



From: Karen Liddell <[REDACTED]>
Sent: 06 April 2021 15:03
To: Jennifer Margetts <JMargetts@elmbridge.gov.uk>
Cc: Paul Falconer <PFalconer@elmbridge.gov.uk>; 'Ray Townsend' <ray@townsend.net>; Jon Kilner <JKilner@elmbridge.gov.uk>
Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Jenny

I have found the correct email dated 16 March 21 with the attached plan in response to your emails of 10th & 16th March 21 to the applicant's agent.

The response is helpful in that it clarifies that the applicant does not have a correct understanding of the listed building controls on the bridge, and is suggesting it is within their remit to decide whether the proposed signals require listed building consent which simply is factitious. **Can you agree with this statement please?** Paragraphs 1-4 tells us nothing further to what we already knew. Paras 5 & 6 tell us that the signal control apparatus is not designed and the installations positions are not yet identified which is unhelpful and does not enable a conclusion on the impact on the structural integrity of the bridge fabric. However, this is not the sole issue with respect to the affect on the special architectural and historic interest of the bridge as the above ground elements are of equal if not greater importance.

What the response does provide is confirmation that the signals will be installed within the extent of the listed bridge. The semantics of the wording "They are located approximately 5m south of the existing bridge joint which defines the end of the span of the bridge", and the statement "...no proposals for traffic signals or traffic signs on the existing bridge deck" are immaterial and not related to the extent of the principal listing. I believe there is a misinterpretation that the listed bridge stops at the bridge joint, or that the deck stops when it reaches land, as opposed to being over the water. These maybe a highway engineers interpretation of the bridge structure but I am sure Jon Kilner would agree these matters are immaterial to the extent of listing. The definition is the extent of listing is set out clearly on the Historic England website at [Listed Buildings Identification and Extent | Historic England](#), and the bridge listing map online identifies the extent of listing as the

white element which clearly includes the location 5m south of the bridge joint, see [HAMPTON COURT BRIDGE, Non Civil Parish - 1358100 | Historic England](#). See the attached extracted map, although this has no legal basis and in this instance is inaccurate as the landing stages on both the west and east sides of the south bank and the associated embankments with the Luytens obelisks to the park entrance have not been included and are attached and integral with the whole listed bridge. I do not see how the extent of the listing of the bridge can be challenged by the applicant and would **ask you to confirm you understand and agree with the extent of listing identified in the attached plan.**

I will be collaborating with others that contributed to the HCRC representation and making a further case that the proposed traffic signals are within the extent of the listing (as demonstrated in the para above using the applicants evidence) and do affect its character or appearance as a building of the special architectural and historic interest and thus require listed building consent. HCRC will be seeking legal advice on this matter. **Do you want me to pursue this with Jon Kilner direct of via yourself?**

The alternative strategy that could be taken, now a robust objection has been lodged to the principal of the detriment caused by installing traffic signals on the bridge, would be to require the applicant to review the highway scheme to present a transport solution without traffic signals on the bridge. We are told by placemaking and highway planning experts that such a solution is possible. **Are you able to make this request to the applicants please?**

Please treat this representation as a further objection by HCRC, and I look forward to your response on the above emboldened four questions.

Kind regards

Karen for HCRC

From: Jennifer Margetts <JMargetts@elmbridge.gov.uk>

Sent: 01 April 2021 12:33

To: Karen Liddell <[REDACTED]>

Cc: Paul Falconer <PFalconer@elmbridge.gov.uk>; 'Ray Townsend' <[REDACTED]>; Jon Kilner <JKilner@elmbridge.gov.uk>; 'Andrew Roberts' <[REDACTED]>; Steve Nichol <[REDACTED]>; 'mary brook' <[\[REDACTED\]](mailto:[REDACTED])>

Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Karen,

I apologise there was an error in loading the document and the email was missed off. Thank you for bringing this to my attention it has now been resolved and the associated email is available to view on the website under the same document name.

Kind regards

Jenny Margetts

Team Leader (North Area) | Planning Services | Elmbridge Borough Council

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Working pattern: Tues, Wed, Thurs and Fri

From: Karen Liddell [REDACTED]
Sent: 30 March 2021 12:00
To: Jennifer Margetts <JMargetts@elmbridge.gov.uk>
Cc: Paul Falconer <PFalconer@elmbridge.gov.uk>; 'Ray Townsend' [REDACTED] on Kilner <JKilner@elmbridge.gov.uk>; 'Andrew Robert' [REDACTED]; Steve Nichol <[REDACTED]>; mary brook <[REDACTED]>
Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Jenny

Sorry but my patience is running out. I saw the attached untitled plan uploaded on Friday under the subject title Written Details of Traffic Signals, see today's web capture below. I have waited to see if it is to be joined by other documents but nothing else has appeared.

