

Application no:	2018/3803
Ward:	Molesey East Ward
Case officer:	Jennifer Margetts
Location:	Jolly Boatman And Hampton Court Station Redevelopment Area Hampton Court Way East Molesey Surrey KT8 9AE
Proposal:	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.
Applicant:	Alexpo Ltd and Network Rail Infrastructure Ltd
Agent:	Mr James Owens JLL 30 Warwick Street London W1B 5NH

Report

Representations: 2255 households/premises in the vicinity of the site were consulted of this application and site notices erected around Cigarette Island Park on the 28/02/2019 to notify the public of this application.

The site plan on the application was amended during the course of the application and all properties previously notified were reconsulted on the change to the site plan which extended to include the boundary of the Jolly Boatman site.

133 letters of objection were received as well as an objection from the local residents group Hampton Court Rescue Campaign raising the following summarised concerns:

- Overdevelopment of the site
- Loss of green space and public access
- Impact on river views and views of the palace
- Creating a park land would be a much better use of the space
- Impact on businesses in the area
- Breaches covenants on the land limit the land to be used only as open space for the use of the public for games and recreation
- The fence protection to trees and the car park boundary will cause visual harm
- Lack of surveillance will lead to risk to personal safety and unauthorised users
- The reduction in open space will render the remainder of the park unusable
- Suggested proposal for the long term vision and management of the park
- Lack of infrastructure to support the development
- Loss of disabled facilities
- Has the offer of £25,000 towards the replacement of trees and other works in the park been withdrawn following the refusal of planning application 2018/3810 and thus should not be taken into consideration in the determination of this application.
- Contrary to national policies to encourage health and exercise
- Highway safety and parking
 - Impact on highway safety and capacity which specific concern relating to the access and increased in traffic in the area

- Impact on parking stress and the impact that will have on residential amenity in the area
- What impact will it have on the R68 bus route
- The area is dangerous and busy
- Lack of infrastructure to support the development
- 110 spaces is insufficient for the existing railway
- The temporary car park is likely to become permanent
- The access is dangerous for park and boat users and parking vehicles
- There is no provision for cyclists
- The access point is shown differently in Plan 007/A04 Temporary car park layout as off the existing park access road as in the Waterman's tree protection plan as off the new access road. The car park access is not established in the context of a construction programme. The car park dimensions are different on the two plans.
- Layout and number of parking spaces is insufficient
- Construction vehicles should be contained on the development site itself
- This may allow for the contractors to park there and there are insufficient spaces if they end up parking construction lorries while they load and unload.
- Impact on heritage assets and status
 - Cigarette Island Park should be locally listed – An appraisal of the cultural significances of the park informed by historic surveys and pictorial history was submitted with the representation
 - Impact on/harm to the air raid shelter which should be considered for listing
 - Harm to surrounding heritage assets including non-statutory heritage assets
 - Loss of potential archaeology
 - Impact on views of Hampton Court Palace and Bridge
- Environmental concerns:
 - Harm/loss of trees and hedges
 - Impact on ecology and protected species such as bats and badgers
 - The restoration of the land to its former condition would require strong enforcement and should be restored to a improved status
 - Flooding – what impact would it have on the time frame for the construction works
 - Air pollution
 - Noise pollution/impact
 - There will be more physical works than are disclosed i.e. security barriers, CCTV etc. which will all have a negative impact on the environment
 - No details of lighting columns and ticket machines which will require electricity supplied and a significant quantity of concrete below ground which will cause permanent damage to the sub soil
 - The tree report is insufficient
 - Lost trees should be replaced where trees have been previously lost through natural causes
 - The surface material and sub base will cause drainage and pollution problems
 - Disruption during the construction process
- Other matters

- Seeking explanation as to why the determination was delayed and seeking officer correspondence with the agent regarding extension of time is added to the file.
- The site address should be Cigarette Island Park
- No further extension to the use of the park for vehicles should be allowed
- The period of time is too long – two years is not temporary
- Finances and location of the developer/applicant
- Lack of public consultation - There are no planning signs in Cigarette Island Park to inform about this specific application.
- Following this application, it will make it easier to develop the site for housing or retain it as parking
- The wall to the JB site is included in the site boundary – the boundary should align with the proposed car park fence
- This application should not be determined under delegated powers and should be determined at the same time as 2018/3810 and if approved linked by condition
- Users of the park should receive compensation for its loss
- What are the associated works?
- Incorrect/inaccurate/contradictory plans insufficient and information to allow determination of the application
- Financial benefit to the council
- The rental should be dedicated towards improving environmental health, sports, leisure amenities in the area

A number of comments were made which relate to the main redevelopment application and therefore have not been included in the summary above. The issues raised however have all been in the consideration of the main planning issues in the committee report for application 2018/3810.

3 letter of support were received

- The need for the temporary car parking is understood
- The site should be developed as the area is in need of new housing and economic opportunities

Description

1. The application site forms part of the proposed site for the comprehensive redevelopment of the former Jolly Boatman site and land adjoining Hampton Court Station for a mixed use scheme comprising housing, a hotel, retail/café and a new area of landscaped public open space occupying most of the former Jolly Boatman and Network Rail site.
2. This application relates to the western part of Cigarette Island Park and adjoins the western boundary of the train station car park and Jolly Boatman site. To the east of the application site is Cigarette Island Park, which the proposal would be situated within and the River Thames runs to the north and east of the park.
3. The proposed site is relatively flat and laid to grass. Access to the site would adjoin Hampton Court Way.

