

## **Main Statement of Common Ground between**

JK Rudkin Builders Limited and St Albans City and District Council

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

SACDC Ref: 5/2022/2443

Planning Inspectorate Ref: APP/B1930/W/24/3338501

Outline application (access sought) for the demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.

MAY 2024

This Statement has been structured in accordance with Government advice for Statements of Common/Uncommon Ground for Inquiries, updated March 2021.

## 1 Appeal Reference

1.1 PINS Ref: APP/B1930/W/24/3338501

## 2 Site Address

2.1 Bricket Wood Sports and Country Club, Paintball Site & Bricket Lodge, Lye Lane, St Albans, Hertfordshire AL2 3TF. The Site” is shown, outlined in red on “Site Location Plan Rev. A”.

## 3 Agreed Description of Development

3.1 Outline application (access sought) for the demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.

## 4 Latest iterations of the Plans on which the Council consulted

4.1 Site Plans:

- Site Location Map Rev. A
- Existing Site Plan Rev. B
- Proposed Site Layout Rev. C

Additional Plans submitted as parts of technical reports include the following which are not application plans:

4.2 Transport Assessment by Paul Mew Associates:

- Proposed Site Access Junction Layout Ref P2584 Appendix E
- Proposed New Footway to South P2584 (1 of 4) Appendix G
- Proposed New Footway to South P2584 (2 of 4) Appendix G
- Proposed New Footway to South P2584 (3 of 4) Appendix G
- Proposed New Footway to South P2584 (4 of 4) Appendix G
- Refuse Vehicle Swept Path Analysis P2584 Appendix H

4.3 Technical Note by Milestone Transport Planning

- Proposed Active Travel Improvements Ref 23051/001/01 Rev. A Appendix 3
- Proposed Active Travel Improvements Ref 23051/001/02 Rev. A Appendix 3
- Proposed Active Travel Improvements Ref 23051/001/03 Rev. B Appendix 3
- Proposed Active Travel Improvements Ref 23051/001/04 Rev. B Appendix 3

- Proposed Active Travel Improvements Ref 23051/001/05 Rev. B Appendix 3
- Proposed Active Travel Improvements Ref 23051/001/06 Rev. B Appendix 3
- Proposed Active Travel Improvements Ref 23051/001/07 Rev. B Appendix 3
- Proposed Lye Lane Cross Sections Ref 23051/002 Rev A Appendix 4
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK01/01 Rev. A Appendix 5
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK01/02 Rev. A Appendix 5
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK01/03 Rev. A Appendix 5
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK01/04 Rev. A Appendix 5
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK02/01 Rev. A Appendix 5
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK02/02 Rev. A Appendix 5
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK02/03 Rev. A Appendix 5
- Swept Path Analysis Large Refuse Vehicle Ref 23051/TK02/04 Rev. A Appendix 5
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK03/01 Rev. A Appendix 6
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK03/02 Rev. A Appendix 6
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK03/03 Rev. A Appendix 6
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK03/04 Rev. A Appendix 6
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK04/01 Rev. A Appendix 6
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK04/02 Rev. A Appendix 6
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK04/03 Rev. A Appendix 6
- Swept Path Analysis Large 7.5t Box Van Ref 23051/TK04/04 Rev. A Appendix 6

## 5 List of any new plans not seen prior to commencement of Appeal

5.1 Topographical Survey Ref: TMA-23-2269/201 and 2023 by Tower Surveys

## 6 The plans that would be approved should this Appeal be Allowed

6.1 Previously seen plans:

- Site Location Map Rev. A
- Existing Site Plan Rev. B
- Proposed Site Access Junction Layout P2584 Appendix E

6.2 Since the Appeal was submitted and following the Council's Statement of Case and prior to proofs being finalised the Appellant submitted additional drawings which they will invite the Inspector to add to the drawings already before the Inquiry. The drawings relate to the proposed off-site footpath and access arrangements and comprise drawing included with Nick Ferguson, Proof of Evidence at Appendix B:

