

s.78 of the Town and Country Planning Act 1990 (as amended)

**Appeal against the non-determination of planning application ref.
21/0573/FUL**

**Employment Land to the north of Maple Cross Lodge, Maple Cross,
Rickmansworth**

**Summary Proof of Evidence of Tim Sturgess BA (hons), Msc, LRTPI
on behalf of BCL (Maple Cross) LLP**

March 2022

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Prepared By: Tim Sturgess

Date: March 2022

For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1. My name is Tim Sturgess and I am employed as a Director within the planning consultancy team at Avison Young. I hold a degree in Geography and a Master's in Town Planning and Sustainability from Kingston University. I have been a town planning practitioner and Licentiate Member of the Royal Town Planning Institute (RTPI) since 2008.
- 1.2. I have acted as the Appellant's planning adviser in respect of the Appeal site since 2019 and was responsible for the preparation of the planning application being considered at this Inquiry.

The Appeal Site

- 1.3. The site extends 3.4ha. It comprises an irregular shaped parcel of undeveloped land which forms part of the Maple Cross/Maple Lodge Employment Area in Maple Cross.
- 1.4. The wider surrounding area comprises a mix of employment (office, industrial and storage), residential uses, open space and agricultural land.
- 1.5. It is my view that the site is a sustainable location, accessible and ideally suited to the requirements for employment development, specifically storage and distribution.

2. Planning History

- 2.1. The site has a limited planning history with the exception of the previous planning application and subsequent appeal. The Previous Appeal was determined by the Planning Inspectorate on 21st September 2020.
- 2.2. It is common ground with the Council that the Previous Appeal was dismissed on a single ground on the basis that the Inspector found that there was insufficient evidence at that time to be certain that the potential effect on the public water supply could be satisfactorily addressed by way of conditions. All other matters were otherwise considered to be acceptable.
- 2.3. This issue has been comprehensively addressed through the application submission for the proposed development to which this appeal relates and is set out in full within the evidence of Hannah Fraser. Indeed, it is now a matter of common ground with the Council, Affinity Water (as statutory water undertaker) and the Environment Agency.

- 2.4. The Previous Appeal decision letter is therefore, a material consideration of significant weight in favour of development because there should be consistency of decision making.
- 2.5. Accordingly, the single residual issue arising from the last appeal has now been addressed and (as the LPA accept) should result in the grant of planning permission.

3. The Planning Application

- 3.1. The Proposed Development comprises two new purpose built warehouse buildings of c. 16,115 sqm for flexible employment use (Class E(giii)/B2/B8) with ancillary E(gi) office space and access, parking, landscaping works and associated works.

4. The Key Issues

- 4.1. The key issues have been identified by the Inspector.

5. Planning Policy Framework

- 5.1. With reference to the Council's adopted Development Plan I set out in full the policies of relevance in my evidence. In particular, I note that the site is allocated for employment development by Policy SA2 of the Site Allocations LDD.
- 5.2. It is my view that the draft Local Plan is currently afforded very limited weight. Notwithstanding this, significant weight can be attached to the latest 2016 and 2019 Economic Studies as pieces of evidence, as they are the most up to date evidence base.

6. Planning Assessment

Need for Development

- 6.1. The principle of development is determined by the site allocation and is agreed with the Council. The allocation is up-to-date which is not disputed by any party.
- 6.2. The 2010 South West Herts Employment Land Update identified a shortfall in supply of 13-14,000 sqm of industrial and warehousing floorspace to 2026 and 2031, equating to c. 3.5ha.