4. A more detailed description of the site surroundings is provided in the Committee report for the main development application 2018/3810 and includes details of topography, flooding zones and heritage assets in the locality.
5. Objections have been raised to the site description as it does not make reference to Cigarette Island Park. The application was submitted at the same time as the wider Jolly Boatman/Hampton Court Station redevelopment and as it formed and relied on those works it contained the same site description. However site notices were erected around Cigarette Island Park and the plans for the development clearly showed the location of the development. The number of letters of representation received demonstrate that the general public were able to interpret the application correctly and the location of the development. It is therefore considered that the site address is acceptable.

Constraints

1.1 The relevant planning constraints are as follows:

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

Policy

1.1 As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for any decision is the Development Plan. The decision on a planning application should be made in accordance with the development plan unless material consideration(s) indicate otherwise. As such, the local policies represent the starting point, with the other material considerations including the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and local supplementary planning documents being also 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

CS25 – Travel and Accessibility

CS26 – Flooding

Development Management Plan 2015

DM1 – Presumption in favour of sustainable development
DM2 – Design and amenity
DM5 – Pollution
DM6 – Landscape and trees
DM7 – Access and parking
DM12 – Heritage
DM13 – Riverside development and uses
DM20 – Open Space and views
DM21 – Nature conservation and biodiversity

Design and Character SPD 2012

Companion Guide: East and West Molesey

Parking SPD July 2020

Thames Landscape Strategy

Landscape Character Reach 02 Hampton Court

East Molesey Kent Town Conservation Area Appraisal and Management
Proposals 2012

Hampton Court Station and Jolly Boatman Sites Development Brief 1999

Relevant planning history

6. A full history of the redevelopment site and station site can be found in the Committee report for application 2018/3810. The most recent application on this site and therefore the most relevant is application 2018/3810 which was for 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. This application was refused planning permission on 19 July 2021 for the following reasons:
 - The proposed development by reason of its layout and footprint together with the excessive height, bulk, massing and design is considered to create an imposing and dominant development which is considered to be out of keeping with and harmful to the character of the area and the openness and amenity value of the riverside and the adjacent green space in Cigarette Island Park. Furthermore, the height and mass of the buildings are not considered to relate to the massing of the train station building and would appear dominant and overbearing on the existing structures. The proposal is therefore considered to be contrary to policies DM2, DM12 and DM13 of the Development Management Plan 2015, policies CS7, CS12, CS14 and CS17 of the Core Strategy 2011 the Design and Character Supplementary Planning Document 2012, East Molesey (Kent Town) Conservation Area Character Appraisal and Management Proposals 2011, and the NPPF.

- The proposed development is considered to cause harm to numerous heritage assets on and around the application site of both local, national and international significance including Hampton Court Palace and its Registered Parks and Gardens, Hampton Court and the Ember Bridges, Hampton Court Station, Cigarette Island Park, the River Thames and the Conservation Areas. The large number of heritage assets that would be harmed and the magnitude of that harm is not considered to be outweighed by public benefit. The proposed development is therefore contrary to policy DM12 of the Development Management Plan 2015, policies CS7, CS12, CS14 and CS17 of the Core Strategy 2011, East Molesey (Kent Town) Conservation Area Character Appraisal and Management Proposals 2011, and the NPPF.
- The proposed development, by reason of the lack of a completed legal agreement in relation to the required affordable housing contribution, including an early review and late review mechanism, fails to provide the necessary contribution towards affordable housing contrary to the requirements of Policy CS21 of the Core Strategy 2011 and the Development Contributions Supplementary Planning Document 2020.
- The proposed development, by reason of the lack of a completed legal agreement in relation to the highway alterations and improvements, fails to secure the reconfiguration of Hampton Court Way from Hampton Court Bridge near the River Ember Bridge as shown on the illustrative plan no. CIV16694CSA950047 together with the detailed design of these improvements and further safety audits, Travel Plan together with necessary monitoring fee, the provision of a car club with 3 electric vehicles and the provisions of a new bus layby in River Bank and the relocation of the two bus stops on Creek Road. As such, the proposed development would result in adverse highway and transport implications contrary to the aims of Policy CS25 of the Elmbridge Core Strategy 2011, Policy DM7 of the Development Management Plan 2015 and the NPPF.

Proposal

7. This application seeks temporary permission for car parking on the western part of Cigarette Island to enable continuous car parking for station users during the construction period, if planning permission is granted for the main redevelopment outlined in the planning history above. At the end of the temporary period the land would be reinstated to its current condition. As stated above the main redevelopment application was refused permission in July 2021, however the applicants would still like to continue with the determination of this application as they have confirmed that they will be appealing the refusal of application 2018/3810.
8. The proposal would provide temporary car parking for 110 spaces, for a period not exceeding two years from the date of first use, and subsequent reinstatement.
9. This applicants have stated in their submission that in the event application 2018/3810 were granted then this application would allow for the comprehensive redevelopment of the site to be carried out in one go, rather than being split into

two phases, as such the overall construction period would be reduced by some 14 months and therefore minimise the period for potential disruption and enable all elements of the main scheme, together with its landscaping, to be completed earlier.