- General Arrangement Plan Sheet 1: 231436-CON-XX-00-SK-C-0001

- General Arrangement Plan Sheet 2: 231436-CON-XX-00-SK-C-0002
- General Arrangement Plan Sheet 3: 231436-CON-XX-00-SK-C-0003
- General Arrangement Plan Sheet 4: 231436-CON-XX-00-SK-C-0004
- Proposed Site Clearance Plan Sheet 1: 231436-CON-XX-00-SK-C-0005
- Proposed Site Clearance Plan Sheet 2: 231436-CON-XX-00-SK-C-0006
- Proposed Site Clearance Plan Sheet 3: 231436-CON-XX-00-SK-C-0007
- Proposed Site Clearance Plan Sheet 4: 231436-CON-XX-00-SK-C-0008
- Surface Water Drainage Proposal Sheet 1: 231436-CON-XX-00-SK-C-0009
- Surface Water Drainage Proposal Sheet 2: 231436-CON-XX-00-SK-C-0010
- Surface Water Drainage Proposal Sheet 3: 231436-CON-XX-00-SK-C-0011
- Surface Water Drainage Proposal Sheet 4: 231436-CON-XX-00-SK-C-0012
- Typical Section of Proposed Footway to Lye Lane: 231436-CON-XX-00-SK-C-0013
- Typical Section of Proposed Passing Bay to Lye Lane: 231436-CON-XX-00-SK-C-0014

## 7 Relevant Planning History

### Application Site

- 7.1 Ref 5/1981/1226 – Conditional permission granted for an extension to the existing cricket pavilion. The permission was restricted to the use of the building as a pavilion for a private cricket club.
- 7.2 Ref: 5/2001/0296 and 5/2002/1303 – Appeals allowed for the use of a dwellinghouse for bed and breakfast accommodation at Bricket Lodge
- 7.3 Ref: 5/2005/0783 – Planning permission granted for roofing over the swimming pool enclosure (not implemented).
- 7.4 Ref: 5/2011/1448 and 5/2017/2801 – Certificate of Lawfulness Certificates approved for paintballing, the latter confirming its extended south to the M25 encompassing ancient woodland on land outside the current Appeal Site.
- 7.5 Ref: 5/2014/1999 – DC Bricket Wood Country Club – use of existing buildings as 8 self-contained dwellings – Appeal Dismissed Ref: APP/B1930/W/15/3003840.

### Relevant Green Belt Decisions in the District

- 7.6 Ref: 5/2020/1992 – Bullens Green Lane. 100 dwellings. Allowed at Appeal, Ref: APP/B1930/W/20/3265925, 14/06/21.
- 7.7 Ref: 5/2021/0423 – Land to rear of 111-156b Harpenden Road. Granted Conditional Permission by the Council on 26/07/21 subject to the completion of a S106 (completed 12/01/22).

- 7.8 Ref: 5/2022/0267 – Land Between Caravan Site and Watling Street, Park Street. Refused by the Council on 19/01/24.
- 7.9 Ref: 5/2021/3194– Land North of Chiswell Green Lane, St Albans. Refused by the Council on 25/10/22. Appeal Allowed.
- 7.10 Ref: 5/2022/0297 – Land South of Chiswell Green Lane, St Albans. Refused by the Council on 16/12/22. Appeal Allowed.
- 7.11 Ref: 5/2022/1988 – Land to the rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath. Refused by the Council. Dismissed at Appeal, Ref: APP/B1930/W/23/3323099, 26/01/24.
- 7.12 Ref: 5/2019/3011 – Land at Smallford Works, St Albans – Redevelopment for 100 dwellings. Appeal Dismissed Ref: APP/B1930/W/20/3260479.
- 7.13 Ref: 5/2017/2411 – Land at Lye Lane, Bricket Wood – remediation of land, creation of a community forest and erection of 16 detached dwellings with associated landscaping. Appeal Dismissed Ref: APP/B1930/W/18/3212658

