petitions were submitted from the same address objecting to the proposal.

7.7. The first petition submitted on both 4th March 2019 and 20th March 2019 was a public petition that was submitted to Surrey County Council's Principal Transport Development Officer in August 2018. The petition has 100 signatures together with names and addresses. This petition was highlighting the risk to pedestrians crossing Cigarette Island Lane from a proposed Alexpo development of the Hampton Court Station/Jolly Boatman site. At the time of submission there was no planning application registered with Elmbridge Borough Council, only a preapplication proposal. The petition states the follows:

"I as a local resident call upon the Highway Division of Surrey County Council to reject the use of Cigarette Island Land as the major vehicle entrance and exit for Alexpo's proposed scheme for the site. The risks to pedestrians are known, obvious and unacceptable."

- 7.8. On 20th March 2019 a petition signed by 119 residents (all Elmbridge residents) was submitted expressing public concern for the safety of pedestrians on roads within the proposed development. The petition states the following:

"I wish the Council to reject this application, which fails to describe safe crossings for pedestrians, cyclists and disable people at risk of harm from moving vehicles."

- 7.9. On the 27th March 2019 a petition signed by 215 residents (168 Elmbridge residents and 47 others) raising concern about the increase in air pollution from the proposed development. The petition states the following:

"I wish the Council to reject this application because additional traffic generated by the development will result in increased toxic air pollution (incl. diesel fumes & Nox), a known risk to human health."

- 7.10. A further letter was submitted on 1st October 2019 to support this petition and contained the Petitioner's Rationale for previously submitting the petition. This sets out evidence relating to the impact of air pollution on health and Government set standards which are currently being breached with regards to NO₂ levels in the area.

- 7.11. A total of 50 letters of representation were submitted as observations rather than objection or support. However, 34 of these were raising concern about the development and therefore have been included in the numbers of letters of objection above. The rest of the letters of observation were seeking points of clarification or making neutral comments about the proposal.

- 7.12. 38 letters of representation were received from 31 different properties raising support for the proposed development. The support letters included one from Surrey Chambers of Commerce.

- 7.13. In addition to the letters of support 107 standardised support forms were received from 100 different properties. 6 of these had also written a separate letter so are included in the total above. These forms were created by Your Shout on behalf of the applicant and are filled in using an online survey or tickbox format stating the reasons for supporting the development.

- 7.14. The location of the properties from which letters of support and the standardised support forms were received have been detailed in the pie chart in Figure 5. This shows that the majority of the support letters received were from Elmbridge residents that are local to the proposed development.

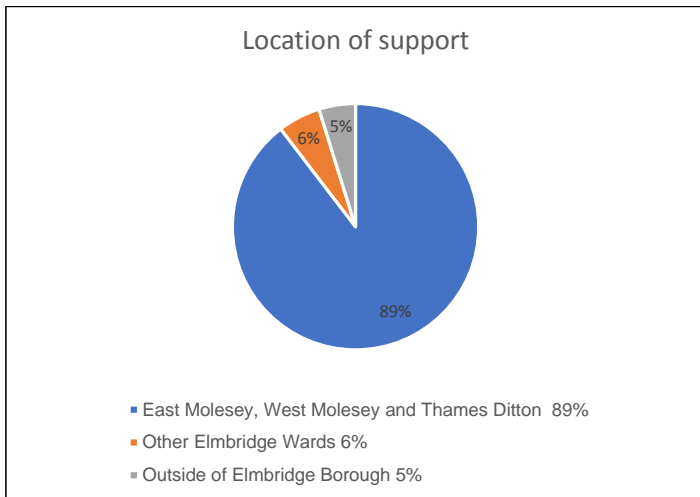


Figure 5: Location of the addresses from which people sent letters supporting the proposed development

7.15. These letters and forms raised the following summarised comments:

- Support for the design and layout
 - It is an improvement on the previously permitted scheme
 - Positive change for the area including the Palace
 - It will not affect views to the palace as you cannot see the palace from the station now
 - Need for modernisation and refurbishment of the station
 - Density of the scheme is comparable with the approved scheme
 - It will improve the character of the area and the conservation area
 - With almost no development on the Jolly Boatman site there is a reduction in density when compared to the improved scheme
 - It is understood why the developer needed to raise the height of the buildings by 5ft 10 inches to ensure maximum public space and visual links with Cigarette Park
 - Removal of the current hoardings is positive
 - Creation of public square
 - Support of the planting of new trees and the protection of the mature hedge at the rear
- Support for highway and parking improvements
 - Improved traffic
 - Proposed traffic lights would be useful
 - Short free parking
 - Unseen parking spaces
 - More cycle parking and the extension of the cycleway
 - Transport experts have said there will be unused parking places in the car park at all times on a normal day even if local parking controls are brought in
 - The homes will have more parking permits available to them than the previous scheme
 - The CIL money from the development could be used to deliver highway improvements for vehicles accessing Hampton Court Way from surrounding roads The increase in traffic from a development of this size will be insignificant

- Support for the proposed food store
- Creation of full-time jobs
- New homes in this area would result in less need to build in green belt and help the lack of housing supply
- The addition of accessible toilets at all hours would be welcomed
- Benefits to local people outweigh the negatives
- A chemist shop would be welcomed in one of the retail units
- The development would offer an opportunity to improve drainage in the area
- The development would provide employment and help the local economy
- Boost the economy
- The development may help increase the frequency of the rail services
- The developer will pay over £2 million to improve infrastructure in the wider area
- It will be great for tourists and may bring more to the area
- This site has been waiting to be developed for too long, it needs to happen now
- Reduction in the time for construction with use of temporary car park on Cigarette Island that utilises recycled plastic matting to reduce damage to the park
- Support for the reduced construction phase

7.16. Some of the submitted letters of support also contained comments regarding concerns they may have about the development however were still overall supportive of the development. All of the concerns raised are included in the detailed list of objections included above, however for ~~completeness~~ ~~if they~~ are briefly summarised below:

- Ensure sufficient parking
- Station dwarfed
- Reduce the size of the buildings
- The design should respond more to the local character, include green roofs and walls. Local architects could get together to redesign the site.
- Need to ensure quality materials
- Need to ensure adjacent green space has access for public to retain views to the Palace
- Flooding
- Use of a shared footway for cycles and pedestrians should be a last resort
- Highway layout concerns and concern for pedestrian routes

8. Positive and Proactive Engagement

- 8.1. In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF by making available pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development
- 8.2. The applicants entered into extensive preapplication discussions with the Council prior to the submission of the planning application. The principle of the development, the design and appearance, landscaping, flood mitigation, parking and highways improvements were all discussed during the preapplication process.
- 8.3. Despite its relatively small size this site is probably one of the most significant in the Borough because of its location and history. Inevitably there are high expectations for its future development and stakeholders and interested parties have expressed their different objectives and concerns. This applicant has engaged with both the Council and others from the outset, considered a wide range of options and has amended and refined the scheme as necessary.

9. Planning Considerations

9.1. The main considerations in the determination of this proposal are:

- The principle of the development
 - The Planning Brief
 - The Core Strategy
 - Extant Planning Permission
- Housing
 - Housing Mix and Need
 - Affordable Housing
- Design considerations
 - Density
 - Layout of the development
 - Internal Layout
 - Daylight and Sunlight
 - Height and Massing
 - Materials
 - ~~Heritage tiage~~
 - Townscape
 - Landscape and trees
- Highways and parking issues
- Impact on amenities of neighbouring properties
- Impact on ecology
 - Veteran Trees
 - Protected Species – bats, badgers and nesting birds
 - Other Ecological Matters
- Flooding and Sustainable Drainage
 - Flood Risk
 - Sequential Test
 - Exception Test
 - Sustainable Drainage
- Environmental considerations:
 - Noise and Vibration
 - Air Quality Management
 - Contaminated Land
- Financial considerations
- Equality Act 2010

The Principle of the development

The Planning Brief

- 9.2. ~~The extant planning permission on the site (2008/1600) establishes the principle of a mixed-use development on this site which includes residential, retail and hotel uses.~~ Since the extant permission was granted on this site the Council has adopted new development plan documents which are a material consideration in the determination of the planning application. The proposed development will therefore be considered against the policies adopted in the Elmbridge Core Strategy 2011 and the Elmbridge Development Management Plan 2015. Given the length of time since the planning brief was adopted, the changes to National Planning policy, the adoption of the Core Strategy and Development Management Plan ~~and the extant planning permission,~~ the planning brief is considered to have limited weight in the determination of this application. AS STATED ABOVE, THE EXTANT PLANNING PERMISSION CAN BE AID TO ESTABLISH THE PRINCIPLE OF DEVELOPMENT ONLY IF THERE IS SOME PROSPECT OF IT BEING FURTHER IMPLEMENTED. BEYOND THAT, THIS PARAGRAPH ESSENTIALLY SAYS THAT THE PLANNING BRIEF IS SO OLD THAT IT PRE-DATES MORE RECENT POLICY. HOWEVER, THAT WILL AFFECT WEIGHT ONLY IF IT IS INCONSISTENT WITH MORE RECENT POLICY. IN TERMS OF THE PRINCIPLE OF DEVELOPMENT IT WOULD BE BETTER TO START WITH THE DEVELOPMENT PLAN, THEN CONSIDER THE NPPF BEFORE MOVING TO THE BRIEF AND THE WEIGHT TO BE ACCORDED TO IT AND THE EXTANT

PLANNING PERMISSION. OTHERWISE YOUR RISK SHORTCIRCUITING THE REASONING PROCESS.

*The National Planning Policy Framework
The Core Strategy*

9.3. YOU SHOULD SAY SOMETHING ABOUT THE NATURE AND LOCATION OF THE SITE IN TERMS OF THE SPATIAL STRATEGY. IT IS A BROWNFIELD SITE IN A SUSTAINABLE LOCATION, CLOSE TO SERVICES AND FACILITIES AND ONE WHICH, ALL OTHER THING BEING EQUAL SHOULD BE SUITABLE FOR THE MIX OF USES PROPOSED.

9.6-9.4. Policy CS17 of the Core Strategy states that new development will be required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area. Innovative contemporary design that embraces sustainability and improves local character will be supported. New development should enhance the public realm and street scene, providing a clear distinction between public and private spaces. Particular attention should be given to the design of development which could have an effect on heritage assets which include conservation areas, historic buildings, scheduled monuments, and the Borough's three historic parks and gardens. Policy CS17 goes on to detail desired building density to promote the best use of urban land with an overall housing density target of 40 dwellings per hectare. It also details requirements for inclusive and sustainable developments. The requirements of policy CS17 will be examined in further detail later in this report.

9.7-9.5. Policy CS24 of the Core Strategy states that in order to support sustainable growth of tourism in the area and to ensure that it remains a strong element of the Borough's economy, the Council will promote new hotel development on previously developed land within or adjacent to town and district centres or visitors attractions and requires new hotels to be accessible by public transport. The proposed development would be situated in close proximity to the visitor attraction of Hampton Court Palace and the site has very good links to public transport.

9.6. Policy DM1 of the Development Management Plan states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

9.8-9.7. IT TERMS OF THE PRINCIPLE OF DEVELOPMENT, YOU CAN'T IGNORE THE HERITAGE, OPEN SPACE AND FLOOD RISK IMPLICATIONS OF DEVELOPMENT. THE POINT TO MAKE IS THAT THE SITE HISTORY SHOWS THAT THERE IS SCOPE FOR DEVELOPMENT OF THE SITE PROVIDED THAT IT IS SENSITIVELY DESIGNED AND LAID OUT AND SATISFIES FLOOD RISK POLICY I.E. IT DOES NOT NEED TO BE KEPT FREE OF ALL DEVELOPMENT AND INDEED THERE ARE POTENTIAL SIGNIFICANT BENEFITS TO BE DERIVED FROM AN APPROPRIATE DEVELOPMENT.

9.8. The proposed development would provide a comprehensive mixed use development in a sustainable location which is supported by the policies set out above.

The National Planning Policy Framework

THE REFERENCES TO THE NPPF ARE STRANGELY SELECITIVE. AS STATED ABOVE, THE ISSUE OF PRINCIPLE TURNS ON MORE THAN THE EMPHASIS ON THE NEED TO MAKE BEST USE OF PREVIOUSLY DEVELOPED LAND. YOU SHOULD IDENTIFY THE

PRINCIPALLY RELEVANT SECTIONS OF THE NPPF AND CONCLUDE THAT, WITH SENSITIVE DESIGN AND LAYOUT, COMPLIANCE WITH FLOOD RISK POLICY AND MITIGATION SECURED BY CONDITION, THERE IS NO OBJECTION IN PRINCIPLE TO THE MIX OF USES ON THIS SITE.

9.9. There is a drive to deliver more homes faster, as well as achieving the effective use of development land. The revised National Planning Policy Framework (NPPF) 2019 supports this approach. Specifically, NPPF paragraph 123, says that where there is a shortage of land for meeting identified housing need, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It states that "Local Planning Authorities should refuse applications that fail to make efficient use of land, taking into account the policies within this framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

9.10. Paragraph 127 of the NPPF further supports the optimisation of land and states that planning decisions should ensure that developments "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks"

YOU SHOULD NOW ADDRESS THE CONTENT OF THE BRIEF IDENTIFYING WHAT DOES AND DOES NOT REMAIN RELEVANT/ENTITLED TO WEIGHT BY REFERENCE TO CURRENT POLICY AND CIRCUMSTANCES

9.9.9.11.

Extant planning permission

9.12. The extant permission on the site (2008/1600) carries significant weight as a material consideration in the determination of this application. As such the principle of the proposed redevelopment and intensification in the use of this site would be acceptable. YOU HAVE NOT LAID THE EVIDENTIAL FOUNDATION FOR THIS PARAGRAPH AND IT SEEMS TO ME TO BE, AT BEST HIGHLY DUBIOUS. THE STARTING POINT IS TO CONSIDER WHAT PROSPECT, IF ANY, THE EXTANT PERMISSION HAS OF BEING FURTHER IMPLEMENTED. IF THE ANSWER IS NONE, THEN THE PERMISSION ESTABLISHES NOTHING SAVE THAT AT THE TIME IT WAS GRANTED, THE COUNCIL CONSIDERED THAT DEVELOPMENT ACCEPTABLE. IN THOSE CIRCUMSTANCES, OTHER THAN AN HISTORIC POINT OF REFERENCE, IT HAS NO RELEVANCE AND IT IS DIFFICULT TO SEE WHY YOU WOULD GIVE IT MATERIAL WEIGHT.

IF THERE IS SOME PROSPECT OF THE PERMITTED SCHEME BEING IMPLEMENTED IF THE PRESENT APPLICATION IS REFUSED, YOU SHOULD ASSESS THE LIKELIHOOD OF THAT HAPPENING AND WHETHER, IF IT DID, HOW MUCH MORE HARMFUL THAT SCHEME WOULD BE. THE GREATER THE PROSPECT AND THE GREATER THE HARM, THE GREATER WEIGHT YOU CAN GIVE TO THE EXTANT PERMISSION. THIS IS A MATTER OF JUDGMENT FOR YOU. HOWEVER, YOU CANNOT START AND FINISH WITH THE FACT THAT THERE IS AN EXTANT PERMISSION.

UNLESS THERE IS A PARTICULAR NEED TO RELY ON THE EXTANT PERMISSION I WOULD ADVISE THAT YOU DON'T. IT IS BETTER TO DO A STRAIGHTFORWARD ASSESSMENT OF THE APPLICATION ON ITS OWN MERITS AND ONCE YOU HAVE DONE SO, THEN ADDRESS HOW IT COMPARES WITH THE EXTANT PERMISSION. IF THE CURRENT SCHEME IS ACCEPTABLE IN ITS OWN RIGHT AND BETTER THAN THE EXTANT, THEN WHATEVER WEIGHT YOU GIVE TO THE EXTANT PERMISSION CAN ONLY RE-INFORCE THE CASE IN FAVOUR OF APPROVAL (IF THAT REMAINS YOUR RECOMMENDATION).

Housing

Housing mix and need

9-14-9.13. Policy CS19 and para. 122a of the NPPF state that development should meet the identified need for housing, which is identified with the 2016 Strategic Housing Market Assessment (SHMA) for Kingston and North Surrey. The SHMA identifies the need within Elmbridge is for smaller 1, 2 and 3 bedroom units. The proposal under consideration here provides 39 x 1 bed units, 54 x 2 bed units and 4 x 3 bed units of which the AMR acknowledges that there is an identified need for this type of housing. As such the proposed mix of housing sizes is acceptable.

Affordable housing

9-12-9.14. Policy CS21: Affordable Housing of the Council's Core Strategy (2011) requires that this development resulting in the net gain of 97 residential units should provide 40% of the gross number of dwellings on site as affordable housing (with up to 30 units for affordable rent and further shared ownership properties).

