

Refusal

Application No: 2018/3810

Type: Full Application

Mr James Owens
JLL
30 Warwick Street
London
W1B 5NH

Town and Country Planning Act 1990

Refusal of Planning Permission

- Proposal:** Development to provide 97 residential units, a hotel (84 bedrooms) and retail units (within use classes A1, A2 and/or A3) together with access, station interchange, car parking, servicing, new public realm, landscaping and other associated works following demolition of some existing buildings and structures on site including Hampton Court Motors.
- Applicant:** Alexpo Ltd and Network Rail Infrastructure Ltd
- 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 04/01/2019 and described above is to **Refuse Permission** for the reasons (if any) set out below:

Reasons

- 1 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.
- 2 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

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- 3 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.
- 4 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.

Informative(s): (if applicable)

1 **Community Infrastructure Levy (Refusal)**

Notwithstanding the above reason(s) for refusal the applicant is advised that the local planning authority has adopted the Community Infrastructure Levy (CIL) on any planning application determined after 01 April 2013. This is a non-negotiable land charge based on per sqm of development (internal gross floorspace). In the event of an appeal situation this planning application will likely be liable for CIL, further details of which can be found on the council's website at elmbridge.gov.uk/planning/cil-process

Please read the important notes attached.



Kim Tagliarini
Head of Planning Services

Date: 19 July 2021

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.

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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.
- 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

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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.