

# Design and Access Statement

Bricket Lodge Sports and Country Club and Paintball Site, Lye Lane, St Albans AL2 3TF



The demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.

# Outline Planning Application with Access Sought

The demolition of existing buildings, the construction of up to 115 dwellings, the creation a new access and associated highways improvements.

On behalf of Mr Ken Rudkin, J K Rudkin Builders Ltd

Ref: KR/BL/das

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## Personal Statement

The information and evidence in this Statement have been prepared and are given in accordance with the guidance of the RTPI and I confirm that the views expressed are my professional opinions.

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# 1 Summary

1.1 This Design and Access Statement is for a new residential development on a brownfield site north of Bricket Wood, St Albans. The Proposal is to build up to 115 dwellings, 35% of which will be affordable. This will require existing buildings to be demolished, a new vehicular access to be created from Lye Lane and improvements made to the local highways network, notably the creation of a new footpath south of the Site

1.2 The Outline Application submitted for approval is informed by:

- Site Location Map;
- Existing Site Plan Rev. A; and
- Indicative Proposed Site Layout Rev C  
all © Tom Gristwood
- Ecology Appraisal © Cherryfield Ecology
- Emergence and Activity Bat Survey © Cherryfield Ecology
- Full Common Reptile Survey © Cherryfield Ecology
- Flood Risk Assessment © GeoSmart Information
- Sustainable Drainage Assessment © GeoSmart Information
- Thames Water Confirmation of Capacity
- Landscape and Visual Impact Assessment © UBU Design
- Noise Assessment © Spectrum Acoustic Consultants
- Utilities Assessment © Mewies Engineering Consultants Ltd
- Transport Assessment © Paul Mew Associates:
- Travel Plan © Paul Mew Associates
- Highways Response © Paul Mew Associates
- Road Safety Audit Response Report © Paul Mew Associates
- Proposed Site Access Junction Layout 29/09/22 © Paul Mew Associates
- Proposed New Footpath on Lye Lane (4 pages) 29/09/22 © Paul Mew Associates
- Swept Path Analysis 29/06/22 © Paul Mew Associates  
and
- Planning Statement; Affordable Housing Needs Statement; Local Requirements Checklist; Site Photos; and Draft S106 Heads of Terms © MRP Planning.

1.3 The design strategy is to deliver a high-quality housing development within an extensively-landscaped environment that will ultimately comply with national and local policies, meet urgent housing needs, increase biodiversity and support the transition towards zero carbon.

1.4 The Statement concludes that the Site and Access arrangements are suitable to accommodate the proposed scheme such that Outline Permission should be Approved.

## 2 The Site

### Description, Location and Context

- 2.1 The Application Site is located on Lye Lane immediately north of the M25 which itself is immediately north of Bricket Wood. It currently has three access points along Lye Lane: one blocked off for security reasons; a second which serves the paintball area; and the third which serves the existing residential development of 33 homes.
- 2.2 The Site is approximately 3.2 hectares. It comprises three distinct sections:
- a number of redundant and vacant buildings around a large area of hardstanding, built over the years to accommodate, variously, a cricket club house, country club and gymnasium;
  - a paintball operation with numerous outbuildings, containers and *ad hoc* structures, together with substantial areas of hardstanding; and
  - a residential area comprising 33 dwellings and car parking spaces.
- 2.3 To the west, on the other side of Lye Lane, is undeveloped land which received permission for a Golf Course in 1994, that is understood to have lapsed. To the north, beyond the extensive tree screening, are large detached dwellings on large plots on Lye Lane. To the east, beyond a substantial wooded area, are houses on Park Street Lane with deep residential gardens. To the south, between the Application Site and the M25, is part of Blackgreen Wood which was bisected by the M25 and which is under the ownership of the Applicant. As this woodland area is subject to an extensive Tree Preservation Order (TPO 1666), it is excluded from proposed development (see Site Location Map).
- 2.4 The Site is therefore bordered by Lye Lane to the west and by extensive amounts of mature trees on the other three sides. The entire brownfield Site is within the Green Belt.



Photo 1 – The former Sports and Country Club



Photo 2 – Part of the 'urban zone' within the Paintball Area



Photo 3 – Entrance to the existing dwellings

**Sustainable Location**

2.5 As set out in detail in Section 4 of the Travel Plan, the site – when enhanced by the construction of a new 2 metre-wide and lit pavement to connect the site to the village and other footpaths – is in a sustainable location close to a wide range of local amenities including: a food store, pharmacy, cafes, restaurants and public houses, a library and schools, plus bus routes and Bricket Wood Station.

