



Appeal Decision

Hearing held on 8 & 9 May 2013

Site visit made on 9 May 2013

by Frances Mahoney DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 June 2013

Appeal Ref: APP/K3605/A/13/2190487

Hampton Court Station & The Jolly Boatman, Hampton Court Way, East Molesey, Surrey, KT8 9AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval to details required by a condition of planning permission.
 - The appeal is made by Gladedale Estates Ltd against Elmbridge Borough Council.
 - The application Ref 2012/3262 is dated 7 September 2012.
 - The development permitted is 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 details for which approval is sought relate to a Travel Plan in accordance with condition 18 of planning permission 2008/1600 granted on 16 June 2009.
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Decision

1. The appeal is allowed and the Travel Plan (C-33893-TR-003-A07) details submitted pursuant to condition No 18 attached to planning permission Ref 2008/1600 granted on 16 June 2009 in accordance with the application (2012/3262) dated 7 September 2012 are approved.

Application for costs

2. At the Hearing an application for costs was made by Gladedale Estates Ltd against Elmbridge Borough Council. This application is the subject of a separate Decision.

Preliminary matters

3. Full planning permission was granted for the redevelopment of the appeal site in June 2009 (2008/1600). This included 66 residential units, retail, commercial space, 46 bedroom hotel, 61 bedroom care home, refurbished railway station, new transport interchange, car parking and highway improvements.
4. For clarity, I can confirm that planning permission 2008/1600 was granted with a condition (1) requiring the development permitted to commence before the expiry of three years from the date of that permission (16 June 2009). However, it was subsequently the subject of an unsuccessful legal challenge. As a result under the terms of Section 91(3A) and (3B) of the Town and

Country Planning Act 1990 (as amended), the period for the implementation of the permission was extended to 16 June 2013.

5. The permitted scheme covers the following main aspects of the development:
 - overall layout, including that relating to the underground car park, and its entrance and exit onto Hampton Court Way;
 - the service road/access to Cigarette Island Park;
 - the design of the proposed new buildings and their immediate surroundings; and
 - the refurbishment of the station buildings and its forecourt.
6. A Transport Assessment dealing with the transport impact of the development formed part of the supporting documentation considered by the Council when permitting planning permission 2008/1600. The off-site highway works were developed by the appellant company and Surrey County Council as highway authority. They were examined within the transport assessment. They included the extension of the existing cycle route, the introduction of traffic light controls, and the remodelling of the road layout from Riverbank and Creek Road. All of these off-site highway works are the subject of a signed and completed Section 106 agreement. In addition, Gladedale Estates Ltd will enter into a Section 278 (Highways Act 1980) agreement with Surrey County Council at the appropriate time for construction of the works on the highway.
7. The permitted scheme was clearly controversial at the time the Council granted planning permission. Continued opposition by third parties has persisted. I was conscious that, at the hearing, much of the concern expressed related to matters which had already been debated and weighed into the balance of the decision to permit the development, by the Council. Therefore, for the avoidance of doubt and, as I made clear at the Hearing, this appeal is not an opportunity to re-open such areas of debate which have already been considered by Elmbridge Borough Council. I am charged with determining this appeal which relates solely to whether the submitted details in relation to condition 18 are acceptable. I have approached the appeal accordingly.
8. Amendments to the travel plan were proffered at the hearing following discussions between the Council and the appellant company. These amendments, in the main, related to clarification of the following points;
 - the inclusion of the Borough Council as a party to the agreement of the future advancement of the travel plan;
 - the timing and role of the appointment of travel plan co-ordinators relating to specific aspects of the development;
 - the type of operational system relating to the car park, both now and for the future;
 - the general measures which would be publicised for alternative car/coach parking provision during construction works;
 - the number and general location of cycle parking to be provided;
 - a general target for the reduction of single occupancy car drivers over the first five years;

- the time scale for the commencement of travel surveys;
 - the recognition that if the travel plan is not meeting its targets further surveys will be undertaken beyond the fifth year; and
 - the terms of section 9 of the Surrey County Council: *Travel plans good practice guide*, would be adopted were enforcement necessary.
9. These amendments were consolidated in the *Framework Travel Plan* document reference no C-33893-TR-003-A07. They were promoted to address the Council's concerns and had come about through discussions with the Council's officers. Nonetheless, it was essential to ensure that all parties/stakeholders would have been engaged in the consideration of the proffered amendments. Therefore, an appropriate process of a two week period of consultation was undertaken by the Council. The resultant comments received have been taken into account in the consideration of this decision.
10. The above amendments served to narrow the matters in dispute between the Council and the appellant company. The Council clarified that their concerns with the terms of the travel plan centred on a lack of details in respect of two specific areas;
- how the modal split targets would be arrived at; and
 - how any remedial measures and actions might be funded.
- These matters will be addressed later in the decision.
11. However, the modification of the Council's position in relation to the detail of the travel plan does not diminish the opposition of the third parties, in so far as their concerns relate to the travel plan itself.