Supporting Documents	80 documents found
Document Title	Document Date
Written Details of Traffic Signals	17/03/2021
agent response to objections	22/02/2021

This cannot constitute the applicants email of 16th March referenced by Jon Kilner below. The plan does not respond to any of the points in the emails you sent to James Owen on 10th & 16th March. Can you please send me the response email and documents by return email and get the correct documents uploaded.

I repeat there is a lot "further to add" on this matter, and it has NOT "come to a conclusion" as you are not being transparent. I do not see the need to use the FOI & ICO route to obtain information that is in the public interest to share on a current controversial application.

Kind regards

Karen for HCRC

From: Jennifer Margetts <JMargetts@elmbridge.gov.uk>
Sent: 25 March 2021 12:30
To: Karen Liddell <[REDACTED]>
Cc: Paul Falconer <PFalconer@elmbridge.gov.uk>; 'Ray Townsend' [REDACTED]
Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

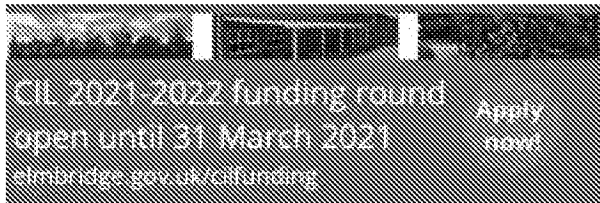
Dear Karen,

Thank you for your email. I apologise for the delay in loading the email from the applicant. I forwarded the email to our business support team this morning and asked for it to be loaded to the website. I will ask them to make it a priority.

Kind regards

Jenny Margetts

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From: Karen Liddell <[REDACTED]>
Sent: 25 March 2021 13:02
To: Jennifer Margetts <jMargetts@elmbridge.gov.uk>
Cc: Paul Falconer <PFalconer@elmbridge.gov.uk>; 'Ray Townsend' <[REDACTED]>
Subject: FW: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Jenny

I have patiently waited for the applicants email of 16th March to be uploaded to 2018/3810. Can you please upload asap, and send me a copy so that I may interpret the response given by Jon Kilner below that makes absolutely no sense and does not “come to a conclusion”.

Kind regards

Karen for HCRC

From: Jon Kilner <JKilner@elmbridge.gov.uk>
Sent: 19 March 2021 16:11
To: Karen Liddell <[REDACTED]>
Cc: 'Ray Townsend' <[REDACTED]>; Jennifer Margetts <jMargetts@elmbridge.gov.uk>; Paul Falconer <PFalconer@elmbridge.gov.uk>
Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Ms Liddell,

The works are within the setting of the bridge as they would be seen within its context, this is not related to its curtilage.

The potential for the works to affect the original fabric/ structure of the bridge would mean that LBC was required and I note the contents of your later email dated 15th March 2021. We have now received confirmation from the applicant (email dated 16th March 2021) that the works would not interfere with the original bridge structure and that they would be specifically designed to avoid harming the historic fabric. I am not a highways engineer and therefore do not have the knowledge to question the response we have been provided.

This is the Council's third response to your query on what is essentially the same issue. I consider that there is nothing further to add at this stage and therefore hope that you agree this discussion has come to a conclusion.

Regards,

Jon

Jon Kilner
Senior Conservation and Design Officer
Development Management
Elmbridge Borough Council
Tel: 01372 474824

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From: Karen Lidde [REDACTED]
Sent: 09 March 2021 13:06
To: Jon Kilner <JKilner@elmbridge.gov.uk>
Cc: 'Ray Townsends' [REDACTED]; Jennifer Margetts <JMargetts@elmbridge.gov.uk>; Paul Falconer <PFalconer@elmbridge.gov.uk>
Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Jon

Thank you for your considered response. I must say that there is a lot in your response that I will be making a detailed comment on, but I am in the process of sharing your response with the other 18 contributors to my report and wish to collate a joint response.