2.6 Bricket Wood is a large village identified as a Specified Settlement (Ref: SS.2) in Policy 2 of the 1994 Local Plan and as a village in the St Stephens Neighbourhood Plan (July 2022) (“the SSNP”). The village possesses a wide range of facilities as set out above and in the transport Assessment and Travel Plan.

2.7 The close proximity of local amenities, accessibility to public transport provision and the improvements to the local highways network, particularly in respect of walking and cycling, mean the Site is an appropriate and sustainable location for a new residential development.

**Potential Constraints and Opportunities**

2.8 **Land Ownership.** All land required by the proposal is in the ownership of either the Applicant or Hertfordshire County Council as the highways authority. The Applicant also owns the woodland area immediately to the south of the Site (within the blue line of the Location Plan), creating the opportunity for greater public access to and/or interaction with the Green Belt and providing the opportunity to deliver off-site ecological benefits, too, if necessary.

2.9 **Nearby Residential Development.** There are no immediate neighbours to the west or south of the Site. Those to the north and east are separated by extensive tree screening and/or deep woodland. Therefore, the development of the Site should be considered to have no detrimental effect on nearby residential amenity.

2.10 **Proximity of the M25.** Whilst it’s separated from the Site by extensive woodland, and despite the fact that the site already accommodates over 30 dwellings, the noise generated by the traffic on the M25 has the potential to constrain residential development. Consequently, a Noise Survey was carried out by Spectrum Acoustics. The report identified an effective scheme to reduce noise on the Site by erecting a 3m fence along the boundary between the Site and the woodland to the south (and a small return on the southern part of the western boundary). The subsequent post-mitigation noise maps helped identify acceptable locations for new housing towards the southern boundary of the Site (see Fig. 1). The introduction of the acoustic barrier won’t require the removal of any trees and views of it can be softened by planting and landscaping of the open space adjacent to it.

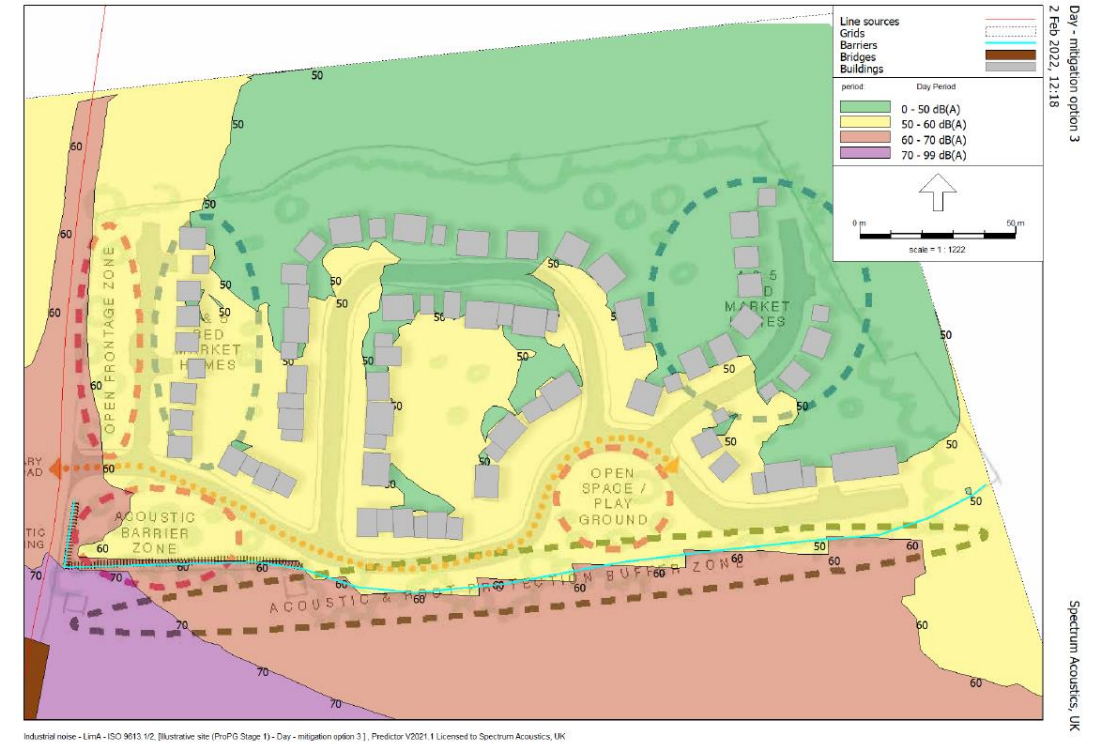


Fig. 1 A Daytime Noise Survey incorporating an acoustic barrier influenced the Indicative Layout

2.11 **Topography.** The Application Site is quite level reflecting its previous use as a cricket ground. The topography is considered to generate no constraints to the building of residential dwellings.