Planning policy background

12. The reason for the imposition of condition 18 was in recognition of the advice in Planning Policy Guidance Note 13 – Transport (PPG 13), Policy MOV8 of the Replacement Elmbridge Borough Local Plan 2000 (RLP), and Policies DN2, DN3 of the Surrey Structure Plan 2004 (SP).
13. PPG 13 was replaced by the National Planning Policy Framework (the Framework) in March 2012. RLP Policy MOV8 was not saved and the policies of the SP were replaced by the South East Plan 2009. This latter document was subsequently revoked in March 2013.
14. Therefore, with the passage of time and the adoption of the Elmbridge Core Strategy (July 2011) (CS) the following policies are relevant in this case. RLP saved Policy MOV4 and CS policy CS25, in essence seek to minimise the impact of vehicle and traffic nuisance whilst promoting improvements to sustainable travel and accessibility to services. These policy aims are consistent with those of the Framework which recognise the need to maximise sustainable transport solutions, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
15. The Framework defines a travel plan as a long term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed. It is

recognised as a key tool to facilitate the protection and exploitation of opportunities for the use of sustainable transport nodes for the movement of goods and people. The form and scale of the development will determine the type of travel plan required.

16. CS Policy CS25 identifies travel plans as a means to promote the delivery and use of sustainable transport. Specific initiatives for tackling congestion and increasing accessibility include a requirement for a travel plan as a prerequisite for significant new development.
17. The CS identifies the Surrey County Council document *Travel plans good practice guide* (TPGPG) as direction for those submitting planning applications, describing how the highway authority uses the planning process to secure travel plans to improve and promote sustainable travel. This document follows the general terms of the Department of Transport *Good Practice Guidelines: Delivering Travel Plans through the Planning Process* (GPG).
18. The development permitted is of mixed uses with multiple occupiers/phases. Whilst the residential element of the development and the parking for the station may be more predictable elements of the travel plan, the end users of the proposed hotel and the care home are unknown. In these circumstances the appellant company has submitted a framework travel plan (FTP), sometimes known as an umbrella or skeleton plan. The overarching nature of this type of travel plan, setting overall outcomes, wider targets and indicators for the entire site is best suited to the scheme permitted at its current stage in the development process.
19. Subsidiary travel plans would be prepared utilising the set parameters, wider targets and requirements identified within the FTP when the occupiers of the individual elements of the overall development are known.
20. This staged approach reflects the nature of travel plans generally as 'living documents' which evolve overtime as more specific data reflecting actual factual information becomes available. Therefore, management and review are important elements of the FTP.
21. The approach of the appellant in producing the FTP is not contested by either the Council or the highway authority as being inappropriate in this instance. Both the TPGPG and the GPG promote such a means to effectively identify and respond to a local situation and policy. This is consistent with the spirit of the identified aims of the Framework. I am satisfied that the staged development of a travel plan is acceptable in the circumstances of the development permitted.

Main Issues

22. The main issues are whether the submitted FTP would deliver sustainable transport objectives, giving people a real choice about how they travel; and consequently whether the submitted details are acceptable under the terms of condition 18 of planning permission 2008/1600.

Reasons

23. It is acknowledged by the parties that the appeal site, with the inclusion of the Hampton Court Railway station, lies in a highly sustainable location. A significant number of visitors to Hampton Court travel by train and the station

is an important commuter connection to central London. It also serves as a bus interchange and this function would be maintained during the construction period. The development permitted would up-grade the facilities of the station, maintain the current level of car and cycle parking, whilst providing new commercial space, hotel accommodation, a care home and residential units including social housing.