9-13-9.15. This equates to a requirement for 38.8 residential units on-site. Policy CS21 sets out that the Council will always round up or down to the nearest whole unit/habitable room. If the number of units has been rounded down, then the Council will expect a financial contribution towards off site provision of affordable housing to off-set the partial unit. In this case the proposed development should therefore provide 39 residential units on-site to comply with the requirements set out in policy CS21.

9-14-9.16. The applicant has submitted a viability assessment. This sets out that the applicant could only provide 12 units for shared ownership which represents an affordable housing contribution of 11.6% which is a significant shortfall on the policy requirement of 40%. The submitted viability assessment concludes that higher provision on site or any additional financial contribution would make the development unviable.

9-15-9.17. The Council's independent viability consultants have reviewed the submitted viability assessment for the scheme and have carried out an appraisal including testing using revised assumptions which include higher sales values due to the prestige location of the proposed flats. This demonstrates an improvement in overall profit but does not move the scheme to a position where more affordable housing could be provided. They have also run the appraisal at much lower build cost. However even with all the suggested adjustments applied and a lower build cost, there is not sufficient headroom for an increased affordable contribution. It was also noted that the extant permission on the site from 2008 agreed a contribution of only 7 units for reasons that included viability and the need to enable a comprehensive development incorporating improvements to the station. The fact this hasn't been implemented is another indication that viability is challenging on this site. Overall the viability consultants conclude that, having explored the proposed development and viability assessment extensively an increased affordable housing contribution beyond 12 units cannot be supported. This would provide 5 more affordable housing units when compared to the extant permission on the site.

9-16-9.18. The proposed development would therefore not comply with the targets set out in policy CS21 but the policy states that these are requirements are "*where viable*". It would be appropriate given the scale of the development that a late stage review mechanism is included in the S106 agreement. This would allow further contributions to affordable housing to be made in the event the profit margin proves higher. The applicant has agreed to the late stage review mechanism for the development and it will be included in the final legal agreement. The late stage review mechanism would be carried out when 75% of the residential units have been sold.

[9-17-9.19.](#) A late stage review mechanism is recommended as this will take into consideration the actual values achieved and actual costs incurred. It would take into account the sales values that are realised for the apartments and the value of all the non-residential elements, together with the actual costs required for the development (including construction costs, site costs relating to Network Rail, station refurbishment and upgrade works and other associated costs). It allows for increased accuracy of any outstanding estimates for the remaining revenue and costs not yet realised rather than forming estimates based on the projections made at this stage. The process allows for a higher degree of accuracy and would determine if additional profit is generated over and above the amount required to make the scheme viable.

[9-18-9.20.](#) The late stage review would be considered by the Council's independent viability consultants and if the viability is found to be better than that previously stated then a financial contribution towards off-site provision of affordable housing would be calculated based on the amount of profit made. If the development were found to result in a lesser profit margin then there would be no reduction in the number of affordable housing units currently proposed.

Design Considerations

Density

[9-19-9.21.](#) Policy CS17 indicates that there is scope for residential development through the redevelopment of existing sites with well-designed schemes that integrate with and enhance the local character. The new development is required to deliver high quality design, which maximises the efficient use of land and which responds to the positive features of individual locations; integrating sensitively with locally distinct townscape while protecting the amenities of those living in the area. Innovative contemporary design that embraces sustainability and improves local character will be supported. The Council promotes development that contributes to an overall housing target of 40 dwellings per hectare and achieves a minimum of 30 dwellings per hectare (dph).

[9-20-9.22.](#) The revised NPPF in regard to the making effective use of land, states at para. 117:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions'

[9-21-9.23.](#) In regard to achieving appropriate densities, Para. 12 states

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site';

[9-22-9.24.](#) This is supported by point C) of Para. 123 which states:

'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

[9-23-9.25.](#) Para 122 in regard to achieving appropriate densities further states that:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) *The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.*

9.24-9.26. The proposal would represent a development density of approx. 66.8dph on this site (1.45Ha). Objections have been received regarding the density and number of units on the site. The proposed density would not be out of keeping with the site's location adjacent to a transport interchange and opposite the mixed uses of the Centre. Elmbridge Borough Council does not have a maximum housing density standard and therefore the proposed density complies with Policy CS17 in this regard. Given the site's sustainable location then subject to matters of layout, design and acceptability having regard to the constraints affecting the site, the proposed density is acceptable.

Layout of the development

THERE IS TOO MUCH FOCUS ON THE PERMITTED LAYOUT AND NOT ENOUGH FOCUS ON WHY THE LAYOUT OF THIS SCHEME IS ACCEPTABLE IN THIS SECTION. IN CONSEQUENCE, THERE ARE A NUMBER OF CRITICISMS WHICH HAVE BEEN MADE WHICH ARE NOT PICKED UP E.G. THE HAMPTON COURT WAY BUILDING BEING TOO CLOSE TO THE KERBSIDE

9.25-9.27. The proposed development comprises 3 main blocks of development. These comprise residential, retail and hotel use to the west of the railway line (Hampton Court Way Building), residential and retail uses to the north of the trainline adjacent to the river frontage (Riverside Building) and a residential block east of the railway line overlooking Cigarette Island (Villas).

9.26-9.28. Figure 3 in the report above shows the proposed layout of the site. The Riverside Building to the north of the site would front onto the public realm space adjacent to the River Thames. The Villas located to east of the site would front onto Cigarette Island and The Hampton Court Way Building would front onto Hampton Court Way.

9.27-9.29. To provide a comparison with the extant permission on the site Figure 6 shows the layout of the existing buildings with the dotted line showing the layout of the extant scheme. Whilst the layout of buildings on the site has been reconfigured in terms of footprint the development would cover a broadly similar portion of the site.

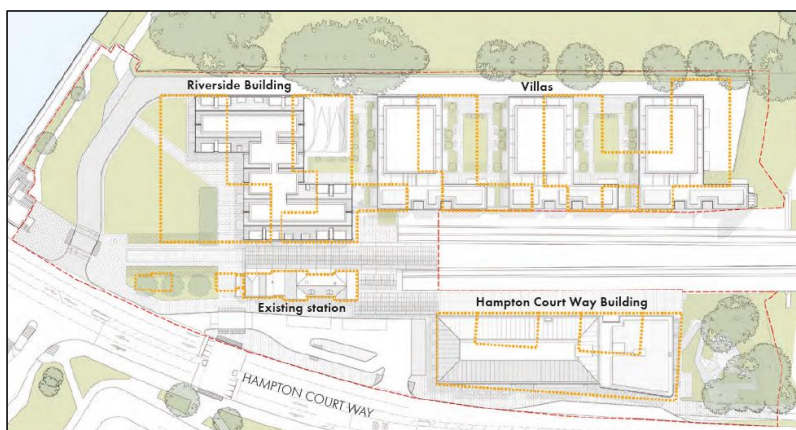


Figure 6: Masterplan detailing the proposed development together with the outline of the extant permission on the site (2008/1600)

9.28-9.30. The Riverside building is connected to the Villas, however it is viewed as a separate element due to the difference in elevational treatment on the river frontage. The building would be located on the northern end of the site fronting onto the River Thames and Hampton Court Palace beyond.

9.29-9.31. The Riverside building would be situated approximately 32.7m from the River Thames when measured at the nearest point and this tapers away to a distance of approximately 65.4m. The proposed development has been set back on the site compared to the permitted hotel in this location. The permitted hotel was 7.9m closer to the River Thames at the eastern end of the building and 18.6m closer at the western end.

9.30-9.32. The proposed Riverside Building (shown in Figure 7 below) would contain a mix of residential and commercial development with a retail unit and a café (shown in pink in Figure 7) on the ground floor together with the residential entrance lobby to the apartments (shown in grey) in the Riverside buildings and the Villas. There would be one residential unit (shown in blue) on the ground floor and the rest of the ground floor comprises storage and servicing areas. The remaining floors would contain 24 apartments in a mix of 2 and 3 bedroom units.



Figure 7: Plan showing the layout of proposed uses on the ground floor of the Riverside building

9.34-9.33. The Riverside building would front on to the River Thames with the land to the front landscaped as public realm. The building would be S-shaped which differs from the permitted L-shaped building in this location. It would have a maximum width of 38.9 and a depth of 42.8m. This compares with the permitted building in this location which had a maximum width of 30m and a maximum length of 39.8m. Whilst the footprint of this building is larger in its floor area it is set back further into the site on both the River frontage and Hampton Court Way.

9.32-9.34. The increase in the separation distance between the built form and the river frontage has allowed for the creation of additional public realm space at the entrance to the train station as well as the alteration of the vehicle access to the north of the site. The green space to the front of the site is divided in four sections by the access road and pedestrian footpath, however it predominantly creates one public space on the riverfront and a second area at the entrance to the train station.

9.33-9.35. The Riverside green space would be divided by the access road to the underground car park and is in close proximity to a busy highway. It is acknowledged that this green space may suffer disturbance from road users however it would still provide an acceptable level of amenity space for users of the proposed development and visitors to the area. The seating associated with the café is set back from the road frontage where noise and disturbance would be lessened. Public realm spaces to the front of train stations are characteristically busy places with a mix of users and it is considered that the proposed development provides a useable space which is clearly legible to the different users of this space. It is acknowledged that the image of the Riverside space shown in the submitted CGI's does not include additional paraphernalia such as signage and highway features and therefore does not reflect the final appearance of the green space but these can be located and designed in such a way as not to impair its function.

9.34-9.36. Overall it is considered a benefit that the proposed development would increase the amount of public realm space around the train station as well as improve the legibility of the station access for passengers. The proposed development clearly divides private and public space and would form clear and defined entrances to the separate uses within the development. The proposed layout would create a sense of arrival for users of both the station and the occupants of the residential apartments.

9.35-9.37. The access to Cigarette Island Park is maintained to the north of the site, however the access to the car park will be combined with this access. The road layout would be reconfigured to allow for the creation of a greenspace on the riverfront. ~~The alterations to the access and road layout has improved the setting of the development when compared to the extant permission on the site.~~ The setting will be further enhanced with hard and soft landscaping including tree planting. AND? IS THIS AN IMPROVEMENT OVER THE EXISTING STATE OF AFFAIRS?

9.36-9.38. The layout of the site allows for an active frontage onto the public space on the river frontage as well as an active frontage onto Hampton Court Way, which are the main public spaces and accesses to the site currently.

9.37-9.39. The proposed Riverside building would have a mix of commercial and residential uses with an active frontage onto the Riverside. The layout of the building creates a clear distinction between accesses for the different uses with the entrances to the residential apartments in the Riverside building and Villas being clearly defined and well proportioned in relation to the station access and the commercial elements. The uses in the Riverside Building include a café with glass frontage which will further enhance the public use of the river frontage.

9.40. The proposed Villas would be located on the eastern side of the proposed development site. They would contain a total of 60 apartments with a mix of 1 and 2 bed units. These would consist of 18 apartments per floor with the exception of the 3rd floor which would contain 6 apartments. The layout of the ground to 2nd floor is shown in Figure 8. YOU NEED TO FOCUS MORE ON WHY THE SCHEME IS ACCEPTABLE IN ITS OWN RIGHT HERE, RATHER THAN ON A COMPARISON WITH THE APPROVED SCHEME

9.38. ~~The extant permission on site (2008/1600) gave permission for two Villa buildings (including mews houses) containing 33 No. residential units and a 61 bed care home which is contained in a U shaped building at the southern end of the site.~~

~~9.40-9.42. The proposed building would be located on the western edge of the site facing onto Hampton Court Way with the rear of the building facing onto the railway tracks. This is the same as the building permitted in the extant permission in the site. The building would measure a length of 6.8m and a width of 9.4m.~~

~~Overall the proposed Villas are a similar width and depth to those in the extant permission, however when viewed from Cigarette Island Park the previous 5 finger of development are now viewed as 4 fingers of development with the Riverside Building having a larger bulk than the buildings in the extant permission. The Villa at the southern end of the site has been set in from the eastern boundary of the site when compared to the extant permission to allow the access road to the east. Whilst the boiler room element of the proposal would be closer to the southern boundary of the site than the extant permission, the main bulk of the building has been set further into the site to increase the separation distance to the River Embur. The spacing around the buildings is considered to be improved when compared to the extant permission.~~

~~9.42-9.43. The access road for the development runs along the eastern boundary of the site adjacent to the villas, however the proposed levels on the site and the layout of the buildings means that the access road is on a lower ground level than the ground floor residential units. The layout of the Villas also includes the creation of communal podium gardens between the blocks which are considered to further enhance the setting of the development and sense of place for the occupants of the residential units.~~

~~9.43-9.44. The Hampton Court Way building would be located on the western edge of the site facing onto Hampton Court Way with the rear of the building facing onto the railway tracks. This is the same as the building permitted in the extant permission in the site.~~

~~9.44-9.45. The proposed building would contain a mix of residential and commercial uses. The ground floor of the building proposes an approximately 300 sqm retail unit which would front the River Thames together with the hotel fronting Hampton Court Way and at the southern end of the building the proposed affordable housing units with the residential entrance again onto Hampton Court Way. The layout of the ground floor of the proposed building is shown in Figure 9. The remaining floors of the building contain hotel and residential accommodation providing a total of 12 affordable housing units in a mix of 1 and 2 bed units and an 84 room hotel covering approximately 3171 sqm.~~

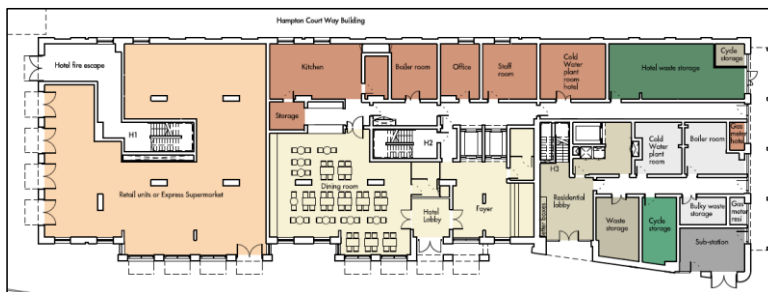


Figure 9: Proposed ground floor layout for the Hampton Court Way Building

~~The extant permission for the building in this location gives permission for 5 No. commercial units with a floor area of approximately 461 sqm on the ground floor in a mix of A1 retail, A2 financial and professional services, A3 restaurants and cafes, A4 drinking establishments, A5 hot food takeaways and B1 business. The upper levels of the building would provide residential accommodation consisting of 33 units in a mix of 1, 2 and 3 bedrooms including 7 affordable housing units.~~

~~9.47-9.46. The proposed building on the site would have a width of 1.6m to the north side of the building and 22m at the south side of the building with a total length of 64.3m. The building would be a minimum of 4.6m from the site boundary that faces Hampton Court Way.~~

~~9.48-9.47. The extant permission on the site has a similar building in this location. The building permitted would have a width of 19.3m to the north side of the building and~~

~~24/11/2019 09:49:48 AM~~

9.49-9.48. The proposed hotel building would be accessed via Hampton Court Way as would the adjoining residential apartments. The Hampton Court way building has been designed to create an active and vibrant frontage to the main route through the Borough. The design includes a number of large windows to serve the proposed retail unit and care needs to be taken with the installation of any commercial units to ensure that these windows are not blocked over and that active frontage are retained to both Hampton Court Way and the riverside.

Internal layout

9.50-9.49. The proposed layout and levels of the site allows for level access to the Hampton Court Way building for both retail, hotel users and residents. There is also level access to the café, retail and residential lobby in the Riverside Building. However, the residential units in the Riverside building and the Villas can only be accessed through use of a lift either from the basement car park or from the residential lobby (which includes stairs) facing the riverside. From the residential lobby, the Villa apartments are accessed from a central walkway running parallel to the railway line. The lack of an entirely level access to the residential cores of the Villas building is not an ideal arrangement and those with restricted mobility will have to rely on the use of lifts. However, the Core Strategy does not have any policy requirements for level access to all units and therefore it is considered acceptable. THE FACT THAT THERE MAY NOT BE A POLICY DOES NOT MEAN THAT THE WAY A MATERIAL CONSIDERATION SUCH AS ACCESSIBILITY IS ADDRESSED IS ACCEPTABLE. IT WOULD BE BETTER TO SAY, WHILST THERE IS NO POLICY THE ACCESSIBILITY CONSTRAINT IS A DESIGN FACTOR WHICH COUNTS AGAINST THE PROPOSAL IN THE OVERALL BALANCE.

9.51-9.50. The proposed Riverside Building and Villas comprise 4 above ground floors (when taken from the level of the platform. Each floor has 4 or 6 units per core. For the 85 apartments in these buildings 67 units or 79% would be dual aspect, 18 units (21%) would be single aspect with 9 of those (10.5%) north facing windows. Whilst single aspect properties which face north are not usually desirable it is acknowledged that the development has been orientated to minimise the number of north aspect units. The inclusion of these units would not justify the refusal of the application.