2.12 **Biodiversity.** The Application Site provides little in the way of floral ecological interest given the existing buildings and the extensive hardstanding. However, the Site boundaries and surrounding area create a sylvan context which will be reflected in the detailed landscaping that follows at the Reserved Matters stage.

2.13 The Ecology Appraisal (Cherryfield Ecology, 2022) found evidence of bats and the possibility of reptiles. Consequently, further surveys took place. The subsequent surveys are included within the application documents and their conclusions covered in paragraphs 7.17-7.19 of the Planning Statement, confirming there is no ecological barrier to development.

2.14 Whilst the on-site ecology isn’t a constraint to development, there is a clear opportunity to increase biodiversity through extensive tree planting, open spaces and the landscaping of over one hundred residential gardens. The intention is to deliver a Biodiversity Net Gain significantly higher than 10%, the details of which will be confirmed at the Reserved Matters Stage and secured through a s106 Agreement.

- 2.15 **Drainage.** There are no surface water features on the Site. The Flood Risk Assessment and separate Sustainable Drainage Assessment (both GeoSmart, 2022), consider the risk of flooding won't increase significantly and proposes appropriate mitigation measures.
- 2.16 **Local Highways Network.** The Transport Assessment, Highways Response and Road Safety Audit Response Report (all Paul Mews Associates), demonstrate that the local highways network isn't a constraint because the impact of the proposal on road safety is acceptable and the impact on the road network won't be severe.



### 3 Design Policy Context

3.1 The *Planning* Policy Context, which is critical to the consideration of this Application, is covered in detail in the Planning Statement included with the application documents. This Section considers how relevant local and national Design Policies have influenced the scheme.

#### 1994 Local Plan and SPG

3.2 Policy 70 of the 1994 Local Plan sets out the requirements for the “Design and Layout of New Housing”. Supplementary Planning Guidance<sup>1</sup> in the form of the Council’s Design Advice Leaflet No. 1 was published in 1998 to add detail to Policy 70. With respect, and to borrow a phrase used by an Inspector in a recent Appeal Decision<sup>2</sup>, both the Policy and the SPG are “*painfully out-of-date*”, being pre-CABE, pre-NPPF, pre-Technical Housing Standards etc.

3.3 Nevertheless, Policy 70 is the current development plan policy and whilst it is out-of-date, the scheme will be assessed against it, as set out in more detail in Section 4 below.

#### Emerging Local Plan

3.4 Initial consultation on a new Local Plan 2020-38, finished on 8<sup>th</sup> March 2021. There are, as yet, no draft design policies to consider.

#### The St Stephen’s Neighbourhood Plan (“The SSNP”)

3.5 The SSNP was Made on 20<sup>th</sup> July 2022. Its most relevant policies are considered in Section 4 below.

#### The NPPF

3.6 The current NPPF was published in July 2021, replacing previous versions which themselves replaced the previous range of Guidance Notes, and Policy Statements. Paragraph 2 of the NPPF states, amongst other things, that the Framework “... *is a material consideration in planning decisions*”.

3.7 Whilst most of sections of the NPPF are relevant to this Application, I consider that the more important ones for this Design and Access Statement are:

- “*Achieving sustainable development*”, Section 2;
- “*Promoting sustainable transport*”, Section 9;
- “*Making effective use of land*”, Section 11;
- “*Achieving well-designed places*”, Section 12; and
- “*Protecting Green Belt land*”, Section 13.

3.8 Amongst other changes introduced into the current NPPF in July 2021, were measures to improve design quality. This requires LPAs to “*prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences*”. The Council has yet to publish such design guides or codes.

#### Planning Practice Guidance (“the PPG”)

3.9 The PPG was published on 6<sup>th</sup> March 2014 (with updates since) and replaced all previous planning guidance documents. The PPG confirms that “*design quality cannot be achieved through an outline planning application alone. Outline planning applications allow fewer details about the proposal to be submitted than a full planning application, but can include design principles where these are fundamental to decision making*” (Ref: Paragraph: 010 Reference ID: 26-010-20191001 Revision date: 01 10 2019).