24. The FTP, as a general strategy outlines the management of multi-modal access to the site, whilst focusing on promoting access by sustainable modes. It seeks to meet the needs of the site users, in particular reducing the impact of car travel, encouraging greater use of public transport, cycling and walking, and where possible reducing the need to travel. It sets out sustainable travel objectives that occupants must commit to achieving through various measures. These include promotion of car sharing, public transport, walking and cycling. It also includes how success in achieving travel objectives would be measured with targets and a monitoring plan. The FTP is presented as a continuous process for improvement requiring monitoring, review and revision to ensure it remains relevant to those using the site.
25. The appointment of the Interim Principle Travel Plan Coordinator prior to the appointment of the main contractor would ensure that agreed measures to minimise traffic disruption during construction would be implemented. As the development progresses, each individual element would be likely to appoint their own Travel Plan Coordinator. Funding and resources to implement the requirements of the travel plan (FTP and any approved subsidiary plans), any remedial measures or action, would be provided by the occupiers of the development, in the main, through service charges. The Site Management Company would secure and manage such funds particularly in relation to any identified mitigation measures. Such an approach to funding the elements of the travel plan allows for the exact sums involved to be determined within the review process when more certain information would be known. This is a reasoned response in the circumstances and is set out within the terms of the FTP.
26. Turning then to whether the identified targets within the FTP relating to modal splits are appropriate. Local travel to work patterns obtained from census information have been used to assess the modal split of trips at the site. It was acknowledged by the appellant that the base census information was historic and, as part of the ongoing review of the travel plan, the modal split would be reappraised as more up to date data became available.
27. An essential element of the travel plan is a travel survey. This serves to inform the setting of the actual modal split target. The travel survey would be carried out in years one, three and five from first occupation of the development. From this actual data, the initial modal split estimations can be compared. Appropriate baseline modal shift targets would be set in discussion with the highway authority and the Council. At this stage in the process, as residents and occupiers of the development are unknown, it would be unreasonable to set actual modal shift targets. However, a general target for the reduction of single occupancy car drivers over the first 5 years of the plan was agreed by the main parties as being 10 to 15%. In the context of the FTP and the unknown nature of the end users, this is a reasonable compromise in the setting of an interim target.

28. Monitoring and review would be undertaken in consultation with the highway authority and the Council. This would coincide with the periods of re-evaluation of the travel survey and the reappraisal of the modal shift targets. Poor performance against set targets would result in an extension of the period for undertaking further travel surveys and monitoring reports into years 7 and 9.
29. The adoption of an FTP at this stage in the development process is justified. It is acknowledged that it is a document to be reviewed and monitored on an on-going basis. However, it forms the skeletal basis for the subsidiary travel plans which would emerge from the individual elements of the scheme as the development progresses. The involvement of the highway authority and the Council is integral to the advancement, maintenance of quality and effectiveness of the travel plan. This is particularly pertinent to the monitoring and review of the evolving document.
30. The FTP, as the initial travel plan in a suite of interlinked and interdependent travel plans, would facilitate the promotion of improvements to sustainable travel and the accessibility to services, encouraging people out of cars onto public transport or cycles or walking. This would be in accordance with RLP saved Policy MOV4 and CS policy CS25, along with the general thrust of the Framework in its advancement of sustainable development.

Other matters

31. Much of the concern raised by local residents related to the following points.

Visibility at the proposed and modified vehicular/pedestrian/cycle accesses on to Hampton Court Way.

32. Condition 15 of planning permission 2008/1600 deals specifically with this point requiring such accesses to be designed, constructed, and provided with visibility zones in accordance with the approved plans before the development is occupied. This is an appropriate mechanism to deal with this matter. The highway authority, through the Section 278 agreement, would also be able to consider the wider visibility issues outside of the site boundaries.

Parking of cars

33. The FTP indicates that the proposed basement car park would provide 287 parking spaces, including 15 disabled spaces. 238 spaces would be for public use, with the remainder split between the care home and the residential development. There would be no dedicated car parking for retail and hotel uses at the site, although they would be able to use the public spaces.
34. Condition 16 of planning permission 2008/1600 requires a maximum of 287 car spaces to be laid out within the site in accordance with the approved plans. The FTP reflects the terms of this condition, non-compliance with which would leave it open to the Council to seek resolution.
35. The design and operation of the car park would be reviewed at the detailed design stage.

'Kiss and ride' facility

36. The FTP does indicate that the drop off and pick up point for railway passengers would be part of the proposed new underground car park. A 'free' period within the charging tariff would apply allowing the 'kiss and ride' facility to be maintained. Condition 56 of planning permission 2008/1600 specifically deals with the details of the arrangements for this facility, particularly in relation to convenience. Other than the reference already made in the FTP, I do not consider it necessary to consider this further, it being the subject of another condition.

Cycle parking and access

37. It is proposed to provide 138 cycle spaces on the site, as set out in the FTP for rail users. This would match the existing number of cycle spaces within the station. These spaces would be covered and in a secure location near the platforms. In the order of 157 further spaces would be provided for residents, the care home, and employees of the retail units and the hotel. The provision would be kept under review as part of the on-going travel monitoring.