9.52-9.51. The Hampton Court Way building comprises a mixed use block with a retail unit on the ground floor and a hotel over two thirds of the building. The residential block is situated to the south of the Hampton Court Way building and has its own clearly defined and reasonable sized entrance lobby. The block comprises 4 units per core with 50 % single aspect units, none of which are north facing.

9.53-9.52. The proposed residential units in the Hampton Court Way building would have a ceiling height of 2.57m which is considered to provide an acceptable standard of living accommodation. The proposed Riverside building would have a ceiling height of 4m on the ground floor and 2.55m on the third floor, however the apartments on the first and second floor would have a ceiling height of only 2.375m. The proposed Villas would have a ceiling height of 2.5m on the third floor, however the ground, first and second floor apartments would have a ceiling height of only 2.375m. The minimum recommended ceiling height to provide an acceptable level of habitable accommodation is 2.4m and the current development is 25mm under the recommended height. However, the proposed apartments in the Riverside building and Villas exceed the national space standards and have a good level of glazing and therefore on balance the reduced ceiling height would not warrant a refusal of planning permission.

9.54-9.53. The proposed development would provide a minimum internal corridor width of between 1.5m and 1.8m in the residential blocks. This is considered to provide an acceptable width to allow adequate circulation space within the residential cores.

9.56-9.54. Wheelchair accessible units total 12 in the proposed Villa and Riverside buildings or 14% of the units in those buildings. 6 of these would be provided in the Hampton Court Way building.

9.56-9.55. The proposed residential units would meet the Nationally Described Space Standards with 1 bed units ranging from 52 sqm to 69 sqm (an average size of 59 sqm), 2 bed units ranging from 77 sqm to 102 sqm (average size of 86 sqm) and the 3 bed units 118 sqm.

The proposed affordable housing units would be located in a separate block of accommodation in the Hampton Court Way building with the open market housing on the other side of the railway line in the Villas. Whilst the Government are keen to prevent the segregation of social housing within developments there is justification in this instance for their inclusion in a separate block of accommodation. The Villas have a two storey basement, raised terrace gardens, multiple lifts and lobby entrance which would attract a much greater service charge than would be affordable tenants of affordable housing to pay. The Hampton Court Way building is a significant building with a presence on Hampton Court Way. It would offer a good level of accommodation as discussed and would also benefit from its own private amenity space shared amongst the residents of that block. The position of all of the social housing units within one block makes the management of these units easier and more desirable for registered social landlords. It is therefore considered in this instance that the proposed layout would not result in sub-standard affordable housing, or the feeling of social segregation or back door entrance for its users. Whilst the applicant has not marketed the affordable housing units at this stage, they have confirmed that they took specialist advice when the design was progressed and are therefore entirely confident that the units will be of interest to a Registered Provider.

Daylight and Sunlight

9.59-9.56. The applicant has submitted an Internal Daylight Sunlight and Overshadowing Assessment with the application. It assesses the internal daylight of each habitable room within the proposed development against 3 methods as recommended in the Building Research Establishment (BRE) methodology for assessing daylight within a proposed building which are the following:

- Average Daylight Factor (ADF) – this is a method of assessment that takes into various factors including account total glazed area of the room, the transmittance of the glazing proposed, the total area of the room's surfaces including ceilings and floors, and the internal average reflectance of the room being assessed. To achieve a daylight appearance the ADF of a room should exceed 5% or 2% or more if supplementary electrical lighting is provided. The recommended standards are 2% for a kitchens, 1.5% for living rooms and 1% for bedrooms.
- Room Depth Criterion (RDC) – when a room is single aspect the depth of the room can be a factor in determining the level of light within it. This provides a measure of the impact of the depth of the room.
- No Sky Line (NSL) – this test establishes where within the proposed room the sky will be visible through the windows, taking into account external obstructions.

9.60-9.57. The proposed day light assessment concludes that 95% (242 out of 256) of the proposed rooms meet or exceed the levels of ADF recommended by BRE. In addition, all proposed rooms have been designed in accordance with BRE's RDC and have good levels of sky visibility allowing 92% (235 out of 256) of all habitable rooms to meet or exceed the BRE recommendation of NSL.

9.64-9.58. The report states that owing to daylight being prioritised in the proposed living area 72% out of the 85 open-plan living/kitchen/dining spaces meet or exceed BRE recommendation of 2% ADF. Of the 13 open-plan living/kitchen/dining rooms that fall short of the recommended level, 10 meet or exceed the 1.5% ADF level recommended for living areas. In addition, the front portion of those rooms where the living room space

is proposed would receive acceptable levels of light. As such, these 10 proposed open-plan spaces overall would receive an acceptable level of light. The remaining 3 open plan living/kitchen/dining areas would achieve between 1.2% and 1.4% ADF. The kitchens within these rooms would be located at the rear of the room in order to give the best light to the living spaces. As such the living space at the front of the room would receive an acceptable level of light and all other rooms within those units have ADF levels which would exceed BRE recommended levels.

9.62-9.59. The proposed development would deliver a good standard of daylight to the proposed bedrooms, only 1 bedroom in the proposed development would have a light level which falls marginally below the recommended ADF at 0.9% ADF. However, this bedroom would be situated within a unit that have a proposed living space that would exceed the recommended ADF levels. It is therefore considered that the proposed development would provide a good standard of living accommodation with regards to internal daylight levels.

9.63-9.60. The submitted internal light assessment also considered the hours of sunlight to each of the habitable rooms within the proposed development. This assessment considered the Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The results demonstrate that all of the proposed living areas meet the recommended APSH. One of the 68 living/kitchen/dining rooms would fall short of the recommended WPSH, however this room has an acceptable APSH overall. It is considered that the proposed development would provide an acceptable level of sunlight for the future occupants and in general this would be maintained throughout the year.

9.64-9.61. The proposed development is considered to provide a good level of amenity space for the development with the provision of communal terrace gardens to serve the Riverside building and Villas and the proposed sunken garden to the south of the site to serve the residential units in the Hampton Court Way Building. As well as the proposed communal space, 69% of the apartments in the Riverside buildings and Villas would have a balcony or private terrace, and 75% of the apartments in the Hampton Court Way building. Although not every unit would be served by its own private amenity space, the level provided is considered to be acceptable with the private communal space is considered to be sufficient to serve those properties without a balcony or private terrace.

9.65-9.62. The proposed communal open spaces within the development have been assessed for Sun Hours on Ground (SHOG) in the submitted daylight and sunlight assessment. BRE recommends that at least 50% of the open space should receive two hours of direct sunlight on the 21st March. The submitted report demonstrates that the public realm space to the north of the site would have 88% of the total area experiencing more than two hours of direct sunlight on the 21st of March and the communal space to the south of the Hampton Court Way would have 100% of the total area. The proposed communal terrace gardens situated between the Villas would comply with BRE recommended standard receiving two or more hours of sunlight within 50% and 51% of their areas respectively. However, the communal garden area situated between the proposed Riverside Building and first of the Villas would only receive two or more hours of sunlight within 41% of its area on the 21st March, however it must be noted that it would be met by the 25th March and therefore is not considered to provide an unacceptable quality of amenity space. In general, the proposed development is considered to provide an acceptable level of good quality amenity space in terms of the daylight and sunlight it would receive.

Height and Massing

9.63. The Planning Brief for this site contains restrictions on the height of buildings and states that they should not exceed three storeys plus a pitched roof, in order to ensure that the development does not dominate the existing station building, is below the tree canopy of the park and masses appropriately with the East Molesey Conservation Area

buildings. The planning brief also makes reference to The South Western Railway Act of 1913 which prohibits the development of any buildings taller than 50 feet (15.24m) within a one and a half mile radius of Hampton Court Palace without the consent of Historic Royal Palaces.

YOU HERE NEED TO SET OUT WHY THE BRIEF RESTRICTION SHOULD NOT BE TREATED AS DETERMINATIVE I.E. WHY THE SCHEME IS ACCEPTABLE. IT IS SUFFICIENT TO EXPLAIN BY REFERENCE TO THE RELEVANT APPLICATION MATERIAL, HOW THE SCHEME IS SHOWN TO BE ACCEPTABLE NOTWITHSTANDING THAT IT HIGHER THAN THE BRIEF ANTICIPATED.

~~9.67-9.64. The extant permission on the site carries significant weight as a material consideration and this established the principle of 4-storey development in this location.~~

~~9.68-9.65.~~ The submitted letters of representation raise concern about the proposed development breaching the height of building set out in the Southern Railway Act 1913. However the 1913 Act does not in substance prohibit the erection of all buildings which exceed fifty feet in height. Rather, its effect is to require that before any such building is erected, Historic Royal Places must first give their consent. the development is acceptable in this location. The 1913 Act provides for a separate and discrete supplementary consenting regime to the land use planning regime under the Town and Country Planning Act 1990. It establishes a further statutory requirement which the holder of a planning permission for a building exceeding 50 feet in height has to satisfy once planning permission has been granted. The obligation on the Council as planning authority's is to determine the planning application on its merits in accordance with the statutory duties outlined earlier in this report and, in doing so, to make its own assessments of amenity and heritage considerations. A decision to grant planning permission would not override any separate and actionable rights of Historic Royal Palaces under the 1913 Act. The 1913 Act therefore has no material bearing on the decision to be made on this application.

~~9.69-9.66.~~ This act is a not a planning matter and that it would be for the developer to resolve supplementary to the planning process. An informative is recommended to remind the applicant of their requirements to comply with the criteria set out in the South Western Railway Act of 1913.

~~9.70-9.67.~~ The proposed riverside building would have a pitched roof with 5 gable ends featuring on the north elevation facing the River Thames as show in Figure 10 below. The proposed building would have a height of approximately 15.24m when measured from the level of the station platform. This compares to the previously permitted building in this location which had a height of 14.34m to the top of the roof. The building would have maximum external dimensions of 38.9m x 29.7m the mass of the building is broken up through its S-shaped design and the use of the gable end features on the riverfront which reduces the visual bulk of the proposal.



Figure 10: The North elevation of the Riverside building

9.74-9.68. The proposed Villas have been detailed in the description of the development as 4 storey buildings because from the riverside and train station side of the development they have 4 above ground floors. However due to the need for access to the basements and the level differences across the site, the top floor of the basement level is visible on the eastern side of the development giving the appearance of a 5th floor to the development as shown in Figure 11. The buildings would have a flat roof with the upper level set back as 'pavilions'. The buildings would have a height of approximately 15.24m when measured from the station platform. This compared to the extant permission on site which included a pair of Villa buildings which were four storey in height with a set back of the top floor similar to the currently proposed scheme. The buildings in the extant permission would have a height of 12.29m to the flat roof. The permitted building was designed as a four storey flat roofed building with a roof terrace in a "U" shape with a central court yard facing across Cigarette Island Park.



Figure 11: Partial proposed east elevation of the Villas showing the exposed basement entrance and 4 storey development above.

9.72-9.69. The proposed buildings would provide a development which is predominantly uniform in height on the eastern side of the trainline. It would have an increased height and mass when compared to the previously granted permission on this site. The amendments to the layout and bulk of the buildings on the eastern side of Cigarette Island Park when compared to the extant permission has resulted in a visual change and redistribution in the massing of buildings when viewed from the east of the site. The proposed development would now appear as 4 predominant fingers of development as opposed to the 5 in the previous scheme, however the Riverside Building presents as a greater mass when viewed from the east than the permitted

hotel in that location. The overall mass of the buildings is broken up when viewed from the east with the top floor of the villas being inset and designed as terraces to reduce the visual mass.

9.73-9.70. In terms of height and massing, the buildings on the eastern side of the development must be sensitive to the height and mass of the buildings on the opposite side of the river at Hampton Court Palace which are predominately 2-3 storey adjacent to the River. The proposed development represents a substantial increase in the built form and mass of buildings on the site when compared to the existing undeveloped site. However, ~~compared to the extant permission, and~~ taking into consideration the separation distance of over 175m between the proposed development and Hampton Court Palace, the INTERVENING PLANTING AND THE LAYOUT? The increase height is considered to be acceptable WHY?. The impact of the development on wider views is considered in more detail below.

9.74-9.71. The height of the proposed buildings steps down towards the site's frontage with Hampton Court Way on the western side. The Hampton Court Way building is a four storey partially flat roof building with a shallow crown roof over the hotel element as showing in Figure 12. It would have a height of 14.64m when measured from the train station platform, 13.9m when measured from the pavement adjacent to the southern end of the building and 15.1m adjacent to the train station entrance. The proposed Hampton Court Way building would face the parade of shops on the western side of Hampton Court Way which are three storey with rooms in the roof.



Figure 12: Proposed west elevation of the Hampton Court Way building

~~The extant permission on the site is for a building with a height of 12.21m to the flat roof when measured from the platform level. The permitted building contained three projections to the northern side of the building. The current proposal infills the space between these projections as shown in Figure 6, so whilst the buildings external dimensions are slightly smaller, the overall bulk of the building is greater.~~

9.76-9.72. The proposed Hampton Court Way building would be lower in height than the Villa buildings proposed to the east of the site. Figure 12 shows the west elevation of the Hampton Court Way building and its height in relation to the proposed Villas to the east. The proposed building would have two protruding bays on the west elevation to mark the entrances for the retail and hotel uses on the ground floor. The proposed building on Hampton Court Way would be a larger than that previously permitted due to the increased height and infilling of the rear elements. However, it would step down to the front of the site with the three storey forward projections. The proposed building is considered to respond well to those on the other side of Hampton Court Way and would not appear excessive in terms of height and massing.

The Locally Listed train station building sits at the heart of the proposed development. The extant permission on the site was for four storey development adjacent to the two storey station building. It is acknowledged that the proposed development would represent a significant increase in the mass of buildings surrounding the station. SET OUT WHY THE SIGNIFICANCE OF THE LOCALLY LISTED BUILDING IS NOT HARMED OR, IF IT IS, IDENTIFY THE LEVEL OF HARM SO THAT IT CAN BE WEIGHED IN THE OVERALL BALANCE, however the proposed scheme is considered ~~to represent an improvement on the relationship between the mass of buildings proposed and the train station when compared to the extant permission. This is~~

~~because the minor details have been provided with the proposals but the ground has been assessed~~
9.79-9.73. The applicant has submitted a wind report which assesses the impact of the additional bulk and mass of building on the waterfront. This confirms that wind levels in general will be acceptable throughout the development and the one area that falls slightly short, which is at the entrance of the Hampton Court Way building ~~which and~~ can be addressed with mitigation. No details of the mitigation measures have been provided, however these could be secured by a planning condition. HOW DO YOU KNOW IF YOU DON'T KNOW WHAT THEY ARE?

Materials

9.79-9.74. The applicant has provided comprehensive information with regards to heritage, townscape and landscape impact within the Planning, Design and Access Statements and other drawings and documents plus specific studies for the heritage, townscape and visual impact of the proposed development. Inevitably there is overlap between these and the subject headings below are therefore not mutually exclusive. Comments from the Council's Conservation Officer and Listed Building Advisor have been incorporated to provide a comprehensive response.

9.80-9.75. The proposed three main elements of the proposed development would have varying architectural details, however the palette of materials would tie the buildings together. The materials proposed respond to those found in the locality and are as follows:

- Red brick
- Buff brick
- Creamy white stone
- Terracotta rendering for the central gable of the Riverside Building
- Mortar colour for both the brickwork and stonework to match the colour of the stone
- Grey anodised aluminium window frames with clear glass
- Grey metal cladding to match the window frames
- Zinc roof
- Slate roof

9.84-9.76. The Riverside building would have 5 gable end features facing the Riverfront which respond to the style of buildings in the locality including in Hampton Court Palace. It would be constructed from red brickwork together with reconstituted stone window surround and expressed lintels. There would be Juliet balconies for the first and second floor apartments with projecting balconies on the top floor. The central gable would be faced in terracotta to distinguish the residential entrance from the commercial elements. The proposed material treatment for the Riverside building is considered to create a good distinction between the different users of the building with the residential entrance treated differently to the commercial entrances. The development also has good proportioned fenestration on the ground floor to further enhance the distinction between the ground floor commercial uses and the residential apartments above. This helps enhance the legibility of the site and improve the sense of place for users as well as softens the appearance of the building when viewed from the riverfront.

9.84-9.77. The proposed Villas would have a more contemporary design with the inclusion of the set back terraces on the top floor and the raised platform gardens and green roofs. The Council has worked proactively with the applicant to address concerns raised about the dominance of these blocks and uniform use of red brick across the eastern elevation of the development. The applicant has amended the scheme to change the brickwork for the Villas for a red brick to a buff brick to create variation in the palette of materials and to reduce their prominence. The proposed change in material is considered to be acceptable as they would still reflect the palette of materials in the locality and would reduce the visual prominence of these blocks of accommodation.