<sup>1</sup> SPGs were replaced by SPDs (Supplementary Planning Documents) in 2004

<sup>2</sup> Appeal Ref: APP/C1570/W/19/3242550 paragraph 16, September 2020

## 4 Design and Layout

### Design Rationale

4.1 The Indicative Proposed Site Layout has been influenced by the unique characteristics of the Site and the particular circumstances of its surroundings. The context and needs of the both the District and the immediate local area have been taken into account and will help shape the final scheme at the Reserved Matters stage. Given the lack of neighbouring properties, there are no buildings lines, height parameters or local vernacular to follow. The intention is to create a strong sense of place which:

- integrates well with the immediate landscape and context;
- creates a legible layout with appropriate links to existing and potential movement routes;
- builds high-quality, attractive homes with access to private and public open space;
- includes a minimum of 10% of M4 (2) “accessible and adaptable buildings”;
- includes a mixture of houses sizes and tenure types (35% affordable) to promote social cohesion;
- minimises environmental impacts from both demolition and construction;
- seeks to create a modal shift away from car use;
- will deliver more than 10% Biodiversity Net Gain; and
- supports the transition to zero carbon.

### Use and Amount

4.2 Outline permission is sought for the removal of existing buildings and the construction of up to 115 dwellings and the creation of extensive open space and a new access. A notional schedule of 109 dwellings is shown in the Indicative Proposed Site Layout and replicated in Table 1 below:

|              | 1-bed | 2-beds | 3-beds | 4-beds | 5-beds | Total |
|--------------|-------|--------|--------|--------|--------|-------|
| No. of units | 21    | 35     | 34     | 12     | 7      | 109   |

Table 1: Indicative housing mix by size

4.3 The quantum of housing and the house-size mix are subject to change for the Reserved Matters Stage if new evidence and discussions with the Council and others indicate a more appropriate scheme (hence the flexibility to deliver “up to” 115 dwellings).

### Layout – A Reserved Matter

4.4 The Indicative Proposed Site Layout has been shaped to reflect: the indicative quantum and housing mix; the key requirements of Policy 70 of the 1994 Local Plan; and the relevant elements of the emerging Neighbourhood Plan.

### Scale and Appearance – Reserved Matters

4.5 A mix of detached, semi-detached and terraced dwellings is envisaged. The intention is for the dwellings to be two storey or two-and-a-half storey for 5-bedroom dwellings.

### Landscaping – A Reserved Matter

4.6 Whilst a reserved matter, the intention is to reflect the sylvan nature of the immediate vicinity via substantial tree-planting of native species including ash, oak, cherry, hornbeam, hawthorn and field maple.

### Access - sought

4.7 Given that a new Primary Vehicular Access is to be created off Lye Lane, it was considered essential to liaise with Hertfordshire County Council (the highways authority) to ensure this would be safe and suitable and to establish what other issues HCC would require to be addressed.

4.8 The Transport Assessment, Travel Plan, Highways Response and Road Safety Audit Response Report (Paul Mew Associates, 2022), are a direct response to the Pre-Application discussions with WSP, who acted on behalf of HCC, between March and September 2022.

4.9 Together, these documents demonstrate that the impact on the road network is minimal and the impact on road safety acceptable.

4.10 A key element of the scheme, established early in the pre-application discussions, was the need to improve pedestrian connectivity. The practical and effective solution is the creation of a safe pavement link from the Site to the village and other public and permissive footpaths. The pavement will be 2 metres wide and lit (see Transport Assessment, paragraph 5.16 and Proposed New Footpath on Lye Lane 29/09/22), to provide safe pedestrian access where none currently exists ... and, so, will benefit existing residents as well as future households.

4.11 Please note, the land which is required for widening the pavement is within the ownership of HCC and, consequently, Certificate B has been signed and a Notice 1 was issued on 26<sup>th</sup> September 2022.

### Compliance with Relevant Local Plan Policies

4.12 To best consider the degree to which this scheme accords with the most relevant policies, I shall assess it against the 12 criteria in Policy 70 Design and Layout of New Housing and the relevant policies in the recently-made Neighbourhood Plan.

4.13 **(i) Design and Layout.** The indicative Proposed Site Plan (whilst a Reserved Matter) clearly shows that the massing and siting of buildings can create a safe, attractive space of human scale.