However, I think we can agree that we can dismiss the involvement of Historic England as they have put in writing that this is a matter for the LPA. The email from their Business Officer dated 13/7/20 does not suggest who's professional opinion she is conveying, or give any evidence for the opinion so I think that should be given little weight. Can you tell me what you mean in your email dated

10/7/20 by your reference to the traffic signals being “within the setting of the bridge”. The NPPF definition of setting is ‘The surroundings in which a heritage asset is experienced.’ Can you please give me your assessment of how the traffic signals are set within the “surroundings “ of this asset? I wholly agree that 2018/3810 should be and has been subject to a statutory consultation with Historic England on the basis of its potential impact on the setting of the bridge and many other assets, but the traffic signals are not part of that application as they are beyond the application site boundary. We have agreed that the signals do not require planning permission as they are permitted development, hence there is no planning application which covers the bridge or the traffic signals. There is a trail of evidence to suggest that no consideration has been given to the need for listed building consent until the Richmond Conservation officer alerted you, who in turn was responding to my email of 1/7/20 which I assume was forwarded to you.

The positive part of your response is that you “ agree that if the proposed traffic light columns etc are to be affixed to the bridges structure then consent would be required, however that is not to my knowledge the case. It does however seem sensible to request confirmation of the below ground works required, which may lead to the need for LBC. I believe that Jenny has requested this information today.” Are you suggesting the signals are not affixed to any part of the bridge structure? Are you suggesting under point 2 that the carriageway and footway surfaces are not part of the structure? I would agree that replacing the carriageway surface in blacktop or tarmacadam would be a repair that did not affect its character....etc. We do not have a proposal before us to replace an existing part of the bridges structure, we have a proposal to add two new elements to the structure. Surely, if you consider any below ground elements, (that will indeed be required and will affect the original structure details of which are available) require LBC then the above ground elements must similarly require consent. The above ground elements will be visible in the context of the whole structure and thus affect the whole or complete structure as is the test established by case law. I do not believe you have worked through the consequences of your conclusion.

When Jenny is requesting the “below ground works”, can you ask her to ask for a full submission of the dimensions and design of all elements of the two columns and lamps above and below ground, and the associated infrastructure, including the cables and conduits and the location and dimensions of the signal control box. It is not until we have this information that the LPA can make a proper determination on the need for Listed Building Consent. Of course the applicant has the option of applying for a formal Certificate of Lawfulness for Works to a Listed buildings under the Planning (LB&CA) Act 1990 as amended. As you are in dispute with HCRC and its 18 adviser,s and we note that HRP have put in writing in their letter of 4/3/21 that they consider these elements require consent and would cause harm, perhaps it is safest to require a formal submission to be made.

As a reminder this is the HCRC justification why consent is required and should guide the applicant in the drawings and specification:-

- a. the installation of two traffic signal columns on the deck of the listed bridge – one on the existing footway: the other on a proposed island refuge located on the existing carriageway
- b. the fixing of the bases of the two columns to the sub-structure of the bridge deck beneath the highway, which may affect its structural integrity (the original Lutyens drawings are available to allow investigation, see Fig 29 in VIA);
- c. the construction of a raised island refuge in the centre of the carriageway;

- d. the installation of cables and conduits beneath the highway, the source of which are unknown and will require other areas of road and footway surfacing and sub-structure to be disturbed;
- e. Depending on their location and fixing, any signal control-box above or below ground (normally required nearby), and any columns supporting associated traffic-signs may also require Listed Building Consent

I look forward to your reply and having an opportunity to comment on the applicants detailed drawings of this damaging proposal.

Kind regards

Karen Liddell for HCRC

From: Jon Kilner <JKilner@elmbridge.gov.uk>
Sent: 05 March 2021 16:05
To: Karen Liddell <[REDACTED]>
Cc: 'Ray Townsen' <[REDACTED]>; Jennifer Margetts <JMargetts@elmbridge.gov.uk>; Paul Falconer <PFalconer@elmbridge.gov.uk>
Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Ms Liddell,

Thank you for your email dated 22nd Feb and the subsequent email dated 2nd March. I have responded to the original email, which I hope covers the comments raised in the second.