## 8 List of relevant development plan policies

- 8.1 St Albans Local Plan Review 1994
- 1 Metropolitan Green Belt
  - 2 Settlement Strategy
  - 8 Affordable Housing in the Metropolitan Green Belt
  - 34 Highways Consideration in Development Control
  - 35 Highway Improvements in Association with Development
  - 39 Parking Standards, General Requirements
  - 40 Residential Development Parking Standards
  - 69 General Design and Layout
  - 70 Design and Layout of New Housing
  - 74 Landscaping and Tree Preservation
  - 84 Flooding and River Catchment Management
  - 84A Drainage Infrastructure
  - 97 Existing Footpaths, Bridleways and Cycleways
  - 102 Loss of Agricultural Land
  - 106 Nature Conservation
  - 143A Watling Chase Community Forest

- 143B Implementation

8.2 The St Stephen Neighbourhood Plan includes the following relevant policies:

- S1 Location of Development
- S2 Dwelling Mix
- S3 Character of Development
- S5 Design of Development
- S6 Minimising the Environmental Impact of Development
- S7 Protecting Natural Habitats and Species
- S10 Green Infrastructure and Development
- S11 Improvement to Key Local Junctions and Pinch Points
- S12 Off-Street Car Parking
- S13 Bus Services and Community Transport
- S14 Provision for Walking, Cycling and Horse-Riding
- S15 Improving the Bridleway Network
- S16 Community Facilities
- S17 Leisure Facilities for Children and Teenagers
- S24 Broadband Communications

## 9 Other relevant planning policy/guidance/material considerations

### Policy

9.1 The National Planning Policy Framework, December 2023

### Guidance

9.2 Planning Practice Guidance, online resource published March 2014 and updated since

9.3 St Albans Council Design Advice Leaflet No. 1, 1998

9.4 St Albans Council Revised Parking Policies and Standards, January 2002

9.5 St Albans Council Affordable Housing – Supplementary Planning Guidance, March 2004

### Other material documents

9.6 Annual Monitoring Report, January 2024

9.7 St Albans Housing Delivery Test Action Plan, December 2022

9.8 Housing Delivery Test 2022, DLUHC, December 2023

9.9 SW Hertfordshire Local Housing Needs Assessment, GL Hearn, September 2020

## 10 Areas where the parties are working together

10.1 On the Draft Section 106 Agreement and Conditions.

## 11 Areas of agreement and disagreement

11.1 The Guidance suggests that the areas of agreement and disagreement should be set out in a Table:  
please see below.