9.83-9.78. The proposed Hampton Court Way building would have a strong design presence due to its location and form. The proposed design is for a simpler form than the other buildings in the proposal as it steps back from views from Hampton Court Palace and the river. The proposal has been changed from a more contemporary design in the extant permission to what is now a more traditional design with the removal of the terrace from the top floor of the development. During the course of preapplication discussions with the applicant, the Council negotiated the softening of the corner of the building together with the addition of some detailing on the front elevation. The design of the building was amended during the course of the application following further consideration by Officers. Further detailing was added to the Hampton Court Way elevation including the introduction of a buff brick to the residential element at the southern end of the proposed building to distinguish between the hotel and residential uses. The amendments to the Hampton Court Way building are considered to be successful in breaking up the bulk of this large building.

9.84-9.79. The proposed materials are considered to reflect the palette of materials in the locality in Molesey. The proposed detailing on the buildings including the use of the gable ends and stone courses is also considered to reflect some of the more traditional design features found in the locality. The applicants have provided sample materials to demonstrate that the proposed materials are of high quality of these can be secured by a planning condition.

Heritage

YOU CANNOT COMMENCE THIS SECTION WITHOUT SETTING OUT THE REQUIREMENTS OF THE STATUTORY DUTIES AS CONTAINED IN SECTIONS 66(1) AND 72(1) OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS ACT) 1990 I.E. THAT THERE IS A STRONG PRESUMPTION IN FAVOUR OF THE PRESERVATION OF THE SIGNIFICANCE OF LISTED BUILDINGS AND THEIR SETTINGS AND OF CONSERVATION AREAS. YOU SHOULD QUOTE BOTH STATUTORY PROVISIONS AND STATE THAT ANY HARM TO THE SIGNIFICANCE OF A DESIGNATED HERITAGE ASSET MUST BE GIVEN CONSIDERABLE IMPORTANCE AND WEIGHT AND THE MORE IMPORTANT THE ASSET THE GREATER THAT WEIGHT WILL BE. YOU SHOULD THEN SET OUT THAT THE NPPF REFLECTS THIS IN PARAS 193 ET SEQ OF THE NPPF SUMMARISING THE APPROACH SET OUT.

YOU ALSO NEED TO SET OUT THE NPPF'S APPROACH IN TERMS OF DESIGNATED HERITAGE ASSETS.

9.85-9.80. The application site lies within the East Molesey Kent Town Conservation Area, contains the Locally Listed Hampton Court Station building, a very small section of the Grade II Listed Hampton Court Bridge and is adjacent to or near a number of others including the Grade I Hampton Court Palace and Park. There are a number of heritage assets potentially affected by the application and these are identified in the Environmental Statement Volume 3 prepared by Montague Evans in table 4.1 Heritage Receptors. THESE SHOULD ALL BE SET OUT IN THE REPORT. IT IS NOT SATISFACTORY TO CROSS REFER TO AN APPLICATION DOCUMENT. YOU SHOULD LIST EACH OF THE DESIGNATED HERITAGE ASSETS WHICH HAVE THE POTENTIAL TO BE AFFECTED AND SET OUT THE EFFECTS (IF ANY) BOTH BENEFICIAL AND ADVERSE WITH A CONCLUSION ON WHETHER THERE IS BENEFIT OR HARM AND WITH THE GRADATION OF THAT HARM (I.E. WHERE ON THE SCALE OF LESS THEN SUBSTANTIAL IT FALLS). YOU SHOULD DO THE SAME FOR THE NON-DESIGNATED HERITAGE ASSETS. UNLESS IT IS DONE IN THIS WAY AND YOU WORK THROUGH PARAS 193-197 OF THE NPPF FOR EACH ASSET YOU WILL NOT COMPLY WITH SECTIONS 66 AND OR 72 OF THE LISTED BUILDINGS AND CONSERVATION AREAS ACT 1990 The submitted document contains a few generalised statements with for which the Council do not agree. An example of which is that the application site does not contain any heritage assets, although there are heritage assets in the wider area. In the Executive Summary the

document goes on to state that the impact on settings itself is not a consideration THIS IS STRICTLY CORRECT. THE ISSUE IS THE EFFECT ON SIGNIFICANCE RATHER THAN THE EFFECT ON SETTING PER SE. IF THE SETTING DOES NOT CONTRIBUTE TO THE ASSET'S SIGNIFICANCE THEN AN EFFECT ON IT WILL NOT BE MATERIAL. The current NPPF defines a heritage asset as "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)" and that "Significance derives not only from the heritage asset's physical presence but from its setting"

~~The impact of the proposed development on the heritage assets identified is summarised in table 6.1 and the Council generally agree with the findings and conclusions. However, there is one exception to this which is the consideration of the impact from the Station Building. The applicant described the Operational Likely Effect as "Long term Minor Beneficial" and the Kent Town Conservation Area as "Moderately Beneficial" the impact on which will be discussed in more detail below.~~

~~9.88-9.81.~~ An application was recently considered by Historic England to list Hampton Court Station. This application was rejected for the following principal reasons which are taken from Historic England's decision:

- Architectural interest - compared to other surviving stations in a similar idiom by Sir William Tite, such as, Barnes, Windsor and Eton Riverside and Carlisle, Hampton Court Station compares poorly. Architecturally it is a somewhat uninspired exercise in the Jacobethan historicist style and lacks the sense of movement and quality of detailing that would evoke a complimentary visual relationship with Hampton Court Palace; It has been significantly altered. The loss of the chimneys and finials means that the dynamic between the vertical and horizontal has been radically altered. The insertion of shop fronts has degraded the character of the main frontage and there have been significant later additions.
- Historic interest - although of some historical interest for its relationship to Hampton Court Palace, as, probably, the first railway station dedicated to facilitating sightseeing to a specific historical and cultural building and for its association with important early figures in the railway industry, this is not of sufficient interest to outweigh the lack of architectural interest.
- Group value - sited on the opposite bank of the Thames from Hampton Court Palace and with a visual relationship impaired by intervening planting, group value, despite a degree of historical functionality with the Palace, is not sufficiently evident.

WHILST I CAN UNDERSTAND THE NEED TO DEAL WITH THE STATUS OF THE STATION BUILDING AT AN EARLY STAGE, GIVEN THAT YOU HAVE AN ASSET OF INTERNATIONAL SIGNIFICANCE (THE PALACE) HERE LOGICALLY IT SHOULD BE DEALT WITH FIRST, THEN THE GRADE II BUILDING(S) FOLLOWED BY THE CONSERVATION AREAS AND THEN THE UNDESIGNATED HERITAGE ASSETS.

AT THE MOMENT THE HERITAGE SECTION DOES NOT EXPRESSLY ADDRESS THE PALACE AT ALL WHICH IS A VERY SERIOUS FAILING GIVEN THE SUBSTANCE OF A NUMBER OF THE OBJECTIONS AND THE OUTSTANDING CONCERNS OF HISTORIC ROYAL PALACES.

~~9.89-9.82.~~ The Locally Listed Station building forms a significant part of the application site in terms of its use and continues to be in poor condition. The Council have raised their concerns with Network Rail on previous occasions. The conservation and refurbishment of the building was an important consideration of the previous application and a condition survey and the proposed works secured under reserve condition 14 of

planning permission 2008/1600. ES Volume 3 paragraph 6.36 states that “Network Rail proposes to refurbish the station, and whilst these works do not form part of the planning application and are not weighed in the overall planning balance, they have the potential to further improve the character and appearance of this non-designated heritage asset.” The application under consideration includes in the proposed development a number of alterations to this building, including the demolition of the flank wall and buildings to the north but there is no information about how the brickwork on the Station building would be made good. It is therefore recommended that details of the works to the train station are secured by a planning condition to ensure that the finishes to the brickwork are of a high quality. THIS DOES NOT ADDRESS THE EFFECT OF THE DEVELOPMENT AS A WHOLE ON THE SIGNIFICANCE OF THE STATION AS A NON-DESIGNATED HERITAGE ASSET

9.90-9.83. With regard to the 1930s Grade II Listed Hampton Court Bridge it is acknowledged that the proposed development would not result in works directly on the bridge. However, there is concern regarding the proposed construction works, particularly the sheet piling operations. The vibration assessment in ES Chapter 10 is noted, paragraph 10.53 recommends monitoring of vibration levels and should permission be granted this would be secured by condition to overcome these concerns. WHAT ABOUT THE SETTING OF THE BRIDGE AND ANY EFFECT ON THE SIGNIFICANCE OF THE BRIDGE BY REASON OF IMPACT TO SETTING

9.91-9.84. With regards to below ground Heritage ~~itage~~ Assets, a pre-commencement condition relating to archaeological investigation work has been recommended Surrey County Council.

9.92-9.85. The site is also situated within the designated Kent Town Conservation Area and forms part of the north-eastern corner of the Conservation Area. The Kent Town Conservation Area Appraisal identified a number of negative features about the general area of the Jolly Boatman site and Cigarette Island Park which are as follows:

- The neglected and unkempt site of the Jolly Boatman
- Large incongruous advertising hoardings to the station car park
- Poor condition of the main railway terminus building (paint peeling from windows, modern wire trunking, poorly designed lighting and modern shop windows and poorly designed shop awning)
- Large unrelieved tarmac frontage to Hampton Court Way
- Conflict between vehicles and pedestrians on Hampton Court Way (a very busy thoroughfare)
- Poor quality environment for the visitors arriving at Hampton Court Station

9.93-9.86. The proposed development would address all of the above negative features through this proposal with the exception of the poor condition of the Station Building. However, the applicant has confirmed that Network Rail do intend to undertake refurbishment works under Permitted Development. The importance of the Station building as a heritage asset is a significant concern raised in the letters of representation and concern has been raised about the lack of detail in the current proposal regarding works to the station. As detailed above it is therefore recommended that a planning condition is used to provide further details of the works to the station and ensure that those works are of a high quality.

9.94-9.87. Officers consider that the proposed development would result in a substantial change to the area around the train station and the listed bridge that in terms of the heritage assets this would represent a significant change to their setting. Whilst Officers do not agree with the assessment that it would represent a moderately beneficial improvement it does acknowledge that this would make a better use of land and enhance the sense of place around in the locality. The harm cause by the proposed development on both designated and non-designated heritage assets within and adjacent to the application site would be less than substantial. HARM SHOULD BE RELATED TO SIGNIFICANCE. CHANGE IS NOT PER SE HARMFUL TO SIGNIFICANCE. IN WHAT WAY OR WAYS ARE THE SIGNIFICANCE OF THE

BRIDGE AND THE CONSERVATION AREA HARMED AND WHERE ON THE LESS THAN SUBSTANTIAL SCALE WOULD IT FALL.

~~Paragraph 196 of the NPPF states '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 including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'~~
THE NEXT PARAGRAPH IS SERIOUSLY PREMATURE. THE BALANCE SHOULD COME AT THE END OF THE REPORT WHEN ALL THE PROS AND CONS HAVE BEEN IDENTIFIED AND PROPERLY WEIGHTED.

~~9.96. The proposal would provide significant public benefits in the form of much needed highway improvements; the provision of 97 residential units (including 12 affordable units) which provide towards the identified housing need; and the provision of additional employment. The proposed development would also make good use of a run down and under-utilised site which is situated within a sustainable location. It is therefore considered that the less than substantial harm caused by the proposed development to both designated and non-designated heritage assets is outweighed by the public benefits that the proposed development would bring to the area. In reaching this conclusion the Local Authority has satisfied their duty with regards to the requirements of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.~~

~~Townscape THIS WOULD MORE LOGICALLY COME AFTER HEIGHT AND MASSING (AND PERHAPS MATERIALS). IT CAN THEN BE INFORM AND BE REFERRED TO IN THE HERITAGE SECTION~~

9.97-9.89. When considering the proposed development as a whole, the Master plan approach to design a group of buildings that are distinct in terms of their form and function but not disparate because of the design elements such as materials, design and scale is considered to be successful. The revisions to the transport and access arrangements when compared to the extant permission, relocation of the hotel into the Hampton Court Way Building and removal of the care home has enabled a greater set back of buildings from the important river aspect to the north, creation of new amenity space, improved pedestrian and vehicular access and orientation and more interesting and interactive frontages with the cafe, hotel and retail proposals.

9.98-9.90. The Environmental Statement Volume 3 provides the Townscape and Visual Impact assessment. The Townscape receptor impact is shown in Table 7.3 of that document for 8 Character Areas. This assessment concludes that the proposed development would have a Minor Beneficial effect on views from Hampton Court Palace. It also concludes that it would have a Moderate Beneficial effect on Cigarette Island Park, a Major Beneficial effect on East Molesey Centre and a Major Beneficial effect on the Movement Corridor effect.

9.99-9.91. Visual receptor impact is shown in Table 8.1 of the document using 10 different views taken in winter. As with the previous study, it is considered that some of these assessments are overly positive particularly for Viewpoints 1, 3 and 7. Viewpoint 1 is directly across the river where the trees on Cigarette Island are considered to heavily obscure the new built development. Viewpoint 3 is outside the Privy Gardens where trees are considered to obscure the development and public realm improvements adjacent to the bridge will be evident. The effect on both views is considered by the applicant to be Moderate Beneficial despite the tree line being completely visible shown on the existing views as it is without any development and the distance being too great to see the new improvements at Riverside Gardens. Viewpoint 7 from Hampton Court Bridge shows the proposed Riverside Building and Hampton Court Way Building behind the existing Station building and this is described as a Moderate-Major

Beneficial effect because the existing site is an unattractive and incoherent element, the hoardings creates a dead frontage and is a negative feature. It should be noted that hoardings are controlled by planning permissions and are therefore not permanent features and that single storey buildings with some trees visible behind them are proposed to be replaced with 4 storey buildings. Following consideration of the submitted assessment and the Case Officers site visit it is ~~concluded argued~~ that a Neutral or Minor Beneficial effect is more accurate in all cases. YOU SHOULD BE SPECIFIC AS TO WHICH ASSESSMENT CHANGES TO WHICH CONCLUSION AS THIS WILL INFORM THE HERITAGE ASSESSMENT AS WELL.

9.100-9.92. View points 2, 4, 5 and 6 all consider view points from within or adjacent to buildings in Hampton Court Palace and the submitted assessment concludes that the proposed development would have a Long Term Negligible – Minor Beneficial or Negligible impact on these views. This assumption relies heavily on the existing tree screening and concern has been raised in submitted letters of representation and consultation responses that this should not be relied on. The protection of existing trees on and adjacent to the site would be secured by a planning condition and the applicant has agreed to provide plant additional trees in Cigarette Island park to further soften the appearance of the development from views to the north. Subject to these details being secured through planning conditions and a S106 agreement for off-site tree planting, the Council agree with the assessment that the impact of the development would be Negligible from these view points.

9.101-9.93. Viewpoint 8 is taken from the site entrance looking across the Jolly Boatman site and whilst it is agreed that the proposed development would ~~result in a offer~~ a Major Beneficial ~~effect.~~ there are some reservations about the consideration of the site's hoardings as these are a temporary feature and therefore the weight attributed to these as a permanent feature in the streetscene is questioned. A further point of dispute with this view is the extent to which the tree belt along the river is depicted in the proposed views. This has been raised with the applicant and as stated above they have agreed to provide additional tree planting as part of the proposal. Despite the points of dispute with the assessment of this view it is acknowledged that the proposed development would provide a significant improvement on the existing situation on site and would create an enhanced area of public realm space between the station and Hampton Court Bridge. Officers therefore agree with the overall assessment that the proposal offers a Major Beneficial impact from Viewpoint 8. HOW THEN IS THIS CONSISTENT WITH THE HERITAGE ASSESSMENT WHICH CONCLUDES THAT THERE IS HARM TO THE SIGNIFICANCE OF THE BRIDGE

9.102-9.94. Viewpoint 9 is taken from the western side of Hampton Court Way from within the Conservation Area. This view is of the existing hoardings to the front of the site and the train station building. The Riverside building would be the prominent feature in this view, however it has been set back from the train station and the site's frontage and therefore would not appear overly dominant in these views. The applicants highlight the significance of the works to the train station in these views, however as detailed above, these have not been included with the application. These works are considered to form an essential detail in the wider context of the site and therefore it is considered appropriate to secure further details of these works via a planning condition. Subject to satisfactory works being secured to the station building Officers agree with the overall assessment that the proposed development would offer a Major Beneficial effect on this viewpoint.

9.103-9.95. Viewpoint 10 is taken from the Creek/Bridge/Wolsey Road intersection looking towards the Station Building and was identified as an important view terminated by the Station building in the Kent Town Conservation Area Appraisal. The proposed buildings would be highly visible in this view and would be higher than the train station building. The palette of materials in the proposed development has been designed to complement the station building and other building in the locality and it must also be acknowledged that there is an extant permission in place for a substantial development on this site. In light of these considerations, Officers agree with the conclusion that the

new Riverside Building would be visible behind this building but that it would only have a Minor Adverse effect. This Minor Adverse effect must be weighed in the balance of the wider proposal and considering the scale of the proposed development it is considered that this minor adverse effect from one view point would not justify the refusal of the application. THE MINOR ADVERSE EFFECT HERE MUST BE WEIGHED WITH THE MAJOR BENEFICIAL EFFECT IN THE PRECEDING PARAGRAPH (SUBJECT TO THE STATION WORKS BEING PROPERLY SECURED). WHAT HAS TO BE CONSIDERED IS WHAT NET HARM REMAINS IN TERMS OF THE CONSERVATION AREA. THIS THEN NEEDS TO BE REFLECTED IN THE HERITAGE SECTION.