1. I have been providing advice on the application since I started at Elmbridge. My advise has not always been in writing. The first draft of my comments was sent on the 24th December 2019 and has been revised since. I am currently working on a further revision.
2. With regards to the need for LBC this as you have noted, it is a matter of judgement and mine is based on my experience with the bridges of Westminster during my time there (I met with Edmund Bird, who you have noted on many occasions). In those instances as in these, the road surface sits on top of the bridge and is not part of its structure. It can be changed and re-laid without LBC. The proposed works are attached to the highway and are not (to my knowledge) attached to the structure itself. The works do impact on the setting of the bridge, which will be considered within the planning application as any works within the setting of a listed building are. We were asked by the Conservation Officer at Richmond Upon Thames to consider whether LBC was required and in doing so sought the advice of Historic England for a second opinion and at the request of Richmond. As you note, it was Richmond's view that consent was required. However, Historic England advised in the attached email that consent was not required and we provided their response to Richmond. We have since had further discussions with Historic England on the matter and they have indicated that they are content with our position. I agree that it is ultimately the local authorities decision, which is currently based on the reasoning above. It is my understanding that the Council will be seeking further advice in the coming weeks.
3. I note your response.
4. I note your response.

I agree that if the proposed traffic light columns etc are to be affixed to the bridges structure then consent would be required, however that is not to my knowledge the case. It does however seem sensible to request confirmation of the below ground works required, which may lead to the need for LBC. I believe that Jenny has requested this information today.

The fact that LBC consent was sought in 1990 and 1991 does not mean that we must now seek it again and of course a lot has changed in policy and understanding since then. PPG 15 which was maybe the first real heritage guidance wasn't published until September 1994 and there has been substantial new guidance/ policy since.

I hope that this answers your questions and I understand it is probably not the answer you were hoping for, but it is my opinion.

Regards,

Jon

Jon Kilner
Senior Conservation and Design Officer
Development Management
Elmbridge Borough Council
Tel: 01372 474824

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From: Karen Liddell <karen.liddell@elmbridge.gov.uk>
Sent: 22 February 2021 14:56
To: Jon Kilner <Kilner@elmbridge.gov.uk>
Cc: 'Ray Townsend' <ray@townsend.net>; Jennifer Margetts <JMargetts@elmbridge.gov.uk>
Subject: FW: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Jon

I hope you enjoyed your leave. I must say I was somewhat surprised to receive the response below from Jenny on your behalf, as I did not indicate any urgency was necessary and would not have chased you for 10-14 days.

Jenny says she has emailed Historic England but I had already emailed them on 9th February and I will chase for a reply tomorrow.

Jenny has expressed views on this serious heritage matter in very strange terms and I do hope that if you briefed her that you couched your advice differently. On the points:-

1. Could you please advise the date you first advised on the heritage matters on this application, and if the advice has been in a documented format? HCRC has received many documents via several FOI's and no documents have been disclosed containing your advice;
2. Are you aware and have you been involved in any discussion with Historic England on the need for Listed building Consent for the installation of traffic signals on Hampton Court Bridge as stated by Jenny? Why would it be necessary to seek the advice of HE on this matter when it is clearly the responsibility of the LPA, and HE stated in their letter of 30/1/19 that the LPA was responsible for matters regarding the bridge, as set out in the relevant Directions?
3. Thank you for confirming you cannot compare the bridge with other Lutyens work or other bridges, nor can you offer an opinion;
4. Thank you for confirming you cannot submit an application for a listing grade review. I will proceed with my research and preparation of an application without your support. I consider it always better to work with the LPA on such matters;

Can I suggest that you supply Jenny with a plan showing the extent of curtilage of the listed bridge, and advise her how you would determine what are works comprising an alteration to listed structure which would affect its character as a building of special architectural or historic interest would require listed building consent. I hope you will agree that this is principally a matter of fact without the need for a professional judgement on the appropriateness of the alteration. Jenny references "the need for LBC for the traffic signals **adjacent to** the bridge" but I am sure you will agree that the signals are not "adjacent" to the bridge otherwise they would be in the river, or off the southern end of the bridge and hence not require LBC. The proposal, as described in the HCRC report & VIA, is for the installation of two columns on the deck of the bridge wholly within the extent of the listed structure and thus comprise an alteration requiring LBC for the reasons set out at para 20a) -e) of HCRC's report. This of course was the judgement that your predecessors made when determining the need for LBC for much smaller structures in the form of a boundary marker and telescopes in 1990 & 1991 respectively, as described in paras 27 & 28 of our report.

