

**OBJECTION FROM CONSULTEE  
HAMPTON COURT RESCUE CAMPAIGN**

Ms. Jennifer Margetts  
Planning Services  
Elmbridge Borough Council  
Civic Centre  
High Street  
Esher  
Surrey KT10 9SD

21<sup>st</sup> March 2019

Dear Ms. Margetts,

**Application: 2018/3810 Jolly Boatman & Hampton Court Station Development  
Hampton Court Way, East Molesey, Surrey KT8 9AE**

I am writing on behalf of the Hampton Court Rescue Campaign to object most strongly to 2018/3810 and to urge Elmbridge Borough Council to refuse this application.

The proposed development site is very fragile, is inside the East Molesey conservation area and directly cross-river from Grade 1 listed Hampton Court Palace, a scheduled Ancient Monument. It should be noted that the grounds of Hampton Court Palace are also protected and are listed Grade 1 in English Heritage's register of parks and gardens.

Overdevelopment of the kind proposed in 2018/3810 is against both national and local policies and below we list the key and overriding national and local legislation that we hope Elmbridge Borough Council will take into account when considering this planning application:

**National Planning Policy Framework**

**16. Conserving and enhancing the historic environment**

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

185. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment. This strategy should take into account the desirability of sustaining and enhancing the significance of heritage assets.

**Elmbridge Local Development Plan – Heritage:**

Planning permission will be granted for developments that protect, conserve and enhance the Borough's historic environment. This includes the following heritage assets:

- Listed buildings and their settings.
- Conservation Areas and their settings.

**b. Conservation Areas**

- ii. Development within or affecting the setting of a conservation area, including views in or out, should preserve or enhance the character and appearance of the area.

The proposed development would be directly cross-river from historic Grade 1 listed Hampton Court Palace and would adversely impact the Palace and its setting.

This development would surround and totally overwhelm locally listed Hampton Court Station. (This station is currently under consideration for Grade 2 listing).

This development is within the East Molesey (Kent Town) Conservation Area and would adversely affect the conservation area and destroy clear sightlines from Bridge Road and Creek Road to the locally listed station and beyond to Hampton Court Palace.

**Please see HCRC's separate detailed document on Urban Design & Heritage Issues.**

### **Car Parking**

HCRC is seriously concerned about the low provision of car parking in the proposed development. We have already lodged a detailed Assessment of the Alexpo parking and transport report but we confirm here that after building a large hotel, 97 apartments, a supermarket and a café/restaurant, the developer plans to add just two spaces to the existing 205 space car park and in a letter to EBC on the 21<sup>st</sup> February 2019 Network Rail compounds the problem:

*'We recognise that there are concerns about the amount of spaces being provided by the proposed development in the new car park. (1) It may help with any perceived capacity issues if we agreed to permanently restrict car parking use to rail passenger users, residents of the new flats and (2) overnight hotel users, when it is empty of rail passenger users. (3) This could be enforced as part of a car park management plan that would be deployed in the event that the local concerns about under provision are proven correct. (4) Please note that from the extensive studies commissioned by the developer we do not believe this to be the case.*

- (1) If the car park is closed to the public, what happens to the many visitors to the Palace, visitors to the flats, visitors to hotel guests, supermarket customers and casual one day rail users who do not have season tickets – where do they all park?
- (2) If they eat breakfast, the overnight hotel guests will not be gone in the morning when commuters are trying to find parking spaces and many hotel guests will arrive before commuters have left the car park in the evening.
- (3) It will be too late after the event to find that the *'local concerns about under provision are proved correct'*. If this development is allowed to proceed without adequate parking then Molesey will pay the price.
- (4) The so called *'extensive studies'* referred to in the Network Rail letter are dubious, mainly carried out in the winter months and/or out of date, a fact which is acknowledged by Alexpo's UK representative JLL in a March 1<sup>st</sup> 2019 letter; *"...we have engaged with Network Rail but such detailed surveys are not available."*

Parking in residential roads around the station is already at breaking point and this development can only add further pressure. The proposal is contrary to the Elmbridge Development Management Plan (DM7 b Parking):

- i. The 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. In such instances, a minimum provision of one space per residential unit will be required.

We note the requirement identified in DM7 to allocate spaces to apartments. Season tickets do not equate to allocated spaces and where spaces are not allocated, DM7 states that they can only be used by residential users. We do not believe there is any evidence that a car park management plan can solve these shortcomings.

Before this application can reasonably be considered there should be at least two new and independent parking studies carried out in busy spring/summer periods during weekdays and at weekends and also an assessment of the existing parking stress on surrounding roads using a credible methodology, we would recommend the 'Lambeth Methodology'.

If this scheme is implemented it will, as is suggested in SCC's consultation response, lead to extensive CPZs which will undermine local high street retail and increase congestion and pollution.

**Please see HCRC's separate Parking Assessment.**

### **Affordable Housing**

The developer has specified just 12 shared ownership apartments out of the 97 total (12%) and states that this is more than the 7 shared ownership apartments approved as part of the consented scheme 2008/1600. This statement is highly misleading as the developer fails to mention that the consented scheme had a far lower total of 68 apartments so with this taken into account the percentage of 'affordable' is about the same.

**However the most important difference** between the consented Gladedale scheme and this Alexpo scheme is conveniently ignored: In 2008 EBC "**very reluctantly**" accepted Gladedale's low affordable housing percentage because of the part the charity **Royal Star & Garter** played in the development. Here is an extract from the 2008/1600 EBC report from planning officer Ann Biggs detailing the reasons for recommending that the application be permitted: "**...In addition, the inclusion of the very special needs accommodation in the Royal Star and Garter Home – although not residential or affordable in the normal sense – has allowed the scheme to make an equivalent but different type of contribution to special needs accommodation...**"

In contrast the Alexpo scheme **does not** include a Royal Star & Garter Care Home and has no other mitigating circumstances to take into account so the low 12% affordable housing must be judged purely on its own merits within a totally commercial, high value residential development.

### **The South Western Railway Act 1913**

There is an Act of Parliament in place to protect the setting of Hampton Court Palace that prohibits any buildings on railway land cross river from the Palace from exceeding an absolute maximum height of **50 feet (15.24m)**. More recently in its Hampton Court Station and Jolly Boatman Development Brief (clause 6.3), Elmbridge Borough Council added to this protection by stipulating that any buildings on this railway land could only rise to **three storeys and a pitched roof**. Elmbridge Borough Council is now considering a planning application (2018/3810) for a scheme that rises to **55 feet (16.76m) and from Cigarette Island Park/Hampton Court Palace it is five storeys high**. Has Elmbridge Borough Council sought expert legal advice – particularly regarding the Act of Parliament as this is likely to be challenged in the High Court?

(HCRC legal advice suggests that the Council has no authority to approve this development if the buildings exceed 50ft (15.24m) in height as the Council's authority is exceeded by that of Parliament and it cannot contravene Parliamentary legislation).

**Please see separate HCRC legal opinion dealing with the Act of Parliament.**

**In summary**

The Gladedale consented scheme was under the 50ft maximum height, had 29 fewer flats, a smaller hotel and a larger car park (287 spaces), but was never built due to lack of viability primarily driven by the cost of the car park ramp. The response from Alexpo is to overdevelop the site, under-provide on parking, specify a less than acceptable affordable housing quota and ignore an Act of Parliament.

Our view is that the inherent challenges of the site should lead to a revised planning brief and ultimately a much smaller development and not an overbearing scheme which will leave a terrible long term legacy.

Yours sincerely,

**Ray Townsend**  
**Co-Chair, Hampton Court Rescue Campaign**