Table of Agreements and Disagreements

| <b>GREEN BELT</b>  |                 | COMMENT   |
|--|-----------------|---|
| The Appeal Site is entirely within the Green Belt  | <b>AGREE</b>    |   |
| The Appeal Site is Previously Developed Land   | <b>AGREE</b>    |   |
| The Appeal Proposal is “appropriate” development   | <b>DISAGREE</b> | The Council does not consider the proposal meets any of the exceptions in NPPF paragraph 154(g)   |
| If the Appeal Proposal is “appropriate” development there is no need to demonstrate “very special circumstances”           | <b>AGREE</b>    |   |
| If the Appeal Proposal is “inappropriate” development, “very special circumstances” are required                           | <b>AGREE</b>    |   |
| If “inappropriate”, substantial harm is caused by way of inappropriateness   | <b>AGREE</b>    |   |
| Level of harm caused by loss of openness   | <b>DISAGREE</b> | The level of harm is disputed.  |
| Level of harm to Green Belt purposes   | <b>DISAGREE</b> | The level of harm is disputed.  |
| Level of harm to visual amenity  | <b>DISAGREE</b> | The Council considers that the proposal will not recognise the intrinsic character and beauty of the countryside.                         |
| <b>HOUSING</b>   |                 |   |
| The latest calculation of deliverable housing sites is 1.7 years   | <b>AGREE</b>    |   |
| The latest measure of local housing needs is the GL Hearn study for SW Hertfordshire, September 2020                       | <b>AGREE</b>    |   |
| There is no Adopted Policy which sets an Affordable Housing contribution for large sites in the Green Belt                 | <b>AGREE</b>    |   |
| There is no Adopted Policy or Guidance which sets how a contribution of affordable housing should be split between tenures | <b>AGREE</b>    |   |
| <b>DESIGN AND AMENITY</b>  |                 |   |
| Any detailed concerns over design and amenity could be addressed at the Reserved Matters stage                             | <b>AGREE</b>    |   |
| <b>ECOLOGY</b>   |                 |   |
| Any on-site ecological impacts can be mitigated.   | <b>AGREE</b>    |   |
| <b>HIGHWAYS AND SUSTAINABLE TRANSPORT</b>  |                 |   |
| The Highways Authority’s objection cannot be overcome by the proposed design or suitable Conditions and/or Obligations.    | <b>DISAGREE</b> | The Appellant considers the proposed footpath is safe and feasible and that suitable Conditions can address HCC Highway’s other concerns. |
| <b>SUSTAINABLE DRAINAGE</b>  |                 |   |
| The issue can be dealt with by way of suitable Conditions  | <b>DISAGREE</b> | HCC as the LLFA believe additional information is needed before an Outline scheme can be approved.  |
| <b>CONTAMINATION</b>   |                 |   |
| The issue can be dealt with by way of suitable Conditions  | <b>AGREE</b>    |   |
| <b>AIR QUALITY</b>   |                 |   |
| Generates no constraints   | <b>AGREE</b>    |   |
| <b>NOISE</b>   |                 |   |
| The issue can be dealt with by way of suitable Conditions  | <b>AGREE</b>    | However, the impacts may reduce housing numbers and/or introduce other considerations.  |
| <b>ACTIVE DESIGN</b>   |                 |   |
| An issue for the Reserved Matters Stage  | <b>AGREE</b>    |   |



|  |                 |   |
|--|-----------------|---|
| <b>BIODIVERSITY NET GAIN</b>   |                 |   |
| An issue that can be finalised via a Section 106 and at the Reserved Matters stage | <b>AGREE</b>    | The Council agrees that BNG can be secured via a S106 undertaking and that gains will be off-site.  |
| <b>LANDSCAPE</b>   |                 |   |
| The Site is not within a “Valued” Landscape  | <b>AGREE</b>    |   |
| <b>PLANNING BALANCE</b>  |                 |   |
| The Appeal Proposal should be Allowed  | <b>DISAGREE</b> | The Council considers the Appeal Proposal is inappropriate and the other considerations relied on by the Appellant do not clearly outweigh harm to the Green Belt and any other harm.<br>The Appellant considers the Appeal Proposal is “appropriate” or if inappropriate, that “very special circumstances” exist. |

## 12 List of possible conditions

12.1 The parties are working together to provide a list of conditions ahead of the Inquiry, the final draft will indicate areas of agreement and disagreement between the parties.

## 13 Statement of compliance with statutory and policy requirements

13.1 To follow.

## 14 Draft Heads of Terms for Section 106 Agreement

14.1 The latest iteration and correspondence are included with the Appeal Documents. The parties agree that the following matters should be included in the Heads of Terms:


- Affordable Housing
- Biodiversity Net Gain
- Provision of Play Space and its management
- Healthcare General Medical contributions
- Healthcare Ambulance Contributions
- Education (Primary, Secondary and tertiary) contributions
- Education (SEND) contributions
- Library Services Contribution
- Youth Services contribution
- Highway Improvement and Sustainable Transport measures
- Monitoring fees
- Travel Plan monitoring fee

## 15 List of Core Documents

A separate List of Core Documents is being agreed between the Council and Appellant to inform the Inquiry.

## Signatures

Signed on behalf of MPR Planning<sup>1</sup>



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Brian Parker, Director

Planning Consultant for JK Rudkin Builders Limited

Date 14 May 2024

Signed on behalf of St Albans City and District Council



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Phillip Hughes, Director of PHD Chartered Town Planners Limited

Planning Consultant for St Albans City and District Council

Date 14 May 2024

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<sup>1</sup> Trading name of MRP Professional Services Limited