- 4.14 **(ii) Dwelling mix.** The market housing and affordable housing caters for just a small part of the proven need in a District with a significant and persistent housing crisis. The mix of house sizes is indicative and may change, subject to discussion, at the Reserved Matters Stage. As set out in the Planning Statement (paragraph 4.4 and Table 2), the proposal is for 35% of the housing to be affordable. 25% of these will be First Homes as required by the NPPF. The mix of the balance is open to negotiation with the Council as part of the S106 Agreement and, subsequently, the Reserved Matters application.
- 4.15 I note that Criterion 1 of Policy S2 of the Neighbourhood Plan states that “*support will be given to developments that provide predominantly 1-, 2- and 3-bedroom properties*”. The current mix indicates that 81% of the dwellings will be 1-, 2- and 3-bedroom properties.
- 4.16 **(iii) Roads and footpaths.** The scheme can be seen to be in accordance with the relevant criteria in Policy 34 Highways Considerations in Development Control.
- 4.17 I also consider that the access strategy accords with Criterion 1 (iv) of Policy S5 of the Neighbourhood Plan.
- 4.18 **(iv) Parking and garaging.** Policy 40 Parking Standards in Residential Development has effectively been made out-of-date by the Council’s 2002 Revised Parking Policy and Standards and by the emphasis on more sustainable forms of travel. I note that Criterion of 1 ii of Draft Policy S5 of the Neighbourhood Plan defers to the 2002 Standards.
- 4.19 The indicative provision of off-road car parking spaces for each home is appropriate and reasonable.
- 4.20 In addition, I believe it’s clear, given the intention to exceed the minimum amount of private amenity space preferred, that there is sufficient room for dedicated cycling spaces for each dwelling.
- 4.21 **(v) Landscape.** Whilst landscaping is a Reserved Matter, it’s clear that the scheme can satisfy the requirements of Policy 74 Landscaping and Tree Preservation. All mature trees on and adjacent to the Application Site will be retained and it’s our intention for dozens of trees of native species to be planted throughout the Site.
- 4.22 The Landscaping scheme will also accord with Criterion 1 (iii) of Policy S5 of the Neighbourhood Plan.
- 4.23 **(vi) Privacy between dwellings.** Whilst the 1994 Local Plan sought to achieve a window-to-window distances of 27m, the Council’s most-recently Withdrawn emerging Local Plan sought to reduce the acceptable distance between dwellings to 22 metres (Policy L24 Development Amenity Standards). Given that “direction of travel” and to make better use of previously developed land, the Indicative Proposed Site Layout uses a window-to-window distance of 24m.
- 4.24 **(vii) Privacy between dwelling and rear boundary.** Equally, the Indicative Proposed Site Layout uses a distance of 12m to the rear boundary, an appropriate compromise between the 1994 requirement of 13.5m and the 11m the Council considered acceptable when submitting its most recent draft Local Plan.
- 4.25 **(viii) Orientation.** There is no reason to suggest that suitable levels of sunlight and daylight can’t be achieved at the Site. The potential of shadowing of homes or gardens from the wooded area to the south has been taken into account in the Indicative Proposed Site Layout.
- 4.26 **(ix) Amenity space around dwellings.** The Indicative Proposed Site Layout demonstrates that the amenity space sought by this Criterion, and set out in the Design Advice Leaflet No. 1 SPG, can be achieved for all dwellings.
- 4.27 **(x) Defensible space.** The Indicative Proposed Site Layout demonstrates that all dwellings can be 3 metres from public land.
- 4.28 **(xi) Open space.** For a scheme of 109-115 dwellings, the formula in this Criterion requires a contribution of 0.34-0.36 hectares of open space, including a Children’s Play Area. The Indicative Proposed Site Layout indicates that c.0.42 hectares of Open Space will be provided.
- 4.29 **(xii) Materials.** At the Reserved Matters stage, materials will be demonstrated to be durable and compatible with the location.
- Compliance with Relevant Neighbourhood Plan Policies**
- 4.30 The most important policies in the SSNP are considered to be ...
- 4.31 **S1 Location of Development.** Whilst the Policy prefers development within the built-up areas, Item 3 states, in part and in accordance with Local Plan Policy 1 and the NPPF, that “*residential development which ... demonstrates very special circumstances ... will be supported*”, particularly when, as here, it includes affordable housing and smaller units.
- 4.32 Item 5 expresses a preference for brownfield site but only in the built-up areas within the Parish. It seems strange that the SSNP doesn’t distinguish between brownfield and greenfield Green Belt sites. It must also be noted that there are no brownfield sites in the Parish identified on the Council’s latest brownfield register (as set out in the Planning Statement (3.7), the District Council refuses to include brownfield sites in the Green Belt within its Brownfield Register).
- 4.33 **S2 Dwelling Mix.** In my view, the indicative mix of houses better reflects the evidence from the SHMA which apparently informed the SSNP. However, this mix is indicative, and the Applicant would be more than happy to discuss evidence-based alternatives.