- 6.3. Maple Cross was identified as a good quality employment location benefiting from excellent strategic and local access. The site was the only site identified by 2010 Study with the potential to deliver additional industrial and warehouse floorspace in the District.
- 6.4. The Site Allocations LDD has been prepared in accordance with the NPPF, with the inclusion of this site allocation necessary for soundness. It is on this evidence that the site was allocated.
- 6.5. Significant weight can be attached to the latest independent Council commissioned 2016 and 2019 Economic Studies as the most up-to-date evidence base.
- 6.6. The 2019 study identifies an increased deficit of 39,945 sqm (c. 10ha). It recommends that the existing site allocations are retained for employment use. In my view this places significant weight on the requirements to optimise the site to deliver on the identified need through this allocated site, as the alternative is the release of greenfield Green Belt land.
- 6.7. The principle of development is therefore acceptable to meet an objectively assessed need for employment development. This remains the up to date position. Any development specific impacts must be considered in this context.
- 6.8. It is common ground with the Council that the proposed use of the site is supported by Policy SA2d(e). The proposed development will make effective use of land and the flexible use of the site accords with the allocation.
- 6.9. It is my view that the proposed development does not conflict with the fundamental aim of Green Belt Policy and that the proposed works which fall within the Green Belt designation are not inappropriate development in accordance with NPPF para. 150.
- 6.10. In the event that there is considered to be harm by definition, very special circumstances would nonetheless apply as the formation of an access which would not conflict with the purposes of including land within the Green Belt, would be clearly outweighed by the delivery of a planned Employment Land Site Allocation for which there continues to be a pressing identified need and that would deliver significant public benefits.
- 6.11. The proposal therefore complies with the NPPF, Core Strategy Policy CP11 and Development Management Policy DM2.

Other Matters

6.12. I will defer to the evidence of Hannah Fraser, Mitch Cooke, Matthew Heyes, Paul Wilson, Freya Hoyle and Kathryn Sather who will confirm that the development will comply with planning policy in relation to hydrogeological impacts; biodiversity net gain and the Forester Moth; noise; highways; air quality; and heritage.

7. Condition Matters

7.1. A draft set of planning conditions has been agreed with the Council except for the wording of Condition 19 relating noise, and Condition 38, relating to operating hours.

8. Section 106 Matters

8.1. It is common ground with the Council that a financial contribution of up to £142,800 secured by Section 106 obligation will provide 10% biodiversity net gain and appropriate mitigation in relation to the Forrester Moth.

8.2. It is also agreed that a travel plan and associated monitoring fee should be secured by Section 106 obligation.

9. Public Benefits

9.1. In my opinion the scheme will generate significant public benefits which are a material consideration in planning terms which should be afforded substantial weight in decision taking.

- It will provide 16,115 sqm employment floorspace that will provide a significant contribution to meeting the need identified by the South West Herts Economic Study (2018) for 13,200 sqm of B1c/B2 floorspace and 15,600 sqm of B8 floorspace for Three Rivers over the 2018-2036 period.
- In the context of a period of an uncertain economic future this employment development will make a significant economic contribution through generating £17.9m of Gross Value Added (GVA) per annum, of which £15.2m would be additional, and £2.8m retained in the local area.
- It will also result in the creation of a significant jobs both during the construction and operational phase, totalling 326 full time equivalent roles. This includes new jobs for local people which is identified as a priority for sustainable development by Core Strategy Policy CP6.

- Proactively addressing drainage through the upgrade of the estate road as supported by TRDC Development Management DPD Policy DM8.
- The provision of measurable biodiversity net gain through onsite and offsite contributions.

10. Conclusions – Overall Planning Balance

- 10.1. It is my opinion that the proposed development accords with the development plan when read as a whole. Furthermore, the development is needed in order to deliver the strategies, objectives and priorities of the development plan particularly in respect to employment land.
- 10.2. S.38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. I do not consider there to be any material considerations to indicate that the application should be refused.
- 10.3. Indeed, there is a powerful consensus of professional and independent technical evidence which confirms that there are no material considerations which should be afforded significant weight. This has been accepted by the Council which is not defending this appeal. Notwithstanding this, if reasons for refusal were found to be justified (contrary to the evidence presented by the Appellant) this should be weighed against the substantive public benefits that would be realised by allowing the scheme to proceed, as outlined previously.