

SUMMARY PROOF OF EVIDENCE

OF

JENNIFER MARGETTS

BA(Hons) MA

APPEAL BY: Alexpo Ltd and Network Rail Infrastructure Ltd

SITE: Jolly Boatman and Hampton Court Station Redevelopment Area Hampton
Court Way East Molesey Surrey KT8 9AE

LPA reference: 2018/3810 and 2018/3803

PINS reference: APP/K3605/W/22/3291461

May 2022

1. I am Jennifer Margetts, I am a Development Management Team Leader at Elmbridge Borough Council. I have 15 years of experience working in Development Management. I hold a Bachelor of Science degree in Biological Sciences from the University of Birmingham (2007) and a Master of Arts degree in Planning Policy and Practice from London South Bank University (2012). I am a Licentiate member of the Royal Town Planning Institute.
2. The evidence I provide is true and has been prepared in accordance with the guidance of my professional institution, the Royal Town Planning Institute. Where opinions are expressed, these are my own professional and sincerely-held opinions.
3. By virtue of the harm to the character and appearance of the area identified by Mr Clemons, I agree with him that Appeal A would amount to a breach of policies CS7, CS12, CS14 and CS17 Core Strategy and DM2, DM12 and DM13 Development Management Plan. Given that I have concluded those policies are generally consistent with national policy and having regard to the scale of the conflict with them, I have afforded substantial weight to that conflict.
4. Moreover, Mr Clemons has concluded that the development would give rise to harm to a number designated and non-designated heritage assets by virtue of development within their settings, even accounting for the claimed heritage benefits. His view is that this harm, whilst, "less than substantial", ranges up to the higher end of that category. Having regard to the importance and number of the assets involved, I have afforded substantial weight to that harm.
5. In accordance with paragraph 202 NPPF, I have therefore turned to consider whether the public benefits of the scheme clearly outweigh this collective harm.

Claimed benefits of the scheme	Weight afforded to the benefit				
	Substantial	Significant	Moderate	Limited	None
Economic benefits				•	
Housing delivery		•			
Affordable housing		•			
The new landscaped public square			•		
The creation of a new landscaped route				•	
Reduction in congestion and		•			

improved highway safety					
The improvement of parking facilities for the train station			•		
Improvement and maintenance of Cigarette Island					•

6. I do not consider the public benefits of the scheme outweigh the harm to the heritage assets involved and therefore do not provide the 'clear and convincing justification' for harming heritage assets envisaged by the government at paragraph 200 NPPF.
7. I therefore consider paragraph 202 NPPF tells against the grant of planning permission and amounts to a 'clear reason for refusal'.
8. On the basis of Mr Clemons' evidence, I consider the scheme conflicts with policies CS7, CS12, CS14, CS17 Core Strategy and DM2, DM12 and DM13 Development Management Plan (assuming a satisfactory legal agreement is executed to overcome reasons for refusal 3 and 4).
9. Moreover, I consider that the proposal breaches the statutory duties at ss.66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990.
10. Notwithstanding that policies often pull in different directions and a breach of some policies does not necessarily equate to a breach of the plan overall, I consider the scale of the conflict here amounts to a breach of the development plan taken as a whole. The scale of the conflict coupled with the consistency of the policies with the NPPF, means that I attach very substantial adverse weight to the conflict with the development plan in this instance.
11. Accordingly, I now turn to consider whether other material considerations justify determining the scheme otherwise than in accordance with the plan.
12. I accept that as a consequence of the shortfall in housing land supply against the standard method, paragraph 11(d) NPPF is engaged. That is an important material consideration.
13. The first question under paragraph 11(d)(i) NPPF is whether the application of policies in the NPPF give rise to a "clear reason" for refusal. I have weighed the public benefits of the scheme (set out above) against the less than substantial harm Mr Clemons has identified to a number of heritage assets in accordance

with paragraph 202 NPPF. I have found the public benefits do not clearly outweigh the harm and, therefore, a clear reason for refusal exists.

14. In case I am wrong about that, I have separately considered the position if the tilted balance at paragraph 11(d)(ii) NPPF were to be applied. In my view, the substantial harm arising from the effects on the character and appearance of the area coupled with the substantial harm arising from the harm to designated heritage assets, would significantly and demonstrably outweigh the benefits of this scheme.
15. It therefore follows that neither the application of the NPPF, nor any other material consideration, justifies determining the proposal otherwise than in accordance with the development plan.
16. As such, I consider that Appeal A should be dismissed in accordance with s.38(6) Planning and Compulsory Purchase Act 2004.
17. With regards to Appeal B, the proposed development would be contrary to policies DM12 and DM20 of the Development Management Plan 2015 and CS7, CS14 and CS17 of the Core Strategy 2015 and the NPPF. The Appellant acknowledges in paragraph 2.9 of the SoCG that if Appeal A is dismissed, so should Appeal B for the temporary car parking.
18. In the event that the Inspector is minded to grant planning permission for application 2018/3810 (Appeal A) then the Council would consider the benefits to the public in terms of speeding up the construction time to carry significant weight as a material consideration in the planning balance. As detailed in paragraphs 2.10 to 2.12 of the SoCG, in the event that Appeal A is allowed then so should Appeal B subject to the conditions detailed in Appendix 1 of the SoCG for Appeal B.