- 4.34 **S3 Character of Development.** Item 1 doesn't apply. The proposal is considered to comply with Item 2 because landscaping and screening can improve the current visual appearance of the existing development. The housing will be also be at a lower density than the existing dwellings on site.
- 4.35 **S5 Design of Development.** Whilst Layout, Appearance and Landscaping are Reserved Matters, the vision for the Site at this Outline stage is to deliver a high-quality design which balances the three objectives of sustainable development and seeks to reduce energy consumption and climate effects. At the Reserved Matters stage, all the criteria in Items 1 and 2 will need to be taken into account.
- 4.36 **S6 Minimising the Environmental Impact of Development.** Whilst unmentioned in this Policy, in my view, the sensitive re-development of brownfield land is clearly preferable to the loss of undeveloped greenfield land. At the Reserved Matters stage, under Landscaping, detailed proposals will seek to minimise environment harm and increase biodiversity.
- 4.37 **S7 Protection of Natural Habitats and S10 Green Infrastructure and Development.** As set out above (2.8), the red line of application site explicitly excludes the Ancient Woodland immediately to the south and within the ownership of the Applicant. This area will be protected from development and offers the potential for off-site enhancement if required.
- 4.38 **S12 Off-Street Car Parking.** Items 1 and 2 aren't considered to apply.
- 4.39 **S13 Bus Services and Community Transport.** As set out in the Travel Plan (paragraph 6.7), the Applicant commits to pay reasonable contributions to HCC for sustainable travel initiatives.
- 4.40 **S14 Provision for Walking, Cycling and Horse-Riding.** As set out in the Transport Assessment and above, a new safe pedestrian access will be created from the Site southwards along Lye Lane which will connect into existing public and permissive footpaths and offer safe routes to local amenities and Bricket Wood Station. The new footpath will create safe walking opportunities for existing residents as well as the new households on the Site.
- 4.41 **S16 Community Facilities.** No community facilities will be lost because of the scheme. Indeed, as set out in the NPPF, the existing facilities may be enhanced by the additional households: *"Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services"* (para 79).
- 4.42 **S17 Leisure Facilities for Children and Teenagers.** Play areas are included in the Indicative Proposed Site Layout in accordance with Policy 70 xi of the Local Plan.
- 4.43 **S24 Broadband Communications.** Openreach deploy FTTP, free of charge, into all new housing developments of 20 homes or more. Openreach's infrastructure is open to all communication service providers which will allow the new households to select from broadband speeds of up to 1Gbps.

#### **Conclusion on relevant policies**

- 4.44 The Outline scheme is clearly in general accordance with the most important policies in both the Local Plan and the Neighbourhood Plan.

#### **Overall Conclusion on Design and Access**

- 4.45 In the context of different – and sometimes contradictory – policies, this Statement has demonstrated how the Design of the proposed scheme is acceptable in principle. It has shown that the high-quality market and affordable housing can be built on an unattractive brownfield site in a District which is currently granting permission for (or losing appeals to), similar schemes on greenfield sites in the Green Belt.
- 4.46 In addition, safe vehicular access can be created off Lye Lane and practical improvements made to the local highways network to promote walking and cycling to local shops, facilities and public transport.

## 5 Conclusion

- 5.1 This Design and Access Statement sets out the design case for a new residential of up to 115 dwellings on brownfield land to the north of Bricket Wood. The scheme will require the demolition and/or removal of existing development and hardstanding and the creation of a new vehicular access from Lye Lane. Changes to the local highways network will also help to improve opportunities for pedestrians and cyclists.
- 5.2 This Statement has assessed the Site and relevant Design Policy context and evaluated the outline scheme against the Council's most relevant design policy and guidance.
- 5.3 The conclusion is that the Site is suitable to accommodate the proposal, which can be seen to be in general accordance with national policy, the out-of-date Local Plan and the emerging Neighbourhood Plan.

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September 2022