Landscape and trees

9.104-9.96. Policy DM6 states that development proposal should be designed to include an integral scheme of landscape, tree retention protection and planting.

9.105-9.97. The applicants have adopted an appropriate low key approach which is not considered to compete with the size, scale and grandeur of Hampton Court Palace and its grounds to the north of the river nor detracts from the river, bridges and footpaths. The proposed design of new public realm Riverside Gardens is considered to be appropriate and understated with its limited palette of hard and soft landscape elements, views to the Palace are kept open and proposed decorative planting kept at a low level. The proposed access road to the underground car park has been narrowed and brought back from the river to create open space on either side and this is a positive improvement, however, there is opportunity for some additional tree planting to reflect the opposite side of the bank. The proposed landscape layout helps to orientate visitors from the station and integrates access to Cigarette Island Park.

9.106-9.98. Space elsewhere on the site for landscaping is limited but the opportunity has been used to create a proposed woodland garden and river buffer zone to the south which was not included in the extant permission. As noted above, there is a strong reliance on existing tree cover within Cigarette Island Park which is outside the site ownership, for screening and privacy and its "occluding effect" (paragraph 4.2 of the ES Volume 3). DOES THIS PRESENT A MATERIAL RISK IN TERMS OF EFFECTS ON THE SETTING OF THE PALACE? GIVEN THAT THE COUNCIL OWNS THE PARK, I ASSUME NOT?

9.107-9.99. The proposal site is predominantly covered with structures and hard surfacing with very few arboricultural features present. The majority of the trees on the site are relatively young, poor quality trees that provide a limited overall amenity to the landscape. All the significant mature trees are located on the Cigarette Island open space to the East of the site which is currently owned and managed by Elmbridge Borough Council.

9.108-9.100. The entire area including the station and open space is covered by the East Molesey Kent Town Conservation Area which accords provides all the trees above a certain size legal protection. In combination with the Conservation Area there is an area Tree Preservation Order EL:01/04 which covers a square of scrubland towards the southern end of the site between the used car sales forecourt and the river Ember.

9.109-9.101. The application has been supplied with supporting arboricultural information in the form an Arboricultural Survey and Impact Assessment produced by Waterman which includes the necessary tree protection details in line with BS:5837 2012.

9.110-9.102. The number of trees proposed to be removed is relatively low and those trees that are proposed for removal are of a low quality/grade. The loss of the trees proposed is not anticipated to have any significant detrimental impact on the character of the Conservation Area or the local landscape.

9.111-9.103. The only significant area of conflict between the main proposal and retained trees is the incursion into the root protection area (RPA) of the Horse Chestnut T21 from the basement, building foundations, and new hard surfacing access road. The area is currently soft landscaped scrubland and the overall incursion in the calculated RPA is fairly significant with a 20% coverage. This percentage is on the maximum limit of the recommendations made in section 7.4 of BS:5837 2012 for areas of new hard surfacing in RPA's. Officers are in agreement with the observations made in section 3.7 of the arboricultural report which mentions the existing wall and associated wall foundations located in the RPA of T21. The wall travels across the length of the RPA approximately 4-5m from the base of the Chestnut. No exploratory investigations have been undertaken but there is a high probability the foundations of the wall have formed a substantial root barrier preventing the development of any significant root system on the Western side of the boundary wall. Officers would recommend trial pits be dug to determine the depth of the walls foundations and whether any significant roots are present on the Western side. If significant roots are identified in the area for the construction of the access road, piled foundations will be required to limit the impact to T21s root system. This may prevent the need for piled foundations for of the access road if they are not required for engineering purposes. THIS LAST SENTENCE DOES NOT MAKE SENSE

9.112-9.104. The tree protection plan produced highlights that an existing wall and fencing located between the station site and Cigarette Island is to be utilised as suitable tree protection barrier. Considering the level and intensity of development anticipated, this in Officers opinion, would need to be backed up with an additional, suitably robust barrier that would withstand the potential impacts from heavy plant machinery. This can be secured by condition.

9.113-9.105. The proposal includes a soft landscape design produced by Outerspace which makes provision for 31 new trees to be planted as part of the final design. Officers have no objection to the species selection and recognises there is a need to maintain open vistas and views of Hampton Court Palace. Having looked at the site Officers would not object to (and recommend) the further removal and replacement of trees T25 (Elder) and T26 (Chestnut). Both are of a poor quality and have a limited useful life expectancy with a high probability of their removal through physiological and/or structural decline in the short term. Considering the available areas of Lawn and Riverside Green towards the northern end of the site, this provides an opportunity to plant two or three semi mature specimen trees that would provide a long term amenity to the development compare to that of T25 and T26. From a purely arboricultural perspective, the planting in these areas of large specimen trees could enhance the long term visual appearance of the local site with seasonal interest while offering shade and shelter as the trees mature. But if this area has purposefully been left free and open to maintain the views of Hampton Court even trees with narrow habits could produce undesirable restrictions to the vista.

9.114-9.106. Similarly with trees T49 and T50, Officers would recommend their removal and replacement due to the proposed future usage of the site, and the known issues with Lime and Oaks. Limes produce prolific suckering and epicormic growth which is likely to interfere with the use of the raised decking and would require regular maintenance to manage. Further problems are with the regular aphid infestations on Limes which itself does not significantly impact on the tree, but aphid secretions cause a sticky residue to build up on any surfaces within the canopy dripline. With the ever growing presence of Oak Processionary Moth in Elmbridge and the health problems caused by the toxic hairs of the caterpillars, placing a high usage amenity area under the canopy would foreseeably lead to future problems. The area could be planted with good sized replacements with species more suitable for the proposed future usage of the amenity space.

9.115-9.107. Officers have no objection on arboricultural grounds subject to the submission of some additional information to address the following points:

- Increase the robustness of the tree protection barriers on the boundary with Cigarette Island.
- Trial pit investigations to determine presence of roots beyond the boundary wall adjacent to T21 WHAT ARE THE IMPLICATIONS OF THIS? DOES IT SIMPLY AFFECT THE DESIGN/CONSTRUCTION DETAIL OR DOES IT RAISE AN ISSUE OF SIGNIFICANCE TO THE DETERMINATION OF THE APPLICATION? Only design
- Updated landscaping details in relation to tree planting and aftercare.
- Detailed methodologies for specialist construction in RPA.
- Removal of temporary parking or revised location.

9.116-9.108. Officers are satisfied that the above details could be secured by a planning condition.

Design conclusion

9.117-9.109. ~~The proposed development is considered to represent an improvement on the extant permission on the site. It has achieved a higher quality development through the redistribution in the mass and bulk of the building and setting back the development further off the waterfront. This has allowed for increased public realm space to the north of the site and increased communal amenity space to the south of the site. The proposed buildings are higher than those in the extant scheme. However, it is considered that the developments dominance on the river frontage has been reduced through the alteration in the design of the development as well as the redistribution of the building mass across the site. This The development~~ would create a well designed site with public open space on the river frontage, encouraging use and recreation along this part of the river frontage and generally enhancing the sense of place in the locality and opposite the important heritage asset and tourist attraction of Hampton Court Palace. The entrance and bus/taxi drop off for the station creates a much needed focus for the station itself and overall the proposal would provide good legibility for users across the site. The applicant has addressed the poor design of the previously permitted Hampton Court Way building and whilst a high level of objection has been raised to the design of the proposed Hampton Court Way building it is considered to represent a high quality solution to development of a difficult site. -an improvement to the streetscene when compared to the extant permission.

9.118-9.110. In conclusion the proposed development is considered to provide a good level of accommodation for the users of the site and would provide a well designed, high quality development in this important part of Elmbridge. It is considered to have less than substantial harm on the heritage assets including Hampton Court Palace NO HARM IS IDENTIFIED ABOVE TO THE PALACE, Hampton Court Bridge, the locally listed Station building and the surrounding Conservation Area. It is also not considered to result in substantial harm to the local townscape or landscape NO HARM HAS BEEN IDENTIFIED IN TERMS OF TOWNSCAPE OR LANDSCAPE. Overall the proposal ~~is a significant improvement on the extant permission and~~ is considered to be an acceptable development for this site in terms of its design, layout, quality of accommodation, and its townscape and landscape visual impact and trees.

Highway and parking issues

9.119-9.111. Policy CS25 or the Elmbridge Core Strategy states that The Council will promote improvements to sustainable travel, and accessibility to services, through a variety of measures by:

- Directing new development that generate a high number of trips to previously developed land in sustainable locations within the urban area. These include town centres and areas with good public transport accessibility as outlined in national policy
- Applying maximum parking standards to all uses, including the consideration of zero parking for certain town centre developments

- Requiring a transport assessment and travel plan for all major development proposals
- Protecting existing footpaths, cycleways and bridleways; delivering new cycling and walking schemes; and supporting development that increases permeability and connectivity within and outside the urban area.
- Improving transport infrastructure
- Improving environmental impact of transport

9.120-9.112. Policy DM7 of the Development Management Plan states that proposed parking provision should be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents. In such instances, a minimum provision of one per residential unit would be required. With regards to train station car parking it states that the Council will encourage the improvement and retention of station car parking unless the existing provision exceeds the need or the redevelopment would re-provide sufficient lost spaces. The cumulative impact of changes to station car park provision will be considered in terms of the possible knock on effect with regard to the impact on number and length of car journeys, increased demand on another train station or impact on traffic safety, congestion or residential amenity in surrounding streets.

9.121-9.113. Hampton Court Bridge provides one of only two river crossings in Elmbridge. It is subjected to high levels of traffic all trying to gain access to major routes. Those north of the river wishing to gain access to the A3 and M25 and those to the south wishing to gain access to the M3 and West London. Local traffic adds to the congestion. The highway network on Hampton Court Way around Hampton Court Station is currently confused and chaotic with no clear direction for those driving to the station or beyond. There are uncontrolled right turn movements from Hampton Court Way into Creek Road and River Bank, three lanes of traffic leaving River Bank turning left and right, a wide gyratory connecting Hampton Court Way to Bridge Road and a high volume of pedestrians and cyclists all competing for road space. Public Transport is well provided but also competes for this road space.

9.122-9.114. The proposal includes changes to the highway infrastructure at various points around the site including:

- Removal of the Hampton Court Way / Riverbank gyratory.
- Traffic signals at Hampton Court Way / Riverbank junction incorporating station car park access into the same junction under signal control.
- Advanced cycle stopline on Riverbank arm of the junction.
- Pedestrian / cycle refuge on Riverbank arm by Hampton Court Way to assist pedestrian and cycle movements crossing Riverbank.
- Upgrade of pedestrian crossing on Hampton Court Way to a wider toucan crossing and linking its operation with the signal controlled junction at Hampton Court Way / Riverbank.
- Kerblines on north side of Riverbank remain generally as existing.
- Shared pedestrian/cycle route on west side of Hampton Court Way from Creek Road to Riverbank connecting with the new toucan crossing.
- Extend shared pedestrian cycle route on east side of Hampton Court Way northwards to Hampton Court Station and the proposed Toucan Crossing.
- Widen Creek Road at junction with Hampton Court Way to accommodate a left turn lane from Creek Road and to provide a wider refuge for pedestrians and cyclists.
- Relocate northbound bus stop from gyratory to a layby on Riverbank. Provide pedestrian route from bus stop to Hampton Court Station and Bridge Road.
- Build out footway on Bridge Road by Riverbank and provide raised entry treatment on Bridge Road at junction with Riverbank.
- Provide narrowed roadway for vehicles travelling from Creek Road to Bridge Road
- Much of former gyratory area becomes available for landscape / public realm.

- Create station forecourt on west side of station building for use by bus, taxi, service vehicles and pedestrians.
- Provide loading vehicle area for station service vehicles at the southern end of the forecourt.
- Station car park access to be used for:
 - Access to proposed development parking include Station car park
 - Station user pickup / drop-off
 - Access for refuse vehicles and deliveries servicing the residential units, café and adjacent retail unit
- Cycle access to residential cycle parking.
- Provide layby adjacent to Hampton Court Way for servicing of the hotel, the adjacent retail unit and the adjacent residential accommodation.

9.123-9.115. The extant permission on the site also included highways alterations which were as follows:

- Re-alignment of vehicle access to Cigarette Island Park, also providing service access to parts of the development,
- Altered vehicle access to the station to provide entrance and exit to the transport interchange only,
- Alterations to existing access to Hampton Court Motors to provide the main access to the proposed underground car park.
- Provision of a new station forecourt with transport interchange along Hampton Court Way.
- Re-alignment of Riverbank/Hampton Court Way junction, Bridge Road and the spur off Creek Road including changes to the traffic islands,
- Reversed direction of one-way traffic on northern section of Bridge Road
- Alterations to Creek Road/Hampton Court Road junction,
- Addition of pedestrian crossing to Hampton Court Way from Creek Road spur,
- Central additional islands and changes to central reservation in Hampton Court Way and widening of Hampton Court Way towards the River Ember.

9.124-9.116. As with the extant permission, the off-site changes do not require planning permission as they are within the Highway boundary and can be carried out by or on behalf of the Highway Authority as 'permitted development'. In that sense they are not part of the application. They are, however, works that Surrey County Council as the Highway Authority would require to be implemented and funded by the development if the scheme goes ahead.

9.125-9.117. A high level of objection has been received regarding high safety and capacity issues relating to this site. Surrey County Council Highways Authority are the Council's statutory consultee when it comes to matters of highway safety and capacity. SCC have made the following comments with regards to highway safety and capacity:

Highway network

The previous redevelopment scheme(2008/1600) provided a road layout that addressed some of the existing problems focusing on the traffic movements and adding clarity to the design of the road. The new layout differs from this design by focusing more on pedestrian and cyclist movements to encourage modal shifts and improve the current accident problems relating to cyclists in this area. The construction works required on the public highway would be carried out under Section 278 of the Highways Act 1980. The developer would enter into an agreement to carry out all the necessary works to deliver the highway improvements.

Pedestrian/cyclist improvements

- i. *The pedestrian crossing will be a raised Toucan Crossing directly outside the station. This will accommodate both cyclists and pedestrians. Currently commuters leaving the station cannot all cross the road at the existing crossing at the same time because it is too narrow. This leads to pedestrians jay walking between stationary vehicles on Hampton Court Way at peak periods in the morning and evening. By providing a much wider crossing it is hoped that most commuters will be able to cross together and thereby reduce the potential for pedestrian accidents on Hampton Court Way.*
- ii. *Removing the gyratory will improve pedestrian and cycle movements on the western side of Hampton Court Way. The shared footway/cycleway will be continuous from the Toucan crossing to join the existing shared footway on Hampton Court Bridge and will provide crossing facilities at River Bank where vehicles will be held with signals. Currently pedestrians wishing to walk over the bridge on the western side from Creek Road have to run across several lanes of uncontrolled traffic to reach the footway on the bridge or deviate to the uncontrolled crossing in Bridge Road. There is no facility for cyclists and the rise in the numbers of cyclists has led to an increase in cycling accidents at the River Bank /Hampton Court Way junction.*
- iii. *Advance stop lines for cyclists have been provided at the River Bank junction with Hampton Court Way. These help cyclists join the main carriageway more safely.*
- iv. *Relocation of the access into the development has increased the visibility at the access. It removes the current roadway to the station, and provides a coherent and direct route for pedestrians from the station to the eastern side of the Bridge and thus direct access to Hampton Court Palace. Separating the buses from the access to the car park improves safety for pedestrians, where they will have a controlled crossing from the station to the Bridge. Cigarette Island Lane will be retained but access for vehicular traffic (other than for maintenance vehicles) will be removed. It will remain as Public Highway serving as a pedestrian route to Cigarette Island and the landing stage on the river. Vehicular access to Cigarette Island will be via the new road, which will be adopted as far as the boundary with Cigarette Island.*
- v. *The station forecourt will be simplified. There will be an in and out access for buses, taxis and deliveries to the retail unit only. There will be a direct route from the Station forecourt to the toucan crossing on Hampton Court Way. At the moment this access is wide and busy with uncontrolled vehicles with no clear direction into the station car park. This makes it harder for pedestrians to walk safely to the crossing with no facility for cyclists at all.*
- vi. *The footway on the Eastern side of Hampton Court Way adjoining the site will be widened to at least 3.0m to extend the existing shared footway/cycleway that currently ends at the boundary of the car dealer. Currently cyclists have no shared facility directly to or from the station.*

It is important that pedestrians using the station can see their way safely and clearly to their destination. Many tourists arrive at the station to visit Hampton Court Palace and have little or no knowledge of this area.