10. The parking surface itself would comprise an interlocking matting system using recycled plastic. It will include low level directional lighting.
11. All the surfaces and lighting would be temporary in nature and the applicant is willing to enter into a binding agreement to reinstate Cigarette Island to its former condition at the end of the two year period.

Consultations

12. East Molesey CAAC – no observations, care must be taken to ensure that as many trees are retained as possible and property protected during the works.
13. EBC Green Spaces – support the development in order to minimise the disruption and disturbance to the local community. The Green Spaces team would want to negotiate a sensitive design of the temporary car parking to minimise the visual impact of the car park. They would also like to seek to obtain the best terms and conditions to compensate for the temporary loss of visual amenity, use and enjoyment of visitors to Cigarette Island and full reinstatement, following the completion of the Jolly Boatman development.
14. Environment Agency – in the absence of a flood risk assessment they object to the development and recommend that planning permission is refused.
15. Environmental Health (contaminated land) – confirmed that they do not consider the development would significantly increase the risk to future occupants and therefore no conditions required.
16. Environmental Health (noise and pollution) – confirmed no comments.
17. Gardens Trust – provided a Historic Impact Assessment to demonstrate the proposal would cause substantial harm to the setting and a great number of heritage assets ranging from international to local significance and the application should be refused.
18. Historic England – confirmed no comments.
19. Historic Royal Palaces – the parking will be visible from key viewpoints within Hampton Court Palace and from Barge Walk. The importance of the retention and reinforcement of the tree screen around the car park must therefore be considered based on HRPs recommendations which include wanting to see the fence at a height of two metres as part of their screening requirements and consideration of what impact that may have on tree roots. They later wrote on behalf of the Department for Digital, Culture, Media, and Sport to express continued support for the application to be granted and implemented in accordance with their previous correspondence, however note it may be in breach of covenants.

20. HSE – no requirement for consultation
21. Joint Waste Solutions – confirmed no comments
22. London Borough of Richmond Upon Thames – no objections with provisos – in the event that the main application is approved, raises no objections to a 2 year temporary car park but supports the request of Historic Royal Palaces to provide appropriate screening to the car park to safeguard the views from Hampton Court Palace, the River Thames and its towpath.
23. Natural England – confirmed no comments
24. Network Rail – commented from the perspective of the applicant with regards to parking need and enhancement of the train station confirming their support for the proposal.
25. SCC Archaeology – recommended conditions prior to the commencement of the works.
26. SCC Highways Authority – no objections subject to conditions.
27. SCC Local Lead Flood Authority – confirmed no comments.
28. Surrey Police – provided comments regarding concerns/measures required to protect the planned facility.
29. Surrey Wildlife Trust – recommended conditions if permission is granted.
30. Victorian Society – raised objections mainly relating to the redevelopment of the wider site and its impact on the character and heritage assets in the area.

Positive and proactive engagement

31. The revised National Planning Policy Framework requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.
32. The applicants entered into extensive preapplication discussions with the Council prior to the submission of this application and the main application 2018/3810. The principle of the development, the design and appearance, landscaping, flood mitigation, parking and highways improvements were all discussed during the preapplication process as well as the principle of the temporary car parking.
33. 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.

34. During the course of the application, with the agreement of the Local Planning Authority, the applicant amended the application to alter the access arrangements in line with the recommendations of SCC Highways. A re-consultation with the public and statutory consultees (with the exception of SCC Highways) was not carried out on these amended plans as they moved the access to utilise the existing car park and future car park accesses (proposed in 2018/3810) and so did not prejudice third parties.

Planning considerations

35. The main planning considerations in the determination of this application are:

- The principle of the development
- Impact on the character of the surrounding area and heritage assets
- Impact on the amenities of the neighboring properties
- Highways and Parking issues
- Flooding
- Impact on trees
- Impact on ecology
- Environmental considerations

The principle of the development

36. The application site is public open space which is afforded protection under policy CS14 of the Elmbridge Core Strategy 2011.

37. Policy CS14 of the Core Strategy states that the Council will protect, enhance and manage a diverse network of accessible multi-functional green space by continuing to give a high level of protection to and improving the Borough's green infrastructure assets. The policy provides a definition for Green Infrastructure assets and this includes parks and gardens as well as natural and semi-natural urban greenspaces. The protection afforded by policy CS14 would therefore apply to this area of open public space as it is a public park and this will constitute a material consideration which will be taken into consideration in the planning balance when determining the planning application.

38. Open space is defined in the NPPF glossary as, 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity'.

39. Paragraph 11 of the NPPF states the following:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

40. Point d) ii of paragraph 11 above is therefore relevant in this case as the main test for development on Open Space and runs through Development Management Policy DM20 and paragraph 99 of the NPPF which states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

41. The three tests in paragraph 97 of the NPPF are considered to be disjunctive, meaning that the policy can be complied with if only one of them is satisfied and this is set out in the Court of Appeal Decision in the case of *Loader v Rother District Council* [2016] EWCA Civ 795.

