

From: [Sturgess, Tim \(Avison Young - UK\)](#)
To: joanne.wagstaffe@threerivers.gov.uk; sarah.nelmes@threerivers.gov.uk; steve.drury@threerivers.gov.uk
Cc: [Claire Westwood](#); [Kimberley Rowley](#); [Geof Muggeridge](#)
Subject: 21/0573/FUL - Development Site, Maple Lodge, Maple Lodge Close, Maple Cross,
Date: 26 October 2021 10:09:00
Attachments: [210573FUL BCL \(Maple Cross\) LLP.msg](#)

Dear All,

For the avoidance of doubt, we write to set out the current position on behalf of our client, BCL (Maple Cross) LLP (the Applicant), in response to the decision taken by TRDC Planning Committee on 21st October 2021 in relation to Item 8 (21/0573/FUL - Comprehensive redevelopment to provide 2 no. warehouse Class E(giii)/B2/B8 units comprising a total of 16,115 sqm including 1,882 sqm ancillary E(gi) office space, access, landscaping and associated works, at Development Site, Maple Lodge, Maple Lodge Close, Maple Cross, Hertfordshire).

We are disappointed that members resolved that the application be deferred to provide the Council with more time to consider the application. We understand that the Council intend to appoint a third party review of the documentation and consultee responses concerning groundwater in relation to the public water supply and nature reserve. Given the circumstances that have led to the current application, we see no reason why the Council need to commission this.

This application follows an appeal Hearing (ref. APP/P1940/W/19/3243565) dismissed on a single matter on 21st September 2021. At that time, the Inspector was not persuaded that sufficient evidence had been submitted to demonstrate that the risk to the public water supply could be adequately mitigated by way of condition.

Since this decision, our client and consultant team has undertaken significant engagement and cooperation with the Water Authority (Affinity Water), and subsequent changes, amendments and adjustments have been made address the previous concerns. The matter has been subsequently addressed as confirmed by Affinity Water who raise no objection, confirming that the risks can be managed.

The matter concerning the nature reserve was fully considered by the Inspector who concluded that the appeal scheme would not have a significant effect on the lakes either in terms of de-watering or the introduction of contaminants. Similarly, no objection is raised by the statutory consultee in relation to this matter.

The technical response of statutory consultees is independent advice which has been audited by external legal advisers to the Council. Commissioning further advice would not accord with the duty to engage with the applicants in a positive and creative way, and look to approve applications. The late nature of this request for additional evidence is also not in accordance with the NPPF requirements on decision taking. The application site is designated for redevelopment in a manner which we are proposing. Government guidance is clear that decisions should apply a presumption in favour of sustainable development and that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

The matters have been examined at appeal and satisfactorily responded to by this application. The applicant therefore strongly questions the reasonableness of the Council's position.

The application has already exceeded the statutory determination period and previous extensions of time has been reasonably agreed. Given the time and cost that has gone into both the previous and current applications, our client is not minded to continue to let this matter run without any further commitment of a resolution by the Council. Further, we see no reason why it should take any significant amount of time to secure an independent view if the Council wishes. We have continually demonstrated our commitment in working with the Council. Therefore, we are prepared to hold off on lodging an appeal on the Council's failure to determine the application, until 19th November 2021.

If no satisfactory outcome is achieved by that date, our client will have no option other than to appeal against the Council's failure to determine the application. Accordingly, we attach pre-notification of an appeal that has been served on the Council and the Planning Inspectorate as instructed by our client.

Regards

Tim Sturgess

Director
Planning, Development & Regeneration

M: +44(0)7827 873 687

tim.sturgess@avisonyoung.com | avisonyoung.co.uk

65 Gresham Street, London, EC2V 7NQ



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