Road improvements for drivers

- i. *The provision of traffic signals at River Bank junction with Hampton Court Way will enable right turn manoeuvres both to and from Hampton Court Way as well as from the new access to and from the station car park. Currently vehicles from this junction edge out into Hampton Court Way to turn right causing conflict with right turners into the gyratory and leading to accidents with cyclists because of the number of confusing manoeuvres taking place. Controlling*

these movements with signals will reduce the conflict and enable the manoeuvres to take place more easily, reducing accidents and moving vehicles through the junction more efficiently.

- ii. *The removal of the gyratory reduces conflicting movements at the River Bank junction and incorporates a right turn lane on Hampton Court Way enabling easier right turning movements and allowing those drivers travelling North to South at this point to continue unimpeded. Currently vehicles back up from this point over the bridge whilst right turners wait for gaps in the south to north queuing traffic.*
- iii. *Dedicated access to the station car park with improved sight lines and clarity of movement.*
- iv. *Widened Creek Road junction with Hampton Court Way allowing a dedicated lane to right turners out of the junction.*
- v. *Right turn lane on Hampton Court way at the Creek Road junction.*

Public Transport

- i. *New bus stop with shelter and realtime information in River Bank.*
- ii. *Relocation of bus stops in Creek Road to improve accessibility and the provision of bus shelters and real time passenger information.*
- iii. *Bus stop/stand on forecourt of station right outside the exit/entrance.*

Safety Audit

The stage 1 road safety audit has raised a number of minor issues. These can all be resolved and will be dealt with at detailed design stage as part of the Section 278 process.

Trip Generation

The trip generation for the site has been calculated using the TRICs data base. This allows transport engineers to access data from existing sites to apply to their developments and calculate a profile of trips generated throughout the day for different use types. The developer has chosen appropriate sites from the database to ascertain the trips generated.

The flats chosen are privately owned in areas approximating in terms of public transport to the Jolly Boatman site. This gives a two way trip generation for the am peak of 11.4 vehicles and for the pm peak two way generation of 13.5 vehicles.

For the café no trips are indicated in the am peak and only 7.6 two way movements in the pm peak.

The hotel is more problematic in that the database does not give many examples in the South East that replicate the situation at the Jolly Boatman site and therefore the trip generation from the hotel is very robust. It shows 12.8 two way trips in the am peak and 7.5 two way trips in the pm peak.

Looking at the total number of movements on Hampton Court Way between 8.00 am and 9.00 am there are currently 2477 two way movements and thus the additional trips on the road represent 0.97% increase on the network during the morning peak. Similarly in the evening peak there are 2745 two way

movements in Hampton Court Way and the additional movements represent an increase of 1.04%.

The previous application which has an extant permission stated that the additional traffic generated by the development would be equivalent to less than 3% of the existing traffic on Hampton Court Way and this is considerably less than the extant permission.

This is not considered to be a severe impact on the traffic in the area and is an overestimation of the trips generated by the development because of its location with respect to public transport links, both the regular half hourly train service to Waterloo and the frequent bus services available to the Kingston, Walton and Richmond areas.

Traffic Flow through the new junctions is shown in the Transport Assessment to be improved by the proposed highway layout. For example without the development or the improvement, Total Vehicle Delay in the pm peak in 2026 is predicted to be 174.6 hours whereas it is predicted to be 69 hours with the development and the proposed highway layout.

Car Parking

The current station has 204 parking spaces with 2 disabled bays. Commuter parking accounts for approximately 93 spaces which peaks at 1.00 p.m. At weekends higher levels of parking occur only when Hampton Court Palace has an event. This is clearly seen on the google maps view shown in the statement made by the Palace objecting to the loss of parking spaces. The view is taken on a bank holiday weekend and shows that the Hampton Court Green Car Park has the overflow facility in operation and there are stalls in Bushey Park. Other station/school /office car parks in the area are empty (Esher Station for example).

The Station does not have a statutory duty to provide parking for anyone, but does provide parking for commuters in the area using the station. There are many stations which do not have this facility (Thames Ditton for example) and there is no duty to provide parking for Hampton Court Palace. The Palace website clearly points visitors to the palace forecourt parking and the Hampton Court Green Car Park and the public transport links on TfL and South West Trains. There is no mention of parking being available at Hampton Court Station for the use of Palace visitors. The level of parking for residents/ hotel clients and commuters is a matter for Elmbridge Borough Council to decide. There is no safety implication for the reduced standard for the flats – in fact in this location zero parking would be acceptable with parking for the disabled and the car club only. This would be beneficial on several levels – a reduction in traffic movements, a reduction in noxious pollutants and an increase in walking and cycling to work for those using the station. The amenity of residents in local roads may be affected due to increased commuter parking, but the implementation of a more wide reaching CPZ area would stop day long parking.

Travel Plan

The framework travel plan included in the transport assessment for the site is acceptable and will be updated as the site progresses. The car club for the site would need to be implemented before the flats are occupied and so this item has been separately conditioned to allow this to happen.

Conclusion

The trips generated by the site amount to a minimal increase compared to the existing levels of traffic on the road. The changes to the highway layout would significantly improve the current situation with particular attention paid to

vulnerable road users - cyclists and pedestrians. Car parking at the station is an issue for Elmbridge Borough Council to satisfy themselves as the levels provided will not lead to safety or capacity issues. Any amenity problems can be dealt with by means of an extended CPZ with increased enforcement.

[9.126-9.118.](#) The County Highway Authority recommends that an appropriate agreement should be secured before the grant of any permission to cover the proposed highway works. These include the reconfiguration of Hampton Court Way from Hampton Court Bridge near the River Ember Bridge as generally shown on the illustrative plan no CIV16694CSA950047. They also recommend that provision of the above is subject to detailed design and further safety audits, all details to be agreed by the Highway Authority. The legal agreement shall also include an obligation to submit a Travel Plan together with the necessary monitoring fee, the provision of a car club with 3 electric vehicles and the provision of a new bus layby in River Bank and the relocation of the two bus stops on Creek Road.

[9.127-9.119.](#) As detailed above, SCC Highways have stated that the level of parking is a matter for Elmbridge Borough Council to decide.

[9.128-9.120.](#) The existing train station car park contains 204 car parking spaces which are for train station users and it also provides a car park for the general public which is utilised by visitors to the local shops, restaurants and those visiting Hampton Court Palace. The applicants have submitted a parking survey for the site which demonstrates that the car park is currently under utilised by station users.

[9.129-9.121.](#) All car parking on the site would be provided via a two storey underground car park with vehicular access to the eastern side of the Villas (as shown in Figure 11). The extant permission on the site also includes a two storey underground car park however the access was proposed via the Hampton Court Way building.

[9.130-9.122.](#) A total of 207 car parking space would be provided (compared to 287 in the extant permission) together with 155 cycle spaces for residential and a further 18 for retail and 7 for hotel staff and visitors. The car park would have direct access to the concourse from the undercroft level which would also contain an area for picking up and dropping off passengers. The car park also includes provisions for disabled parking and electric car charging points.

[9.131-9.123.](#) The applicants have submitted a parking survey with the application which has been widely contested by objectors to the development and concern has also been raised by Historic Royal Palaces. They consider that the submitted survey is inaccurate it does not reflect the use of the car park during the summer months and events at Hampton Court Palace. The assumed dual use of the spaces for residents and hotel users during the day and night is also a point for contest. Officers are satisfied that an appropriate consideration of parking levels on site can be carried out without the need for additional survey work.

[9.132-9.124.](#) When considering the parking provision on site against local planning policies a residential development is typically assessed against the Elmbridge Parking Standards, however it must be noted that these are maximum parking standards and in sustainable locations a lower provision would be acceptable. Policy DM10 requires that where a proposal may result in an increase in on-street parking stress a minimum of 1 space per unit must be provided. In this circumstance that would require onsite provision of 97 parking spaces. When combined with the requirement to replace the existing car parking for the train station on-site, this would result in a maximum number of required spaces on site being 301 spaces. However this is a maximum standard and the other criteria of the policy must also be taken into consideration. The policy sets out that the level of need for station parking should be considered as well as the sustainability of the location and aims to improve the environmental impact of the highway. These are considerations that may contribute to the justification of a lower on-site parking provision.

9.133-9.125. The application site is situated in a highly sustainable location with good links to public transport, cycle links and local services (some of which would be provided within the application site). It is considered that the reliance on the private car would not be essential for residents and employees occupying the development. Both Environmental Health and the Highways Authority have confirmed that they consider there to be an overprovision of parking on the site and have sought for a reduction in spaces to improve the sustainability and environmental impact of the proposed development.

9.134-9.126. Network Rail as joint applicants to this site have responded to comments about the lack of parking for visitors to Hampton Court Palace and stated that they do not have an obligation to provide parking for visitors to the palace and that the car park could be restricted to residents and station users only to reduce pressure on available spaces. Officers do not feel that this is necessary subject to careful management of the parking spaces by the users Network Rail. However due to the sustainability of the location it is also not considered appropriate that Officers insist that Network Rail make this car park available for general public use in perpetuity. This will be left as a private matter for Network Rail to manage as the land owner on the site. YOU NEED TO ADDRESS THE IMPLICATIONS OF A DECISION TO PREVENT GENERAL PUBLIC PARKING IN TERMS OF THE EFFECT ON THE LOCAL AREA AND HCP. THERE IS ALSO MUCH REFERENCE TO COACH PARKING IN THE OBJECTIONS WHICH YOU HAVE NOT ADDRESSED. THE COUNTY HAS REFERRED TO A CPZ WHICH IS ONE WAY OF DEALING WITH THE ISSUE. EQUALLY, RESTRAINING CAR PARKING DEMAND TO ENCOURAGE ACCESS BY RAIL IS CLEARLY SUSTAINABLE.

9.135-9.127. It is considered that due to the sustainable location of the proposed development the proposed on-site parking provision is considered to be acceptable. In light of Surrey County Council comments, Officers raise no concerns relating to highways or parking.

Impact on the amenities of the neighbouring properties

9.136-9.128. The neighbouring properties which are most likely to be directly affected by the proposed development are those in Hampton Court Way. Neighbouring properties in adjacent roads and those on the other side of the River Thames and Embury would be situated further than these properties and a sufficient distance from the application site that the proposed development would not have a significantly detrimental impact on the reasonable privacy or amenities of those properties.

9.137-9.129. The properties situated on the opposite side of Hampton Court Way would be situated approximately 25.8m from the proposed Hampton Court Way building. The extant permission on this site (2008/1600) is for a building of similar length and depth on Hampton Court Way, however it was approximately 2.43m lower than that currently proposed. The addition in the height of the building means that the proposed development would marginally impinge on a 25 degree rising plane from the ground floor windows of the units on the western side of Hampton Court Way (when taken 1m above ground level), however it would not impinge on a 25 degree rising plane taken from nearer the top of the windows or from the windows on the first floor windows. Overall the proposed development would not result in a significant loss of light to the properties in Hampton Court Way. The proposed separation distance is large enough that the proposed development would not have a significantly dominant or overbearing impact nor would it result in any significant loss of privacy to those properties.

Impact on ecology

9.138-9.130. Policy CS15 seeks to ensure that new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the

incorporation of biodiversity features. Policy DM21 states that all new development will be expected to preserve, manage and where possible enhance existing habitats, protected species and biodiversity features.

9.139-9.131. The proposed development site is located adjacent to the River Thames and the River Ember, both of which represent important ecological features in their own right and important wildlife corridors in the local area. The River Thames is also identified as a Site of Nature Conservation Importance.

9.140-9.132. The applicants submitted an Ecological Appraisal, Bat Survey Report (Buildings and Activity Surveys), Bat Survey Report (Trees) and lighting proposals as part of the application documents. Natural England and Surrey Wildlife Trust (SWT) were consulted on the planning application and the comments from SWT have been incorporated into this assessment.

Veteran Trees

9.141-9.133. Paragraph 175 of the NPPF states “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*”. The NPPF defines Veteran and Ancient trees as “*A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value*”. This definition is taken from “*Veteran Trees: A guide to good management (IN13)*” which is published by Natural England.

9.142-9.134. SWT raised concern about the removal of veteran trees from the site and that planning permission should be refused for the loss of aged or Veteran trees. The applicant provided a response in their email dated 12/03/2019 and confirmed that the site does not include any tree which would be considered as Veteran or Ancient trees. SWT raised specific concern regarding two over-mature trees to be removed (T23 and T24). The applicant has confirmed that these are an apple and a cherry and are not Veteran trees. SWT have responded to the applicant’s comments and confirmed that they are satisfied with that the additional information overcomes their previous concerns.

Protected species – bats, badgers and nesting birds

9.143-9.135. All species of bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. All bats are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, even if the bat is not present at the time of roost removal. Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 states that “*a competent authority must, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions*”.

9.144-9.136. SWT initially raised concern about the impact of the proposed development on potential bat roost in trees adjacent to the site. The applicant submitted an email dated 12/03/2019 which clarified the survey work which was undertaken on potential bat roosts in trees. This confirmed that the submitted documents considered all trees/ tree groups within this application as well as the site for the temporary car parking. They assessed trees T2 and T4 which are on the boundary of Cigarette Island Park and found them to have moderate potential to support roosting bats. The report recommended that trees T2 and T4 be subject to aerial inspection and if required further evening emergence and/or pre-dawn re-entry surveys to determine the presence / likely absence of roosting bats. All other trees assessed were recorded to either have a negligible or low potential to support roosting bats and so in line with best

practice survey guidance do not require additional survey effort to determine the presence / likely absence of roosting bats.

[9-145-9.137.](#) The submitted documents also assessed the trees in the vicinity of the proposed temporary car park (subject to a ground based and if required aerial inspection) on Cigarette Island Park. Whilst this is subject to a separate planning application these trees are in close proximity to the proposed development and therefore the assessment is still relevant to the determination of this application. The submitted report determined that all the trees in this locality to have either a negligible or low value to support roosting bats apart from two trees adjacent to the River Ember (recorded as having high bat roost potential). The trees with high bat roost potential are to be retained and were assessed be far enough away from the development works not be impacted upon. The applicant states that they were 'approximately' far enough away from the development not be impacted, however the submitted information has been considered by SWT and they are in agreement that further survey works is not required and they are satisfied that the information submitted overcomes previous concerns they had raised with regards to the impact of the proposed development on potentially active tree bat roosts.

[9-146-9.138.](#) The proposed development is in close proximity to adjacent watercourses which are important commuting and foraging corridors for natural species, in particular bats. SWT highlight the importance of sensitive lighting to limit the impact of the proposed development on these bat commuting and foraging area. SWT recommend a pre-commencement planning condition which requires the submission of a sensitive lighting management plan.

[9-147-9.139.](#) SWT also provide guidance with regards to legislation relating to the protection of nesting birds and state that the development should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive. SWT set out an alternative approach if this is not possible and only small areas of dense vegetation are affected.

[9-148-9.140.](#) The submitted ecological report does not identify the presence of active badger sets within the footprint of the proposed development. However the report states that a survey of the whole footprint could not be undertaken due to a lack of access to some locations. It is therefore recommended that immediately prior to the start of the proposed works, further survey work is conducted and if any badger activity is detected a mitigation plan shall be submitted to the Local Planning Authority for approval. SWT also asked that deep excavations left overnight are provided with a ramped means of escape and stockpiles of soft materials are covered overnight to prevent badgers excavating new sets.

Other Ecological Matters

[9-149-9.141.](#) As stated above, the proposed development site is located adjacent to the River Thames and the River Ember, both of which represent important ecological features in their own right and important wildlife corridors in the local area. The River Thames is also identified as a Site of Nature Conservation Importance. There is therefore a risk of ecological harm resulting from construction activities. SWT have recommended a pre-commencement condition requiring the submission of a Construction Environmental Management Plan. This should include details of the following:

- Risk assessment and potentially damaging construction activities
- Practical measures to avoid and result impacts during construction
- Location and timing of works to avoid harm to biodiversity features
- Responsible persons and line of communication
- Use of protected fences, exclusion barriers and warning signs.

[9-150-9.142.](#) The proposed development would offer some opportunities for biodiversity enhancement as set out in the submitted documents. SWT make recommendations for

biodiversity enhancement on the site regarding bat and bird boxes and the use of native species and nectar rich flowers and/or berries in the landscaping scheme. The recommendations for biodiversity enhancement can be secured by a planning condition together with the above ecological requirements.

9.151-9.143. Officers are satisfied that, subject to the recommended planning conditions set out in the consultation from Surrey Wildlife Trust the proposed development would meet the requirements of policy CS15 and DM21.

Flooding and Sustainable Drainage

Flood Risk

9.152-9.144. Since the grant of 2008 extant permission there been a change in the extent of the Flood Zones on the site with the introduction of Flood Zone 3a? on the site.