42. Cigarette Island park is open space to be used for recreational purposes. As this is an application for temporary consent the applicant has not demonstrate that there is a surplus of open space within the wider area as in the long term no open space would be lost following the completion of construction of the main development and reinstatement of the land to its former condition. Nor has there been any information supplied in respect to the replacement open space being provided elsewhere. Whilst it is acknowledged that the proposal would retain a large proportion of Cigarette Island Park and still allow for the recreational use of the park many objectors have highlighted at length the importance of this space for community and leisure use and the concern that the amenity of this space would be diminished as a result of the proposed temporary car parking. The last criterion is not applicable here as it is not the site for a formal sports and recreational provision.

43. The applicants have stated that the public benefit of the proposal is that it would provide replacement train station car parking to allow for a faster construction time for the main development of the Jolly Boatman and Hampton Court Station redevelopment site associated with application 2018/3810. The proposal would remove the need for a phased construction on the main site and is estimated to reduce the construction period by 14 months. However, application 2018/3810 was refused planning permission in July 2021. Therefore, there is currently therefore no demonstrated need for the proposal and so the public benefit associated with the reductions in the construction time of the main development would not be realised. It is therefore considered that there are no public benefits which would compensate for the temporary loss of the public open space as a result of the temporary car parking in the absence of the grant of planning permission 2018/3810 and this weighs negatively in the planning balance.

Furthermore the site cannot be said to be surplus nor provide equivalent replacement provision for the duration of its loss to comply with paragraph 99 of the NPPF and policy DM20. The proposal would result in the temporary loss of the public open space, contrary to Policy CS14 of the Core Strategy 2011 and Policy DM20 of the Development Management Plan 2015.

Impact on the character of the area and heritage assets

44. Policy DM12 of the Development Management Plan relates to heritage and reiterates the above requirements to ensure that planning permission should only be granted for developments that protect, conserve and enhance the Borough's heritage assets. Harm to heritage assets would need to be outweighed by substantial public benefits if an application were to be looked upon favourably.
45. Policy CS7 of the Core Strategy states that all new development will be expected to enhance the character of the area, and specific attention will need to be given to areas of high heritage value including, Old Village, Kent Town and Bridge Town Conservation Areas, the River Thames, and Hampton Court Palace.
46. Policy CS17 of the Core Strategy states that new development will be required to integrate sensitively with the local distinctive townscape, landscape and heritage assets, and protecting the amenities of those within the area.
47. The statutory duties with regards to heritage and listed buildings in particular are set out in The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) states 'in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
48. The Act goes on to state under section 72(1) with regards to conservation areas 'In the exercise, with respect to any buildings or other land in a conservation area, of any (functions under or by virtue of) any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
49. The Act sets out the presumption in favour of the preservation of listed buildings, their settings and conservation areas. Any harm to the significance of a designated heritage asset must be given considerable importance and weight. This is further reflected in the NPPF under paragraph 199 which states 'When considering the potential impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.
50. The NPPF also sets out how harm to designated heritage asset should be assessed. With regards to substantial harm it states under paragraph 200 'Any harm to, or loss of, the significance of a designated heritage asset (from its

alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

51. The NPPF goes on to state under paragraph 201 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

52. With regards to harm that is deemed less than substantial, the NPPF states under paragraph 202, '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'.

53. In relation to non-designated heritage assets, paragraph 203 of the NPPF provides that the effect of an application on such an asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

54. Paragraphs 206 and 207 of the NPPF provide that "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably" and "Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole".

55. The application site lies within the East Molesey Kent Town Conservation Area. It does not contain any designated heritage assets. However the site is adjacent to a number of other designated and non-designated heritage assets both within Elmbridge Borough Council boundary and that of the Richmond Council. These include the Grade II Listed Hampton Court Bridge, the Locally Listed Hampton Court Station and the internationally important Grade I listed Hampton Court Palace and Park. Cigarette Island Park and the air raid shelter within it have both been nominated to Surrey County Council to be locally listed. Whilst the outcome of this process has not been finalised, both of the assets were considered in assessment of locally listed buildings/areas in the report for application 2018/3810 therefore to ensure consistency they will be considered as such in this assessment.
56. When considering the heritage assets of the conservation area, Cigarette Island and the Air raid shelter it is clear that the proposed development would cause some degree of harm to the character and appearance of these heritage assets by way of their presence in what is currently open space.
57. With regards to the Conservation Area the application site is situated adjacent to a site already in use as a car park. The loss of the green space is considered to be detrimental. However, it is important to note that the car park is temporary and this must be weighed into the planning balance as a material consideration because once removed, and the land reinstated, then the harm will also be removed. When considering the harm to the Conservation Area as a designated heritage asset the harm is considered to be 'limited'. However, under paragraph 202 of the NPPF 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 less than substantial harm to the character of the Conservation Area is considered to carry great weight in the planning balance.
58. Harm to the locally listed elements (Cigarette Island and the Air Raid shelter) is considered under paragraph 203 which states that the effect of an application on the significance and we are required to make a balanced judgement. It is unweighted so it is not a matter of harm versus benefits. In the case of both elements whilst there is harm, as non-designed assets they hold less significance than designated ones and subject to the protection of the air raid shelter the impact is a temporary one.
59. However, when viewed outside of the application site the proposal is not considered to have such an impact as it would be low level and most importantly temporary. The nearest building to the proposed temporary car park would be the locally listed train station. This building is already viewed in the context of excessive hardstanding with the train station car park already situated to the east of the station building. The proposal is therefore not considered to cause harm to the locally listed building or its setting. With regards to the impact of the proposal on the heritage assets to the north of the site including Hampton court bridge and Hampton Court Palace, there would be a degree of screening to the parking and associated features which would be provided by the tree screen surrounding Cigarette Island Park. Whilst the proposal may be visible from the surrounding area its low level and temporary nature would ensure it would not have such an