38. Condition 19 of planning permission 2008/1600 requires the submission and approval of a scheme to provide secure cycle parking, changing facilities and safe cycle routes. Condition 16 also specifies that there shall be a minimum of 150 cycle spaces to be provided before any new development is occupied. These terms reflect those within the FTP and provide the Council with an effective means to secure implementation. The FTP allows for the review and monitoring of this provision overtime.

Parking during the construction period.

39. In relation to the parking of vehicles of site personnel, operatives and visitors details of such provision is to be dealt with under the terms of condition 17 of planning permission 2008/1600. This includes measures for traffic management, loading and unloading, and storage of plant and materials.

40. In respect of coach parking, the permitted scheme does not include any coach parking. This is a matter already accepted by the Council and I do not propose to comment further.

41. As I saw at my site visit the existing station car park is well used. It is available to anyone prepared to pay for a time period of parking, including those visiting Hampton Court. During the construction period there would undoubtedly be a period when car parking would be unavailable. The FTP makes clear that the Interim Travel Plan Co-ordinator would make available to all relevant stakeholders, information on alternative parking provision for cars and coaches during the construction works. This information should be made available to the public. This might result in some commuters changing their station of embarkation or seeking out other car parking arrangements. However, I am conscious that the inconvenience to station users in respect of the lack of on-site car parking facilities would be short lived, over the span of time during the construction of the development. The long term benefits of the development would outweigh any inconvenience in this regard.

Flooding

42. With the site being close to the River Thames and the car parking being within the basement of the development, there were concerns regarding the possibility of flooding. However, conditions 20, 21, 22 and 23 of planning permission 2008/1600 all deal with flood proofing measures. These are matters which would not be appropriately dealt with as part of the FTP.

Viability of the overall development

43. This was not a contention made by the appellant company nor was contested by the Council. As my remit lies solely with assessing the robust and effective nature of the travel plan, such a wide reaching, unsubstantiated facet of the development permitted goes beyond my terms of reference in respect of this appeal. I have not considered the matter further.

Other matters conclusion

44. I am satisfied that where applicable and pertinent, the above matters can be appropriately dealt with by means of the requirements of other conditions of planning permission 2008/1600, some of which have already been discharged, or are adequately dealt with in the FTP.

Conclusion

45. Therefore, for the reason set out above, the submitted details in relation to the travel plan required under the terms of condition 18 of planning permission 2008/1600 are acceptable and approved.

Frances Mahoney

Inspector

APPEARANCES

FOR THE APPELLANT:

Mary Cook	Of Counsel instructed by Planning Potential
Caroline Dawson BA(Hons) DMS MRTPI	Planning Potential
Richard Simmonds BSc(Hons) DipL Eng CEng MICE	Divisional Director Waterman Transport & Development Ltd
David Robertson	Network Rail
James McCrae	Gladedale Estates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

David Lintott	Of Counsel instructed by Graham Eves PFA consulting on behalf of Elmbridge Borough Council
Graham Eves BSc CEng MICE MCIHT	Director PFA Consulting
Richard Morris	Head of Planning Elmbridge Borough Council

INTERESTED PERSONS:

Cllr Ian T Donaldson	Ward member Molesey South – Member of North Area Planning Committee
Cllr Chris Sadler	Ward member Walton Central Ward – Chairman North Area Planning Committee
Cllr Tony Popham	Ward member Molesey East
Cllr Stuart Selleck	Ward member Molesey North
Gerald McAully	Local resident
Andrew Roberts	Local resident
Karen Liddell	Local resident
Nell Nockles	Local resident
Tony Nockles	Local resident
Penny Lee	Local resident
John Legate	Local resident
Liz Taylor	Local resident
Peter Felton	Local resident
Penny Owen	Local resident
Jenny Bell-Chambers	Local resident
Jenny Band	Local resident

DOCUMENTS

- 1 Transport Assessment – June 2008
- 2 Development Brief Hampton Court Station and Jolly Boatman

- 3 Sites, East Molesey
- 3 Good Practice Guidelines: Delivering Travel Plans through the Planning Process
- 4 Paragraph 91 of the Town and Country Planning Act 1990
- 5 Thames Screenline Cycle Flows and Trends
- 6 Existing and proposed direction of flow of traffic plans
- 7 Statement of Andrew Roberts
- 8 Statement of Karen Liddell including video and letter from Sustrans dated 2 May 2013
- 9 Statement of John Legate
- 10 Statement of Nell Nockles
- 11 Addition to Statement of Nell Nockles
- 12 Statement of Tony Nockles
- 13 Statement of Gerald McAully
- 14 Statement of Penny Lee
- 15 Statement of Cllr Chris Sadler
- 16 Statement of Cllr Ian Donaldson
- 17 Framework Travel Plan - C-33893-TR-003-A07