9.153-9.145. The site is situated within Flood Zone 2 and 3a? which are areas with medium and high probability of flooding. Flood Zone 3a? covers part of the station car park and the land to the south of Hampton Court Motors. Cigarette Island Park to the east of the site is within Flood Zone 3b which is the functional floodplain and the highest risk category.

9.154-9.146. It is acknowledged that this proposal includes a mix of business and residential uses. The NPPG identifies a flood risk vulnerability classification table, within this table a list of uses are detailed in order of their relevance, these include:

- Essential infrastructure – Essential transport infrastructure
- Highly vulnerable – Police, ambulance and fire stations
- More vulnerable – Hospitals, dwellings, student halls and health/educational services
- Less vulnerable – Shops, financial, professional, restaurants and cafes
- Water-compatible development – Docks, marinas, open spaces and navigations

9.155-9.147. **THE STARTING POINT IS THE SEQUENTIAL TEST WHICH NEEDS TO BE APPLIED AND SATISFIED BOTH ON A DISTRICT BASIS AND SITE BASIS. YOU NEED TO SET OUT WHY THIS IS MET I.E. THERE IS A NEED TO REGENERATE THIS SITE AND BY DEFINITION, THAT CAN ONLY BE DONE ON SITE.** The NPPG and Elmbridge Flood Risk SPD (2016) identify that residential development is classified as more vulnerable to flooding. More vulnerable uses and essential infrastructure should only be permitted in this zone if the Exceptions Test is passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood Self-contained residential basements and bedrooms at basement level are not permitted. All other basements, basement extensions and basement conversions may be considered. Regard will be had to whether the site is also affected by groundwater flooding.

9.156-9.148. Core Policy CS26 seeks to reduce the overall and local risk of flooding in the Borough. Development must be located, designed and laid out to ensure that it is safe; the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere; and that residual risks are safely managed. Planning permission therefore will only be granted, or land allocated for development where it can be demonstrated that: Through a sequential test it is located in the lowest possible flood risk zone in accordance with PPS25 and the Elmbridge Strategic Flood Risk Assessment; It would not constrain the natural function of the floodplain, either by impeding flow or reducing storage capacity. Where sequential and exceptions tests have been undertaken, any development that

takes place where there is a risk of flooding will need to ensure that mitigation measures are integrated into the design to minimise the risk to property and life should flooding occur.

Sequential Test

9.157-9.149. In terms of meeting the criteria of the Sequential Test, the Local Planning Authority would normally undertake the Sequential Test as part of the Local Plan process. However, due to Elmbridge not having an allocations plan it does not have one in place.

~~9.158.~~ As part of the Sequential Test, the developer must demonstrate whether there are any other reasonably available alternative sites within a lower probability of flooding that would be appropriate for this type of development proposed. However, in this case the proposal is to deliver much needed regeneration of a specific site which, by definition, can only be achieved on the site itself. Whether that should be sanctioned having regard to the risk of flooding falls to be determined by application of the exception test there is an extant planning permission on the site and this application is seeking to make better use of the development site. It would therefore not be reasonable to ask the applicant to consider alternative sites available to accommodate this development within a lower risk site. ~~As previously stated, the proposed development would occupy a similar area on the application site and therefore the application of the Sequential Test at a site focused level would also not be considered reasonable or necessary.~~ ON THE BASIS THAT THE EXTANT PERMISSION IS OT VIABLE, YOU DO NEED TO CONSIDER WHETHER THE ON SITE LAYOUT PROPERLY REFLECTS THE SEQUENTIAL TEST

Exception Test

9.159-9.151. Having completed the Sequential Test, the Exception Test aims to ensure that new development is only permitted in areas at risk of flooding where flood risk is clearly outweighed by other sustainability factors and where the development will be safe during its lifetime, considering climate change and without increasing risk elsewhere.

9.160-9.152. For the Exception Test to be passed:

Part 1 - It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by the SFRA where one has been prepared;

and

Part 2 - A site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

9.161-9.153. In assessing the proposal in relation to Part 1 of the Exception Test the applicant set out the following points to demonstrate a case to achieving the above criteria:

- Provision of water efficient/low flow sanitary fitting and fixtures to reduce water consumption
- Specification of materials with a low environmental impact
- Responsibly sourced building materials wherever possible
- Provision of 155 cycle spaces to promote sustainable travel methods; and

- Incorporation of high seasonal efficiency VRF air source heat pump systems in the commercial units.

9-162-9.154. The following points must also be taken into consideration when assessing whether the proposed development provides wider sustainability benefits to the community that outweigh flood risk:

- the proposed development would make more efficient use of a site in a highly sustainable location to provide much needed additional housing The site would provide 93 units, 12 of which would be affordable housing units, to provide towards the identified housing need in the Borough.
- The site would play an important role in contributing to the local economy, local employment and economic growth.
- The proposal would increase public realm space within the locality with the creation of the Riverside green space.

9-163-9.155. In relation to the details required to address Part 2 of the Exception Test, the applicant has provided a details Flood Risk Assessment. Concern has been raised in the submitted letters of representation about flooding and that the flood modelling submitted by the applicant was not based on the most up to date modelling. The applicants have been in discussion with the Environment Agency and

ADD EA COMMENTS

- *conclude whether the site-specific Flood Risk Assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible and will reduce flood risk overall.*
- *Consider the trigger levels for the closure of the car park and what mechanism there is for the removal of cars prior to a flood and pollution control for returning waters. Can this be dealt with by a planning condition?*
- *Maintenance of the flood attenuation systems via S106?*
- *Consideration of the 8m river buffer*
- *Extant permission vs current position – is it a betterment and does it meet current climate change standards?*

9-164-9.156. As a result of the above the flooding elements of this proposal are considered to meet the requirements of the Sequential and Exception Tests. In reaching this assessment a reasonable and practical approach has been undertaken, which has considered the extant permission on the site as well as the proposed flooding mitigation measures incorporated in the design.

Sustainable Drainage Systems

9-165-9.157. The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The requirement for Sustainable Drainage Systems is also contained within Policy CS26.

9-166-9.158. The applicants submitted a Drainage Management Plan as part of the Environmental Statement and this was considered by Surrey County Council as the Lead Local Flood Authority. SCC have confirmed that they are satisfied that the proposed drainage scheme meets the requirements set out in the NPPF, its accompanying PPG and Technical Standards. They raise no objections to the proposed development subject to a pre-commencement planning condition to ensure

the Sustainable Drainage Scheme is properly implemented and maintained throughout the life time of the development.

Environmental considerations

Noise and Vibration

9.167-9.159. The submitted Noise Assessment conducted by Waterman, Document Reference: WIE13473-105-R-12-2-3 dated 2018 was assessed by the Environmental Health Officers and they have confirmed that the methodology used to assess noise and vibration is in line with what would be expected of this type of application.

9.168-9.160. The guidelines the noise consultants used were: World Health Organisation (WHO), 1999 'Guidelines for Community Noise; BS8223:2014 Guidance on sound insulation and noise reduction for buildings; and ProPG 2017.

9.169-9.161. The Noise Assessment considers façade noise levels, internal noise levels and outdoor noise levels of the proposed properties from the road and railway. Commercial noise impacts were mentioned but not in great depth. It also considers the vibration impact from the railway lines.

9.170-9.162. WHO, BS8223 and ProPG 2017 give standards for indoor ambient noise levels. The acceptable internal noise levels are shown in the table below:

		Recommended Noise Level (db)
Daytime Noise (0700-2300)	Outdoor Living Area	<50 LAeq,16h
	Indoor Living Area/Bedrooms	<35 LAeq,16h
Night time Noise (23:00-0700)	Outside Bedroom Windows	<45 LAeq,16h (façade) < 60 LAm _{ax} , Fast (façade)
	Inside Bedrooms	<30 LAeq,8h <45 LAm _{ax} ,Fast

9.171-9.163. Façade measurements were taken at Hampton Court Way (HCW) (A309), the railway line and Hampton Court Station and the results are shown in the Noise Assessment.

9.172-9.164. The submitted noise assessment states that where the daytime façade levels are <50dB LAeq, 16hr, the internal noise level with windows open (based on 50% glazing) would be <35dB LAeq, 16hr. However, they also state that where natural ventilation is adopted (partially open window) a relaxation of 5dB (Note 7, Table 1 of the Noise Assessment and ProPG 2017) is considered 'reasonable'. According to ProPG 'reasonable' internal conditions should only be considered acceptable where the development is necessary or desirable, if external noise levels are above the WHO guidelines.

9.173-9.165. Based on the above 5dB relaxation, the assessment states that during both day and night the Villas and the western façade of the Riverside Building will achieve the recommended internal noise levels with windows open, (this is not applicable to bedrooms areas during the day time directly facing the railway lines and Hampton Court Station due to LAm_{ax} levels from train events). However, the facades of properties facing HCW, railways lines and Hampton Court Station - will not achieve internal noise levels with windows open both during the day and night.

9.174-9.166. To achieve the 'reasonable' internal noise levels, the applicant has suggested the provision of certain glazing and ventilation (see Assessment 1, Chapter 5). Environmental Health Officers have however stated that they would like to see suitable glazing and ventilation that will achieve a good internal noise level standard based on the above table.

9.175-9.167. There could also be a 3dB increase in noise levels as future train events from Crossrail 2 will increase from 2 to 4 trains per hour.

9.176-9.168. With regard to vibration from the railway and noise from commercial activities, vibration measurements were taken from the railway and measured 4m from the rail head. The resulting vibration value is at a threshold where there could possibly be some adverse impact at night time. As suggested in the submitted assessment, a further survey needs to be conducted once the concrete footings are placed. Further survey work and a detailed scheme of noise and vibration mitigation if necessary can be secured by a planning condition.

9.177-9.169. Noise from commercial activities can potentially have a serious impact on residents, from opening hours of the units to delivery vehicles noise. Delivery times and opening hours can be controlled by a planning condition.

9.178-9.170. Environmental Health Officers highlighted several other potential noise sources that had not been addressed in the submitted documents. These have now been addressed in an additional technical note – Document Reference WIE 13473-107-NIA-TN-1-1-4 (March 2019). The additional areas considered were Hampton Court Palace, the Industrial Area to the south of the development and the nearby petrol station.

9.179-9.171. Hampton Court Palace is a popular tourist venue with a broad range of event. Several events are planned in the palace calendar: including music festivals, garden show, one off music concerts, disco nights and open-air ice skating. This could potentially cause noise issues for residents of the proposed development as they are closer than any other residential accommodation in the area.

9.180-9.172. To the south of the site across the River Ember and opposite the proposed residential units in the Hampton Court Way building, there is an industrial area. There is also a petrol station that is opposite the proposed Hampton Court Way building which is open 24 hours and currently incorporates a small supermarket.

9.181-9.173. The additional assessment report submitted found that whilst the industrial area and petrol station would not have an adverse effect on the future residents, Hampton Court Palace is a concern. The assessment only looked at two major events – Hampton Court Festival and ice skating. However, Environmental Health Officers state that it should be noted that Hampton Court Palace holds many other events that could also generate noise, for example the annual RHS Flower Show

9.182-9.174. The submitted assessment states that Hampton Court has no premises licence and therefore no noise controls or limits imposed via a premises licence. However local residents have stated that the events from Hampton Court Palace currently 'disturb their peace' (this relates to both noise and traffic congestion). The two-week long festival in June, which has a 3000 capacity runs from 9pm-10.30pm. On the final night the event starts at 8.30pm-10.30pm and a fire work display. Hampton Court Palace has an annual ice-skating event from 1st December to 6th January from Monday – Friday 11am-9pm, Sat – Sun 10am-9pm

9.183-9.175. The measured noise levels have been modelled to take into account the impact of concert noise and event noise on the future residents. It has been noted that an increase in noise levels that would be 'discernible' at the proposed Villa (east of the

Thames) and the proposed Riverside facades. The façade noise levels at the proposed Villas facing the River Thames, would increase from 55-60dBA to 60-65dBA when events take place. The proposed Riverside facades would increase from <50dBA to 55-60dBA.

[9.184-9.176.](#) The recommendation set out in the additional assessment submitted by the applicant for the impact from future noise from concerts and events from Hampton Court Palace, is to keep the mitigation originally proposed in the original assessment (thermal double glazing 25db Rw+Ctr) for the facades affected.

[9.185-9.177.](#) The proposed façades mentioned above that are affected by events at Hampton Court Palace would require more mitigation than currently proposed. It is imperative that good acoustic design is considered at the planning stage of the process so that noise does not adversely affect living conditions and the quality of life of the residents (ProPG). PARA 9.178 AND PARA 9.179 ARE PRESENTLY INCONSISTENT. IT MAY BE THAT 9.179 IS INTENDED TO REFLECT THE VIEWS OF OFFICERS BUT IF THE RESULTS OF THE ASSESSMENT SUMMARISED IN P.178 ARE BEING DISAGREED WITH, THERE NEEDS TO BE A REASON GIVEN TO SUPPORT THE REQUIREMENT FOR ADDITIONAL MITIGATION.

[9.186-9.178.](#) Environmental Health have recommended pre-commencement conditions which require the submission of a scheme to demonstrate that the internal noise levels within the residential units meet required standards to address the above concerns. Further pre-commencement conditions are recommended relating to noise insulation between the retail and residential units; noise from plant, machinery, extraction or filtration, refrigeration equipment and air conditioning units; and vibration from the railway.

Air Quality Management

[9.187-9.179.](#) On 17 November 2017 the Council declared an Air Quality Management Area (AQMA) No.2008/005 at Hampton Court the designated area includes both an area in Hampton Court Way and the Riverbank. The Riverbank is not an independent AQMA.

[9.188-9.180.](#) Concern has been raised in submitted letters of representation about the monitoring of air pollution in this area. Environmental Health Officers have responded and their comments incorporated into this section of the report.

[9.189-9.181.](#) The Hampton Court AQMA has five passive diffusion tubes and one Horba real time air quality analyser to monitor NO2 levels.

[9.190-9.182.](#) The co-location of passive diffusion tubes with a real time air quality analyser enables a bias adjustment factor to be determined for the passive diffusion tubes. The recommendation is that this is done in triplicate, hence the Hampton Court Station has three co-located passive diffusion tubes.

[9.191-9.183.](#) Specific concern was raised about one of the diffusion tubes being incorrectly placed or missing. With reference to the location of passive diffusion tube HC5 (located behind a large traffic sign at the Creek/ Bridge Road junction. The sign faces the roundabout at the junction of Riverbank and Hampton Court Way) Environmental Health Officers have stated that diffusion tubes are subject to theft and being moved. The tubes are replaced each month as part of an ongoing monitoring exercise. On 1 May 2019 as part of the monthly replacement the HC5 tube was moved back to its usual location and photographic evidence of this can be provided.

[9.192-9.184.](#) The published graphs in the Councils 2017 Annual Status Report (ASR) page 27 are depicting the 2016 passive diffusion tube annual mean NO2 data and show a declining trend just dipping under the 40 (µg / m3) objective limit level. The Hampton

real time analyser data for 2016, regarded as a more accurate reflection shows an annual mean NO₂ of 44 (µg /m³) above the objective level.

[9.193-9.185.](#) The Hampton real time analyser data for 2017, soon to be published shows an annual mean NO₂ of 41 (µg/m³).

[9.194-9.186.](#) It is not uncommon to get a level of difference between passive diffusion tube data and those of a real time analyser regarded as a more accurate reflection of NO₂ levels and a difference between years in this case 2016 and 2017.

[9.195-9.187.](#) Environmental Health Officers do not considered there to be conflict in the data. The 2017 ASR contains 2016 monitoring data.

[9.196-9.188.](#) The placement of the passive diffusion tubes and a real time analyser within the Hampton Court AQMA are considered sufficient for that area to meet the monitoring requirements required of the authority. This information is therefore sufficient to allow the assessment of the application.

[9.197-9.189.](#) A high level of objection has been received to the proposed development with regards to its potential impact on air pollution.

[9.198-9.190.](#) The Air Quality assessment conducted by Waterman, document Reference ES Vol 1, Chapter 9 (2018) has been assessed by Environmental Health Officer. They have confirmed that the methodology used to assess air quality by the consultants is in line with this type of application. Both nitrogen dioxide and PM₁₀ have been assessed as road transport is a key source, particularly in urban areas.

[9.199-9.191.](#) Emissions of total nitrogen oxides from motor vehicles exhausts comprise nitric oxide (NO) and nitrogen dioxide (NO₂). NO oxidises in the atmosphere to form NO₂. The most significant pollutants associated with road traffic emissions, in relation to human health are NO₂ and PM₁₀ (Para. 9.8 ES Vol. 1 Chap 9 2018).

[9.200-9.192.](#) The report produced took samples from 7 existing receptors (R1-R7) and 4 proposed receptors (P1-P4) within the development and measured nitrogen dioxide levels with and without the development.