impact that it could be considered to result in harm to the setting of the numerous surrounding listed buildings. No details have been provided of the boundary fencing or lighting columns, however these could be secured by condition prior to the commencement of the works. These would be expected to be minimal in terms of the fence permeable to allow views through to the green space behind to ensure that they do not cause harm to the wider setting of the site.

60. As previously discussed, the applicants have stated that the public benefit of the proposal is that it would provide replacement train station car parking to allow for a faster construction time for the main development of the Jolly Boatman and Hampton Court Station redevelopment site associated with application 2018/3810. The proposal would remove the need for a phased construction on the main site and is estimated to reduce the construction period by 14 months which Officers consider would provide substantial public benefit to outweigh the harm identified to both statutory and non-statutory heritage assets. However, application 2018/3810 was refused planning permission in July 2021. Therefore, there is currently therefore no demonstrated need for the proposal and so the public benefit associated with the reductions in the construction time of the main development would not be realised. It is therefore considered that there are no public benefits which would outweigh the less than substantial harm to the Conservation Area as great weight is attached to that harm. It is also not considered to outweigh the harm cause to Cigarette Island Park or the Air Raid Shelter for the duration of the permission.

61. The proposed development is therefore considered to cause harm to the character and appearance of the Conservation Area and the locally important Cigarette Island Park and Air Raid shelter. The level of harm to the heritage assets is not considered to be outweighed by public benefit in the absence of permission for the construction of application 2018/3810. The proposed development is therefore contrary to policy DM12 of the Development Management Plan 2015 and CS7 and CS17 of the Core Strategy 2015 and the NPPF.

Impact on the amenities of the neighbouring properties

62. The proposed development would be situated adjacent to the existing car park at Hampton Court train station and would provide replacement parking for the duration of the works on the construction of the main site. The car park would be temporary in nature for a period of 2 years. There are no residential properties adjoining the application site. The proposed development is considered to be situated a sufficient distance from neighbouring residential properties that it would not have a detrimental impact on their reasonable privacy or amenities of those properties. The proposed development is considered to accord with the requirement of policy DM2 of the Development Management Plan in this regard.

Highways and Parking issues

63. Policy CS25 of 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

64. 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. 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.

65. 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 in application 2018/3810. 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.

66. In association with the application for the redevelopment of the main site in application 2018/3810 the applicant conducted parking surveys of the existing station car park usage in March 2013, February 2015 and July 2018. The survey in July 2018 was conducted on 10th July 2018 and noted that the 204 spaces were only occupied at a peak capacity of 46% or 85 vehicles. It is recognised that evidence has been submitted of occasions when usage exceeded this amount, however these have coincided with events at Hampton Court Palace. It is not considered reasonable to require additional public car parking on the application site to account for occasional events as the Palace has overflow parking that it can utilise on the other side of the river. The Elmbridge Parking SPD sets out the methodology for parking surveys. However, this is not applicable for this site as the applicant is arguing that the proposed development would not result in

increased pressure on on-street parking and therefore has not considered parking stress in the locality in terms of adjacent streets but solely in relation to the car park on site. In light of the evidence submitted in association with application 2018/3810 the number of parking spaces proposed are considered to be sufficient to act as temporary replacement car parking for the train station and prevent increased parking stress off the site during the 2 year construction period on the main site if it were to obtain planning permission

