

Councillor John O'Reilly,
Leader of Elmbridge Borough Council
28 Garrick Close
Hersham
KT12 5PA



17th February 2011

Dear Councillor O'Reilly,

In a recent interview for BBC Radio you were asked, as Leader of the Council, to comment on the news that the High Court had dismissed Keith Garner's legal challenge against your Council, Elmbridge, over its approval of plans for a wholesale redevelopment of the site opposite Hampton Court Palace. Your comments proved very controversial, and the HCRC*, your principal opposition pressure group, would like to use this open letter to point out where we believe your comments were less than satisfactory, and thus set the record straight.

It is accepted that Hampton Court Palace is one of the country's most treasured historic sites. The public might reasonably expect that proposals to reshape the future of this unique location had undergone the most rigorous scrutiny. Listeners were astonished to hear your remarks that...

..."it was not an absolutely overwhelming case, Mr Garner does have a point, the architectural aspects were, in my mind..... just about ok"

HCRC supporters agree with Mr Garner, that 'just about ok' is resoundingly inadequate and thoroughly unacceptable. The Judge, and even Elmbridge's own legal Counsel, acknowledged that the setting of the fragile Tudor Palace complex was foremost in the planning decision. The Judge ruled:

'...I do not see how they can avoid having special regard to the desirability of preserving the setting, and would expect strong reasons for the grant of any permission which harmed it. The importance of the setting of the Palace could not have been in doubt.'

'...the desirability of preserving the setting of the Palace and the Bridge was one of the key issues, if not the key issue or consideration, in the decision. It was not treated as just one among a large number of material considerations. Indeed, it would beggar belief, as Defence Counsel for the Council put it, dealing with a site so close to the Palace and Bridge, not to have had special regard to their setting'

On this point your fullest explanation is expected. Do you really believe that your decision has not harmed the Palace's setting?

Next, you went on to say, "What really swung it for me, both in Committee, I was a member of the original Committee, and in front of full Council in 2008, was the incorporation of the 61 bedroom Care Home for the Star and Garter."

Entering into a joint-venture with a house builder and Network Rail, the Royal Star & Garter Charity was recognised as playing a key role in smoothing over resistance to the Gladedale plans. Other Councillors besides you, were swayed by the high regard in which Royal Star and Garter Homes Charity is held. However, the RS & GC has since withdrawn from the scheme to an alternative site in Surbiton and although problematic, Gladedale Homes- the developer, is giving confident assurances that a new user will be found. Councillors might rightfully reflect on whether the development would have secured their fulsome support had the RS & GC not played so significant a part in the planning application.

You commented that [“many other Organisations and residents supported the scheme”](#).

Well, HCRC refutes this claim absolutely and invites you to reply, explaining your remarks more fully, because thousands of heartfelt letters came from households, both local and National, expressing widespread, majority opposition to the scheme. There were innumerable letters of representation from residents and collective representations from Residents' Associations within Elmbridge and across neighbouring Boroughs. Of serious concern to us were the manufactured pre-printed cards sent in by RS & GC supporters and the developer's so-called 'survey' cards, said to number 2,700. Well in advance of the publication of the Officers' Report, HCRC challenged the right to allow these cards to be admitted, but Officers went on to make no numeric distinction between them. Hence, the data that was distributed to Councillors was a travesty of the facts and falsely distorted the strength of approval.

Far from supporting the scheme, the views of those influential, professional bodies, dedicated to the preservation of the environment of Hampton Court and the Thames corridor, resoundingly rejected the development with explicit messages of opposition.

These Consultees included:

Historic Royal Palaces,
Campaign for the Preservation of Rural England
Thames Landscape Strategy
London Borough of Richmond upon Thames
London Parks and Gardens
East Molesey Conservation Committee
Friends of Bushy and Home Parks, who said, 'It would be a disaster'.

Surrey County Council's own Principal Planning Officer responded to both proposals with his over-arching objection on 27 August 2008 – 'planning objection is maintained to comprehensive redevelopment proposals for the Jolly Boatman and the Hampton Court Station site'. This comment was inexplicably omitted from the Officers' Report, why? But even accepting this, it is utterly incomprehensible that so many of your Councillors granted unquestioning approval, given the overwhelming weight of opposition.

As for your comments on the apparent favour shown by English Heritage and CABE...

...EH made it clear that its support and preference was extended to the Quinlan Terry classically designed hotel (over the original modern Allies and Morrison scheme) which would be chosen only 'IF development on the site between the Station and the Thames is acceptable as a matter of principle'. EH always maintained its belief that, 'the objective of enhancing the setting of the Palace, the Station and the appearance of this part of East Molesey would best be achieved by creating a landscaped public park or space between the Station and the Thames.'

Similarly CABE, the Commission for Architecture and Built Environment, primarily consults and comments on design treatment and interpretation, so its approval was not related to the principle of building development.

Your comment that, [“our job as a Council is to consider the Application on its merits, does it meet our requirements? Is it going to be a value to our community?”](#)

On these questions, Molesey's residents are acutely aware of the scheme's long list of weaknesses and are eager to hear your responses on how you are able, on balance, to justify the imperceptible Community benefit.

The withdrawal of the RS & GC Home from the scheme has removed any prospective local employment opportunities. Furthermore, Elmbridge Housing Services has made a

remarkable concession to accept only 10% of Affordable Housing and not the usual 40%. Even the aspiration of the Planning Brief to construct a much needed footbridge over the River Mole, connecting Hampton Court to Thames Ditton, has not been facilitated. It is hard to define exactly what benefit Molesey will derive from this massive project apart from the renovation of the historic Railway Station which, frankly, Network Rail should have independently undertaken long ago.

Furthermore, even though you have granted contentious permission, should construction ever get underway, HCRC fears that the developer, by putting a persuasive case against the commercial viability of the site, could in the future apply to you for a change of use to housing of the Care Home and the Hotel. The question then is: Does Elmbridge Council have any policy in place to put constraints on this transparent opportunistic device before any construction takes place?

HCRC believes that an early reply from you would be both advisable and helpful in order to clarify those elements of your broadcast that we believe amount to misunderstanding or intentional misinformation.

Yours sincerely,

Brian Rusbridge CBE
HCRC Joint Co-ordinator
19 Beauchamp Road
East Molesey
Surrey KT8 0PA

Prof. Bryan Woodriff
HCRC Joint Co-ordinator
Blenheim Villa
40 Priory Rd
Hampton TW12 2PJ

*Hampton Court Rescue Campaign

www.hamptoncourtrescuecampaign.com

Cc:

Rt Hon David Cameron MP Prime Minister

Rt Hon Dr Vincent Cable MP for Twickenham
Rt Hon Dominic Raab MP for Esher and Walton
Rt Hon Edward Davey MP for Kingston and Surbiton
Rt Hon Zac Goldsmith MP for Richmond Park
Rt Hon Eric Pickles Sec of State Communities and Local Gov't

Charles MacKay Chairman of Trustees, Historic Royal Palaces
David Starkey CBE FSA TudorHistorian

Elmbridge Borough Councillors by email