[9.201-9.193.](#) The results conclude that there is an increase in the annual mean nitrogen dioxide levels at the existing receptors (assuming there is no improvement in nitrogen dioxide levels) with the development in place. It also shows that there is an exceedance at P4 (Hotel) (worst case scenario). Environmental Health concerns relate to the Hampton Court Way residential units.

[9.202-9.194.](#) The assessment concludes that the site is suitable for residential use and as such the effect of air pollutant concentrations on future sensitive uses of the Development are insignificant. However Environmental Health Officers consider that the future residents in the Hampton Court Way building are exposed to emissions from Hampton Court Way, due to bedrooms and living rooms with openable windows on the street façades, as well as balconies near to the street. Due to this Environmental Health Officers would recommend a glazing and ventilation scheme on those Hampton Court Way properties that face directly onto Hampton Court Way and those that face to the side of Hampton Court Way.

[9.203-9.195.](#) Each local authority in the UK has been carrying out a review and assessment of air quality in their area. This involves measuring air pollution and trying to predict how it will change in the next few years. The aim of the review is to make sure that the national air quality objectives will be achieved throughout the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment. If a local authority finds any places where the objectives are not likely to be achieved, it must declare an Air Quality Management Area (AQMA) there. This area

could be just one or two streets, or it could be much bigger. Then the local authority will put together a plan to improve the air quality.

9.204-9.196. The proposed site is within an AQMA and as well as this the development is close to the Borough boundary (Hampton Court Bridge) that joins to London Borough of Richmond (LBRUT). The LBRUT have declared the entire borough an AQMA. The LBRUT have confirmed that any increase in traffic is a concern for them.

9.205-9.197. The applicant is proposing works on the junction of Riverbank and Hampton Court Way to help alleviate traffic, improvements in traffic flow may facilitate an improvement in air quality.

9.206-9.198. Environmental Health Officers asked the applicant if they could conduct a further assessment to demonstrate to us the impact of the road improvement has on air quality. Unfortunately, the additional Air Quality Technical Note, Document Reference WIE13473-107-AQ-TN-1-1-2 (March 2019) submitted to them, did not attempt to quantify this and said simply that in their 'professional judgment', the air quality will be improved.

9.207-9.199. A Council objective for 2019/20 is to improve air quality within the Councils seven AQMA's. Environmental Health Officers request the inclusion of a condition requiring an assessment of the highway improvements and recommendations on how best to optimise the scheme once constructed. The aim of this assessment and recommendations is to improve air quality within the Hampton Court AQMA which could potentially lead to the Council undeclaring this AQMA.

9.208-9.200. When a development occurs within the air quality management areas, the Council require mitigation. Environmental Health Officers state that ideally, the development would be car free as the site has a highly sustainable transport network available to the future residents. Some mitigation such as resident car clubs etc. have already been addressed in other documents such as the Travel Plan. The overprovision of parking on this development would further add to the air quality burden. They would therefore recommend a reduction in car parking.

9.209-9.201. It is recognised that a reduction in car parking on the application site could reduce the reliance on individual car use and therefore potentially reduce air pollution in the locality, however this must be weighed in the balance with the local need to for parking and the Elmbridge Parking Standards which are discussed in more detail in paragraphs 8.123-8.131. A high level of objection has been received against the development due to the level of parking on the site and the public would prefer to see an increase in parking on the site. Due to the level of objection, Officers have not sought a reduction in car parking on the application site.

9.210-9.202. Environmental Health Officers recommend pre-commencement conditions relating to fresh air ventilation to habitable rooms, CHP plant emissions, a travel plan to minimise car use and details of electric vehicle charging points. A post completion condition is recommended for further air quality studies of the proposed highway improvement scheme as discussed above.

GIVEN THIS, YOU WILL NEED TO JUSTIFY RECOMMENDING APPROVAL FOR A SCHEME WHICH WILL WORSEN AIR QUALITY IN AN AIR QUALITY MANAGEMENT AREA GIVEN THE POLICY POSITIO (WHICH YOU NEED TO ADDRESS). AT THE MOMENT THE APPROACH YOU HAVE TAKEN TO MITIGATION IS TO CONCLUDE THAT IT WILL NOT PREVENT THE WORSENING. IS THERE NOT A CASE FOR TAKING ACCOUNT OF LIKELY IMPROVEMENTS IN VEHICLE EMISSIONS GOING FORWARD COUPLED WITH THE ROAD IMPROVEMENTS TO SUPPORT A CONCLUSION THAT THE WORSENING IS LIKELY TO BE SHORTLIVED IF IT OCCURS AT ALL? IT ALSO SEEMS TO ME THAT NOT TAKING THE OBVIOUS SOLUTION (TO REDUCE CAR PARKING) BECAUSE

OF LOCAL OBJECTION IS NOT A ROBUST APPROACH TO AN AIR QUALITY MANAGEMENT AREA

Contaminated Land

9.214-9.203. Concern has been raised in submitted letters of representation about contamination issues on the existing site.

9.212-9.204. The Council's Contaminated Land Officer has reviewed the information in Chapter 12 'Ground Conditions and associated figures and documents' of the submitted ES and has confirmed that they are consider that that the site poses potential significant risks under the proposed future use as a result of current ground conditions and the associated uncertainty. As a result, in relation to Contamination they have recommended a pre-commencement condition

Financial Contributions

9.213-9.205. Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application. The weight to be attached to these considerations is a matter for the Council.

9.214-9.206. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use. The New Homes Bonus is paid each year for 4 years. It is based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing affordable homes. The New Homes Bonus Scheme Grant Determination for 2019/20 is approximately £957,930.

9.215-9.207. Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the New Homes Bonus would be payable for the net increase in dwellings from this development.

Community Infrastructure Levy (CIL)

9.216-9.208. The proposed development is liable for CIL. The applicant has provided the relevant forms in accordance with the relevant regulations. The proposed development would require a CIL payment of £1,661,919.64.

9.217-9.209. Concern has been raised in submitted letters of representation about the impact of the development and increased number of users on local infrastructure and community services which are already strained. The applicant would be required to pay a Community Infrastructure Levy which would provide money towards the local infrastructure and community facilities where necessary.

Equality Act 2010

9.218-9.210. Section 149 of the places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or "PSED").

9.219-9.211. The proposed development provides a level access to all of the doorways and whilst lifts are relied on for access to the Villa apartments all of the apartments would be access ble for those with reduced mobility. The public realm space to the front of the site would also have level routes through it with clear legibility of the space so as to not disadvantage its users.

9.220-9.212. The inclusion of social housing into the development would aid to improve equal opportunity on the site. Whilst it would have been desirable to have included a mix of affordable housing tenures within the development (such as social rented units), the 12 proposed units which would be in Shared Ownership are still considered to provide towards equal opportunities for housing on the site for all persons.

9.221-9.213. The development would retain access to public transport with an aim to improve those facilities which support this transport hub. The proposal includes disabled parking and lift access to the platforms as well as level access from the street.

9.222-9.214. The proposal includes commercial uses in the form of retail, café and hotel uses. Concern has been raised that the competition arising from these uses may disadvantage businesses in the nearby area. Officers support the increase in employment uses in the locality together with the services they would provide to the Borough. Officers consider that business competition of the scale proposed is not considered to contravene the requirements of the Equality Act 2010.

10. Matters Raised in Representations

- 10.1. The proposed development would not be accessible to Fire Engines – the Fire Service was consulted on the application and they stated that the proposal would be assessed by Building Regulations. The developer has provided an additional tracking diagram which confirms that the underground car park would be accessible for Fire Engines and the development confirms they would comply with the necessary Building Regulations.
- 10.2. Disruption and disturbance during the construction phase – whilst some disruption is common place during a development there are recommended planning conditions relating to the construction phase in order to minimise this disruption where possible.
- 10.3. The development is lacking in ecological/ green design features and renewable energy – the development should be built to the highest ecological standards. The submitted Energy Statement is misleading – Sustainable construction methods and design features are incorporated into Building Regulations and therefore an assessment of the development sustainability with regards to energy efficiency and the use of CHP will be considered at that stage if planning permission is granted. The proposed development is considered to provide sufficient green spaces and would not cause significant harm to the local environment or ecology and therefore is considered to be acceptable in this regard from a planning perspective.
- 10.4. The Council refused the previous application so should refuse this one. Other applications have been refused in the area for lesser developments. The development will set a precedent for future development in the area – Each planning application is considered on its individual merits taking into account the Development Plan documents and other material considerations. These vary over time and between sites and therefore no planning application should be refused or permitted solely because of a previously determined planning application.
- 10.5. Concern the hotel will be turned into residential units – Further planning permission would be required for a change of use from a hotel to residential units.
- 10.6. The proposed apartments will not meet the identified housing need as they will be too expensive – as detailed in the report above, the proposed development would provide towards the identified housing need which is for housing across the range of values.
- 10.7. Claims about the application including their intentions and financial status – The claims made about the applicant and their financial status are not a material planning consideration

- 10.8. Lack of public consultation/ methods used in public consultation and gaining letters of support – the applicant undertook a public consultation. The Local Authority do not have any policies on how developers should undertake public consultations.
- 10.9. Sewerage and the local systems being over capacity – Thames Water have commented on the application. Connections to local sewage infrastructure will be submitted to Building Regulations
- 10.10. Alternative suggestions for the use of the site or the design of the proposal – the Council has a statutory duty to determine registered planning applications on their merits.
- 10.11. Unrealistic CGI's and misleading application documents – it is acknowledged that CGI's do not always depict a development how it will appear in reality once constructed. As assessment of the proposal is made using the scaled drawings and technical documents and site visits. Officers consider the submitted document to be sufficient to allow the determination of the application.
- 10.12. Comments regarding the Council supporting the application due to financial gain – the Local Planning Authority has a statutory duty to determine registered planning applications in an unbiased manner. The financial implications of the development relating to the New Homes bonus, Affordable Housing Contributions and CIL are set out above.
- 10.13. Financial compensation to locals – there is no mechanism for this within the planning system. The impact of the proposed development on property values is not a material consideration
- 10.14. Will Elmbridge Borough Council undertake due diligence if this project is to go ahead – Elmbridge Borough Council will carry out the its statutory duties set out in the Government legislation.
- 10.15. Terrorism and safeguarding – the Police Safeguarding Team have commented on the planning application and recommended a planning condition.
- 10.16. Other planning matters raised in letters of representation have been addressed within the remit of the report above. THE 8M STRIP ADJACENT TO THE RIVER EMBER HAS NOT BEEN PICKED UP
- 10.17.

11. Overall Balance and Conclusion

- 11.1. The proposed development would result in a high quality present a comprehensive redevelopment of this site, ~~and is considered to represent an improvement on the extant permission on the site. It would achieve a higher quality development through the redistribution in the mass and bulk of the building and setting back the development further off the waterfront. This has allowed for increased public realm space to the north of the site and increased communal amenity space to the south of the site. The proposed buildings are higher than those in the extant scheme. However, it is considered that the developments dominance on the river frontage has been reduced through the alteration in the design of the development as well as the redistribution of the building mass across the site. This~~ It would create a well designed site with public open space on the river frontage, encouraging use and recreation along this part of the river frontage and generally enhancing the sense of place in the locality and opposite the important heritage asset and tourist attraction of Hampton Court Palace. The entrance and bus/taxi drop off for the station creates a much needed focus for the station itself and overall the proposal would provide good legibility for users across the site. The applicant has addressed the poor design of the previously permitted Hampton Court Way building and whilst a high level of objection has been raised to the design of the proposed Hampton Court Way building it is considered to be in keeping with the

wider character of the area and to represent an improvement to the streetscene when compared to the extant permission.

11.2. The proposed development is considered to provide a good level of accommodation for the users of the site and would provide a well designed, high quality development in this important part of Elmbridge. It is considered to have less than substantial harm on the heritage assets including Hampton Court Palace, Hampton Court Bridge, the locally listed Station building and the surrounding Conservation Area. THIS NEEDS TO BE REVIEWED ONCE THE HERITAGE SECTION HAS BEEN RE-WRITTEN It is also not considered to result in substantial harm to the local townscape or landscape GIVEN THAT IS IS GENERALLY BENEFICIAL. THIS SHOULD BE EXPRESSED IN THE POSTIVE.

11.3. The proposal would provide significant public benefits in the form of much needed highway improvements; the provision of 97 residential units (including 12 affordable units) which provide towards the identified housing need YOU HAVE NOT SET OUT THE ASSESSED HOUSING NEED USING THE STANDARD METHODOLOGY. YOU SHOULD DO SO. GIVEN THAT THE 2013 ACT MAY REQUIRE CONSENT TO BE GIVEN FOR THE DEVELOPMENT TO BE GIVEN BY HISTORIC ROYAL PALACES. I WOULD NOT GIVE MATERIAL WEIGHT TO ANY POSSIBLE CONTRIBUTION TO THE FIVE YEAR LAND SUPPLY; and the provision of additional employment. The proposed development would also make good use of a run down and under-utilised site which is situated within a sustainable location. It is therefore considered that the less than substantial harm caused by the proposed development to both designated and non-designated heritage assets is outweighed by the public benefits that the proposed development would bring to the area AT THE MOMENT THE REPORT DOES NOT RECOGNISE THAT THE BENEFITS MUST BE SUFFICIENT TO OUTWEIGH THE CONSIDERABLE IMPORTANCE AND WEIGHT TO BE ATTACHED TO THE HARM TO THE DESIGNATED HERITAGE ASSETS WHICH YOU HAVE IDENTIFIED AND WOULD LEAD TO THE PLANNING PERMISSION BEING QUASHED.

11.3-11.4. Surrey County Council Highways Authority have assessed the application and confirmed that, subject to the imposition of planning conditions and securing details of highway improvements through a S106 agreement, the proposed development would not lead to highway safety or capacity issues. The trips generated by the site amount to a minimal increase compared to the existing levels of traffic on the road. The changes to the highway layout would significantly improve the current situation with particular attention paid to vulnerable road users - cyclists and pedestrians. With regards to car parking on the site, both the Highways Authority and Elmbridge Environmental Health Officers consider there to be an overprovision of parking due to the sustainable location of this site. However, this has to be balanced with the significant level of public objection to the development on parking. It is considered that the proposed development would provide an appropriate level of parking to support the proposed development in this sustainable location.

11.4-11.5. An assessment of the impact of the proposed development on the amenities of the neighbouring properties is set out within the report. It is concluded that the proposed development would not result in a significant loss of light to the properties in Hampton Court Way. The proposed separation distance is large enough that the proposed development would not have a significantly dominant or overbearing impact nor would it result in any significant loss of privacy to those properties.

11.5-11.6. The proposed development has also been assessed with regards to other environmental matters such as flooding and sustainable drainage, ecology, air quality management, noise and vibration and contaminated land. The proposed development is considered to comply with planning policy on these matters subject to the planning conditions. HOW DOES IT COMPLY WITH THE POLICY ON AIR QUALITY?

~~11.6.~~—The proposed development is considered to comply with the National Planning Policy Framework, the up-to-date policies in the Elmbridge Core Strategy (2011) and the Elmbridge Development Management Plan (2015). ~~In view of the above the recommendation is as follows: IF THE DEVELOPMENT CAUSES HARM TO THE LISTED BUILDINGS AND THE CONSERVATION AREA, IS THIS CONCLUSION CORRECT?~~

11.8. ~~Overall~~Officers would separately note that the proposal is an improvement on the extant permission and is considered to be a good development for this site in terms of its design, layout, quality of accommodation, and its townscape and landscape visual impact and trees. THIS IS THE PARAGRAPH WHICH CAN BE EXPANDED TO ADDRESS THE COMPARISON BETWEEN THE PROPOSED AND THE PERMITTED SCHEMES.

Recommendation A

Subject to the completion of a satisfactory legal agreement securing the highways alterations and improvements, provision of travel plan, car club and public transport infrastructure improvements and the provision of on-site affordable housing provision together with late stage review mechanism within 6 months of the Committee resolution, the recommendation is to grant permission subject to the planning conditions set out below.

Recommendation B

If a satisfactory legal agreement is not completed, delegated authority be given to the Head of Planning Services to refuse planning permission for the following reasons:

- 1) The proposal would, by reason of the lack of a Unilateral Undertaking in relation to securing the provision of on-site affordable housing, would be contrary to the requirements of Policy CS21 of the Core Strategy 2011 and the Developer Contributions Supplementary Planning Document 2012.*
- 2) The proposal would, by reason of a lack of a S106 in relation to the highway alterations and improvements, provision of travel plan, car club and public transport infrastructure improvements would have a detrimental impact on highway safety and capacity contrary to the requirements of Policy CS25 of the Core Strategy 2011 and DM7 of the Development Management Plan 2015.*

The proposed development does require a CIL payment of £1,661,919.64.

Recommendation: Permit subject to the receipt of a satisfactory legal agreement.