67. The Elmbridge Parking SPD states that the minimum dimension of a car parking space should be 2.5m x 5m. However, this document had not been adopted at the time the application was submitted. The applicant therefore designed the car parking spaces to meet the previous standards which are in line with national standards for car parking spaces. The proposed parking spaces would measure approximately 4.8m x 2.4m with 6.5m wide between rows. Whilst the spaces would be smaller than the Elmbridge standard they are still considered to provide suitable space for parking and manoeuvring within the car park for the temporary period they would be in place and therefore are considered to be acceptable.
68. SCC Highways confirmed when the application was first submitted that the temporary car park cannot be accessed from the existing Cigarette Island Lane, introducing car movements and/or construction traffic to the junction would be prejudicial to the safety and free-flow of other traffic on Hampton Court Way. By utilizing the existing access, with its junction to Hampton Court Way, for as long as possible the status quo for the current users of the station car park will be maintained until such time as the access can be moved to its final place albeit with an interim position. This will be covered under the Highways Agreement that will be necessary for the final scheme for the redevelopment of the Jolly Boatman site should permission be forthcoming. A permanent barrier of some kind will be necessary to ensure that car park traffic will only use the prescribed access.
69. The applicant submitted an indicative temporary car park access phasing plan which details that the access to the car park would be done in 4 stages as follows:
- Phase 1 – construct the temporary car park on Cigarette Island and the existing car park access to be maintained to serve the temporary car park and the existing surface car park closed.
 - Phase 2 – the existing car park access with Hampton Court Way and bus provision to be maintained, the temporary car park access to be diverted around the works area to allow foundation construction on application 2018/3810 to commence.
 - Phase 3 – the access point off Hampton Court Way moved to the north of the existing pedestrian crossing to allow forecourt works to commence. Temporary bus provision modified to suit.
 - Phase 4 – full implementation of the S278 highway improvements including access and bus provision, permanent car park access with traffic signals implemented. Temporary car park on Cigarette Island removed and park made good.
70. The indicative scheme was considered by the Highway Authority who confirmed that they have no objections to the proposal on grounds of highway safety or capacity subject to planning conditions relating to the parking layout, phased

access, and the erection of a physical barrier to prevent access from Cigarette Island Lane.

71. The proposed development is therefore considered to accord with policy DM7 of the Development Management Plan with regards to parking and access subject to relevant planning conditions as detailed in the consultation response from SCC highway received on 9th February 2021.

Flooding

72. The application was supported by a Flood Risk Assessment and which was subsequently amended in application 2018/3810 for the main development and resubmitted with this application in March 2021. The amendments to the Flood Risk Assessment did not proposed any changes to the flood mitigation for Cigarette Island Park.
73. The Flood Risk Assessment states that the car park is only temporary and will not introduce any built structures, this report largely focussed on the flood risk to the Main Site. The Flood Risk Assessment submitted details that the existing ground levels at the temporary car park will be largely maintained and it is proposed to use porous matting to form the surface so that there would be no change to flow routes or loss of flood storage. There were no changes to this as part of the amended FRA.
74. The EA were consulted on the original Flood Risk Assessment submitted with the application and have objected on lack of a Flood Risk Assessment. Following amendments to the FRA they again commented in July 2019 maintaining their objection. The EA object to the proposed development because there is inadequate ecological buffer zone to the River Ember and they recommended that planning permission should be refused on that basis. The EA have stated that it may be possible for the applicant to overcome the objection by submitting plans to show the development provides a minimum 8 m wide ecological buffer. From the information submitted it is not clear whether the proposed development including safety fencing, will encroach or impact upon the river corridor of the watercourse known as the Ember, to the east. The buffer zone should be measured from the bank top, defined as the point at which the bank meets the level of the surrounding land. The buffer zone should be protected during construction and should remain free from development, including lighting, formal landscaping, lighting and footpaths (except in specifically agreed locations).
75. In the main application 2018/3810 the EA had expressed a similar concern with regards to the proximity of development to the 8m buffer and had not recommended the refusal of that application despite it being for permanent development. Instead a condition was recommended that no development take place until a scheme for the provision and management of the 8 metre wide buffer zone – measured from the top of the bank – along side the watercourses known as the Thames and Ember, shall be submitted to and agreed in writing with the local planning authority. To ensure a consistent approach to the two applications on this site (2018/3803 and 2018/3810) it would not be considered reasonable to

refuse the application for temporary car parking due to lack of details relating to the 8m buffer. It is recommended that further details of the buffer could be secured by condition prior to the commencement of the works.

76. It is also considered that a flood risk management plan for the site could be secured by a pre-commencement condition to ensure that if there were a flooding event, a plan was in place to ensure that temporary structures on the site were secured or removed from the site and do not cause harm to the public. Please note that the EA did not object to the proposal on ground of flood risk or safety. The proposal is for temporary parking and the land would be restored to its former condition following the 2 year period so the proposal would have no permanent impact on flood risk. Following a consideration of the submitted information and the temporary nature of the development, the proposal is considered to accord with the requirements of policy CS26 of the Core Strategy subject to planning conditions.

Impact on trees

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

78. The entire area including the station and open space is covered by the East Molesey Kent Town Conservation Area which accords all the trees above a certain size legal protection.

79. 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.

80. The Councils main arboricultural concerns are in relation to the temporary car parking proposed on Cigarette Island open space and the potential impact it will have on the retained trees.

81. The main access into the temporary car parking site will create incursions into the RPA of trees T21 and T28, with further incursions from three proposed parking spaces towards the northern end of the temporary car park and to the calculated RPA's of trees T17 – T19. The Council has concerns about the location of the three parking bays towards the northern end of the temporary car park because they have been located under the canopy of the high grade Horse Chestnut T28. This could lead to foreseeable proximity issues from heavy fruit and detritus falling on parked cars with the potential to cause damage. The arboricultural report states the temporary car parking will be constructed of a porous interlocking system which can be laid on-top of the existing surface. In principal this is acceptable on arboricultural terms but would depend on the product used. No specification has been provided for the proposed boundary fence which surrounds the temporary car park and whether this will sit on the surface or require posts to be dug into the ground. On the tree protection plan the location of the boundary fencing is very close to the main stem of T28. If posts will need to be dug into the ground the likelihood of large diameter roots being discovered or damaged right next to the main stem of the tree is very high.