I believe you are the only officer with responsibility for heritage matters at Elmbridge and I would ask you to document your rationale in a response to HCRC, if you are determining that LBC is not required for the installation of traffic signals on this bridge contrary to the advice of your 18 peers, and your equivalent at Richmond upon Thames, as set out in the HCRC report. This seems only courteous in the context of the HCRC's submission, and the diligence we have taken to seek 18 heritage professionals opinions.

I see that the applicant was sent our reports on 16th February and asked to comment. When their response is received I assume you will be asked to respond but that your advice will not be published. Can I ask if you have advised the applicants that it is your opinion that LBC is not required? Of course HCRC will respond as appropriate, and if necessary use the FOI powers to obtain relevant documents.

I look forward to your direct response. Should you wish to discuss this matter please do call me on 07941 555331.

Kind regards

Karen for HCRC

From: Jennifer Margetts <JMargetts@elmbridge.gov.uk>
Sent: 16 February 2021 15:04
To: Karen Liddell [REDACTED]
Cc: 'Ray Townsend' [REDACTED]; Jon Kilner <JKilner@elmbridge.gov.uk>
Subject: RE: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Karen,

Thank you for your email and attachments which have been submitted as a letter of representation to the application file.

I have emailed Historic England and asked that they comment on your submission with regards to the need for Listed Building Consent for the traffic signals adjacent to the bridge and will await their response.

Jon Kilner is currently on annual leave and so I am responding to the questions raised in your email on his behalf.

- 1) Yes, Jon Kilner has had involvement in application 2018/3810 with regards to the heritage and townscape considerations. An assessment of this will be included in the Officer Report when the application is determined.
- 2) We have previously discussed the need for Listed Building Consent with Historic England and they have confirmed that it is not required. I have sought their opinion this matter again in light of the information you have submitted.
- 3) Jon has confirmed that he is aware of Lutyens work but is not familiar with other bridges.
- 4) We are not in the position to submit a review of the listing to Historic England.

Kind regards

Jenny Margetts

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From: Karen Liddell [REDACTED]
Sent: 09 February 2021 12:10
To: Jon Kilner <JKilner@elmbridge.gov.uk>
Cc: Jennifer Margetts <JMargetts@elmbridge.gov.uk>; 'Ray Town' [REDACTED]
Subject: 2018/3810 Traffic Signals on Hampton Court Bridge

Dear Jon

The attached two reports relating to Hampton Court Bridge, a fine Grade II listed building, are due to be submitted soon and as the Borough's Conservation Officer HCRC would like to give you the opportunity to comment and hopes you can support us. Could you give us your response to the following please:-

1. Have you had any involvement in application 2018/3810?
2. Can HCRC rely on your agreement with your IHBC colleagues quoted in this report that Listed Building Consent is required for the installation of a set of traffic signals proposed on Hampton Court Bridge;
3. Do you have an opinion and any specialist knowledge of Lutyens other works and other historic bridges that may be useful to make a case for the upgrading of the bridge to Grade II* ?
4. Would you be in a position to submit a spot listing grading review application to Historic England.

In case you are short of time to read the reports, below is a summary and the key visualisation produced by HCRC.

Kind regards

Karen Liddell MRTPI(rtd), IHBC(rtd) for HCRC



Summary of Objection

- . This objection is solely related to the proposal for the installation of a set of traffic signals at the southern end of the Sir Edwin Luytens Hampton Court Bridge, included at Grade II on the National Heritage List for England;
- . Hampton Court Rescue Campaign (HCRC) has taken professional historic environment advice and is of the opinion due regard has not been given hitherto by either the applicants, the Council, or Historic England to the need for Listed Building Consent for the proposed installation of a set of traffic signals on the listed bridge, or to the potential harm to the special interest and significance of the bridge and its setting resulting from such an installation;
- . Even if an application for Listed Building Consent were to be submitted at this late stage, it could only be refused given the potential harm that the proposed installation would cause;
- . If Listed Building Consent is submitted and refused, the highway scheme will be unworkable, and thus make the major development unimplementable without a significant amendment to the design layout and highway scheme;
- . This statement, together with the attached Visual Impact Assessment (VIA) sets out the evidence to demonstrate that this important heritage consideration has been disregarded to date, and illustrates how the proposed installation of traffic signals would affect the special interest and significance of the listed bridge;
- . **HCRC concludes that the matter must be resolved prior to a decision on 2018/3810, and we request the removal of the proposed traffic signals from Hampton Court bridge within the proposed highway scheme.**

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