82. Additional supporting arboricultural information was submitted as an addendum to try address some of the Council's concerns and points raised. These included:

- a. Removal of the additional trees to help alter the location of the entrance further south away from higher grade mature trees.
- b. Height barrier for the car park to ensure vehicles will not conflict with low tree branches.
- c. Fencing around the car park will be of a small diameter post a rail with post holes being moveable to avoid any significant roots.
- d. All works can be carried out under arboricultural supervision.
- e. Decompaction of the soil on completion of the project and removal of the temporary car parking.

83. Following the receipt of the additional information Elmbridge Tree Officer has confirmed that the proposal would be acceptable on arboricultural grounds subject to planning conditions. To address the concerns raised, planning conditions would be required relating to tree protection, additional arboricultural information, site supervision, and tree planting and maintenance. It is therefore considered that the proposed development would accord with the requirement of policy DM6 of the Development Management Plan.

Impact on ecology

84. 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.

85. 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.

86. 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.

87. This application is temporary in nature and the structures associated with the works would all be removed following the completion of the main development if it were granted permission. An in depth discussion of the ecology of the wider site is detailed in the committee report for application 2018/3810

88. Surrey Wildlife Trust were consulted on the application and originally raised concerns about the potential presence of veteran trees and impacts on

development on potentially active tree bat roosts. The applicant provided further information on this matter to satisfy the concerns of Surrey Wildlife Trust. They have confirmed that they raise no objections to the proposal subject to planning conditions which are linked to the wider development 2018/3810 and cover both sites.

Environmental Considerations (noise, air pollution, contaminated land)

89. Concern has been raised regarding the environmental impact of the proposal with regards to noise, air pollution and contaminated land.
90. This application would provide replacement parking for the train station and would not be in use at the same time as the train station car park. It would therefore have no greater impact on noise and air pollution than the existing car park on the site.
91. This application was reviewed by the EBC Environmental Health Officers who commented on this application together with that for the wider redevelopment site 2018/3810 and raised no objections subject to conditions.
92. The proposal is therefore considered to be in accordance with policy DM5 and it would not result in increases in pollution in the locality for its duration and would have no long term impact following its removal.

Matters raised in representations

93. The application was delayed in its determination as Officers were working proactively with the applicant to resolve outstanding issues and to wait for the outcome of the main application 2018/3810.
94. Covenants on the land are a private matter that will need to be considered subsequently by the applicant.
95. Alternative proposals have been put forward in letters of representation but it is for the Local Planning Authority to consider the application before us.
96. The online case file which is in the public domain is considered to be up to date.
97. The indicative phasing plan details that temporary bus provision will be modified to suit in relation to 2018/3810. In terms of the site for the temporary car park, there is no bus stop within the red edge of the site plan. A consideration of the wider impact of the main redevelopment of the site and its impact on highway safety and capacity has been considered within the main application 2018/3810.
98. There is concern that flooding of the site would impact on the timeframe for the construction works. It is not possible to pre-empt all scenarios for the future and build in contingency plans for the construction phase. If the site were to flood during the construction phase and result in delays to the timeframe then the impact of that on the temporary parking need would have to be reviewed at the time and the applicant would need to reapply for permission if it were required in excess of the two year period.

99. Lack of surveillance will lead to risk to personal safety and unauthorised encampment – this site would adjoin the large construction site associated with 2018/3810 and therefore there would be activity adjacent to the site to aid surveillance.
100. Loss of disabled facilities – these are associated with the train station, disabled access would have to be retained during the works but this is for Network Rail to manage.
101. Impact on business in the area – this application was submitted to reduce the length of time the main site takes to construct with an aim to reduce disturbance to the local area or at least limit the time period
102. A degree of disturbance during the construction period is accepted and planning conditions recommended on the wider development 2018/3810 would help to minimise this.
103. Claims about the applicants including their intentions and financial status – The claims made about the applicant and their financial status are not a material planning consideration
104. 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.
105. Other planning matters raised in letters of representation have been addressed within the remit of the report above.

Planning Balance

106. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
107. In accordance with Policy DM1 of the Elmbridge Development Management Plan, when considering development proposals, the LPA will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and set out in paragraph 11 (where that presumption is applicable).
108. Paragraph 11 of the NPPF states the following:
For decision-taking this means:
c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

109. Point d) ii of paragraph 11 above is therefore relevant in this case as the main test for development on Open Space and runs through Development Management Policy DM20 and paragraph 99 of the NPPF which states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

110. The applicants have stated that the public benefit of the proposal is that it would provide replacement train station car parking to allow for a faster construction time for the main development of the Jolly Boatman and Hampton Court Station redevelopment site associated with application 2018/3810. The proposal would remove the need for a phased construction on the main site and is estimated to reduce the construction period by 14 months. However, application 2018/3810 was refused planning permission in July 2021. Therefore, there is currently therefore no demonstrated need for the proposal and so the public benefit associated with the reductions in the construction time of the main development would not be realised. It is therefore considered that there are no public benefit which would compensate for the temporary loss of the public open space as a result of the temporary car parking in the absence of the grant of planning permission 2018/3810 and this weighs negatively in the planning balance. Furthermore, the site cannot be said to be surplus nor provide equivalent replacement provision for the duration of its loss to comply with paragraph 99 of the NPPF and policy DM20. The proposal would result in the temporary loss of the public open space, contrary to Policy CS14 of the Core Strategy 2011 and Policy DM20 of the Development Management Plan 2015

111. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 states there is a “strong presumption” against the grant of planning permission where it would cause harm to a heritage asset. Any harm to the significance of a heritage asset must be given considerable importance and weight.

112. The proposed development is considered to cause harm to the character and appearance of the Conservation Area and the locally important Cigarette Island Park and Air Raid shelter and this harm. The level of harm to the heritage assets is not considered to be outweighed by public benefit in the absence of permission for the construction of application 2018/3810. It is therefore considered that there are no public benefit which would outweigh the less than substantial harm to the Conservation Area as great weight is attached to that harm. It is also not

considered to outweigh the harm cause to Cigarette Island Park or the Air Raid Shelter for the duration of the permission. The proposed development is therefore contrary to policy DM12 of the Development Management Plan 2015 and CS7 and CS17 of the Core Strategy 2015 and the NPPF.

- 1.2 As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision on a planning application should be made in accordance with the development plan unless material consideration(s) indicate otherwise. In considering Section 38(6) the proposal conflicts with the development plan and the material considerations do not indicate otherwise.

Conclusion

113. Planning permission should be refused for the following reasons:

- The proposal would result in the temporary loss of the public open space. The loss of this space is not considered to be outweighed by public benefit in the absence of permission for the construction of application 2018/3810 contrary to Policy CS14 of the Core Strategy 2011 and Policy DM20 of the Development Management Plan 2015.
- The proposal is considered to cause harm to the character and appearance of the Conservation Area and the locally important Cigarette Island Park and Air Raid shelter. The level of harm to the heritage assets is not considered to be outweighed by public benefit in the absence of permission for the construction of application 2018/3810. The proposed development is therefore contrary to policy DM12 of the Development Management Plan 2015 and CS7 and CS17 of the Core Strategy 2015 and the NPPF.

The proposed development does not require a CIL payment

Elmbridge Borough Council

Issuing of planning decisions under Scheme of Delegation Adopted September 2019

Case officer: Jennifer Margetts

Recommendation agreed:



Paul Falconer
Development Manager

for Strategic Director

Date: 12 January 2022

Refusal

Application No: 2018/3803

Type: Full Application

Mr James Owens
JLL
30 Warwick Street
London
W1B 5NH

Town and Country Planning Act 1990

Refusal of Planning Permission

Proposal: 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.
Applicant: Alexpo Ltd and Network Rail Infrastructure Ltd
Location: Jolly Boatman And Hampton Court Station Redevelopment Area Hampton Court Way East Molesey Surrey KT8 9AE

The decision of Elmbridge Borough Council on the application registered as valid by the Council on 15/01/2019 and described above is to **Refuse Permission** for the reasons (if any) set out below:

Reasons

- 1 The proposal would result in the temporary loss of the public open space. The loss of this space is not considered to be outweighed by public benefit in the absence of permission for the construction of application 2018/3810 contrary to Policy CS14 of the Core Strategy 2011 and Policy DM20 of the Development Management Plan 2015.
- 2 The proposal is considered to cause harm to the character and appearance of the Conservation Area and the locally important Cigarette Island Park and Air Raid shelter. The level of harm to the heritage assets is not considered to be outweighed by public benefit in the absence of permission for the construction of application 2018/3810. The proposed development is therefore contrary to policy DM12 of the Development Management Plan 2015 and CS7 and CS17 of the Core Strategy 2015 and the NPPF.

Informative(s): (if applicable)

Please read the important notes attached.



Kim Tagliarini
Head of Planning Services

Date: 12 January 2022

Refusal

Application No: 2018/3803

Type: Full Application

Important notes

Approval of details reserved by conditions

Attention is drawn to the conditions that have been attached to the planning permission together with the reason for their imposition. Particular attention is drawn to those conditions that require the submission of further information to the local planning authority and its approval of such further information before building works commence. In the case of a reserved matters approval you must also take account of the conditions imposed on the outline permission.

Appeals to the Secretary of State

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate. Appeals can be made using a form which you can get online at: gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. Only the applicant has the right of appeal. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If you want to appeal against your local planning authority's decision and it doesn't fall into any of the above categories, then you must do so within 6 months of the date of this notice.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Refusal

Application No: 2018/3803

Type: Full Application

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
- If you intend to submit an appeal that you would like examined by inquiry, then you must notify the local planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at: gov.uk/planning-inspectorate

Purchase notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Positive and proactive engagement

The National Planning Policy Framework requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.

Local plan

The above decision makes reference to the Core Strategy and the Development Management Plan. Should you wish to read the wording and content of any of these policies, the documents can be viewed online at: elmbridge.gov.uk/planning/planning-policy

Site notice

In the interests of protecting the character of the environment, please remove any planning notice that may have been displayed on the site of the application.