

CD 12.2

S78 Appeal

Planning Balance Statement of Common Ground

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

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.

SADC Ref: 5/2022/2443

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

APPELLANT: JK Rudkin Builders Ltd

1.0 Introduction and Background

1.1 This Statement of Common Ground (SoCG) has been agreed between Brian Parker on behalf of JK Rudkin Builders Ltd (the Appellant) and Phillip Hughes on behalf of St Albans City and District Council (the Council), and supplements the General SoCG signed between the parties on 14 May 2024.

1.2 To assist the Inquiry, the purpose of the SoCG is to reduce the scope of the matters in dispute between the parties. It sets out those matters which are agreed between the parties and which are not.

1.3 Matters agreed (TBC):

- a) Description of the Appeal Site and surroundings;
- b) The Planning Application and the Appeal Scheme;
- c) The Relevant Planning Policy Context; and
- d) Other matters which are agreed.

MATTERS AGREED

2.0 The Appeal Site and its Surroundings

2.1 The Appeal Site of c. 3.2 hectares is located on the eastern side of Lye Lane, Bricket Wood, immediately to the north of Blackgreen Wood and the M25 (the motorway is inaccessible from Lye Lane), and less than 500 metres north of the junction with West Riding.

2.2 The appeal site sits outside any settlement within the countryside and Green Belt between Bricket Wood and How Wood.

2.3 The site is in St Stephen Parish, within the District of St Albans.

- 2.4 The Site is previously developed land (PDL or brownfield). Originally developed as a cricket sports ground, today it comprises three distinct sections:
- a) A number of redundant and vacant buildings around an area of hardstanding;
 - b) A residential area comprising 31 dwellings and car parking spaces; and
 - c) A paintball operation with various structures and hardstanding.
- 2.5 The Appeal Site is bordered:
- a) On the north by mature trees;
 - b) On the east and south by Ancient Woodland; and
 - c) On the west by Lye Lane, to the west of which lies woodland.
- 2.6 As well as being Ancient Woodland, Blackgreen Wood, to the south of the Site (and south, too, of the M25) is also a Local Wildlife Site.
- 2.7 Lye Lane is a country lane which runs north/north-west joining the A405 North Orbital Road and from there to J21a of the M25 (c.1.5km from the Appeal Site); and West Riding / Oak Avenue / Lye Lane junction 0.5 kilometres to the south towards Bricket Wood.
- 2.8 Bricket Wood is identified as a “large village” in Policy 2 of the St Albans District Local Plan Review 1994 (“the Local Plan”). The village provides a range of local amenities including three Local Centres (LC 20, 21 and 22: Local Plan Policy 55) a small local food stores, a pharmacy, cafes, restaurants and public houses, a library, schools and a GP surgery.
- 2.9 The village of Bricket Wood is linked by public transport to St Albans and Watford (and other towns) via the 361 and 635 buses and (from Bricket Wood station) by the Abbey Flyer railway line. Subject to the pedestrian routes taken and the availability of safe pedestrian routes, the nearest bus stops (on West Riding) are c.460 - 560 metres from the Site and the station is c.1,150 -1,300 metres (0.7 – 0.8 miles) from the Site.

2.10 It is agreed that the Appeal Site itself is not covered by any statutory environmental designations; is not a valued landscape under NPPF Paragraph 180; and is not agricultural land.

2.11 The appeal site falls within the northern part of the Watling Chase Community Forest Area.

2.12 Further, it is agreed that the Appeal Site is within Flood Zone 1.

3.0 **The Planning Application**

3.1 The Application is described in the SoCG of 14 May 2024.

3.2 The Application will require the demolition of all existing buildings on the Site including 31 private rent dwellings (30 x 1 bed, 1 x 2 bed).

3.3 The Application proposes the delivery of up to 115 dwellings. Of the final quantum agreed, 35% of the new dwellings will be affordable as defined by the National Planning Policy Framework (NPPF). 25% of the affordable housing will be First Homes. 10% of the dwellings will be self-build.

3.4 The actual quantum and mix of dwellings are to be agreed at the Reserved Matters stage.

3.5 The Application scheme also includes:

a) An enhanced vehicular access off Lye Lane; and

b) Off-site highways works, including a footpath connecting the Site to the junction with Lye Lane and a passing bay on Lye Lane;

3.6 As a result of the Appeal being allowed, the paintball activity at the Site and within Blackgreen Wood will cease.

4.0 **Housing Land Supply**

4.1 It is agreed that the Council has no up-to-date strategic housing policies to meet its identified need for housing. It is also agreed that the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of

housing. It is further agreed that the Council can only identify 1.7 years' worth of housing and, consequently that the most important policies for determining the application are out-of-date according to footnote 8 of the NPPF.

4.2 It is agreed that there is an identified local need for market housing, affordable housing and self-build housing that is not being met.

4.3 It is agreed that if the Inspector determines that Green Belt policy provides a clear reason for refusing the development proposed then the presumption in favour of sustainable development at NPPF 11 (d) (ii) is disengaged.

5.0 **Green Belt**

5.1 It is agreed that the Appeal Proposal will have a greater impact on the openness of the Green Belt in both the spatial and visual dimensions than the existing development.

5.2 It is agreed that the Appeal Proposal will have no impact on Green Belt purposes set out in subparagraphs (a), (d) and (e) of paragraph 143 of the NPPF.

5.3 It is agreed that the Appeal Scheme will contribute to an identified need for Affordable Housing on a PDL site in the Green Belt.

6.0 **Other Considerations**

6.1 Notwithstanding the weight to be attached may differ to the following:

6.2 It is agreed that the Appeal Proposal will deliver housing comprising market housing, affordable housing and self-build housing and that these are benefits of the proposal.

6.3 It is agreed that the Appeal Proposal will deliver economic benefits.

6.4 It is agreed that the use of PDL is a benefit.

6.5 It is agreed that there will be no recreational pressure on Sites of Special Scientific Interest (SSSIs).

1.0 **Obligations**

1.1 It is agreed that a Section 106 Agreement can address the provision of necessary infrastructure, the securing of affordable housing, and the provision of off-site biodiversity enhancements. It is agreed that absent such an obligation the proposal will fail to deliver necessary infrastructure nor will it secure affordable housing or custom self build plots. The parties agree that the Section 106 Agreement meets the tests of the NPPF and Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010.

MATTERS NOT AGREED

2.0 **The Appeal Site and Surroundings**

2.1 Whether the Site is part of the open countryside.

2.2 The character of Lye Lane.

3.0 **Planning Policy**

3.1 The materiality and weight to be given to the Council's Affordable Housing SPG's target for affordable housing outside of settlements.

3.2 Whether the proposal comprises an exception to the inappropriateness of new buildings under paragraph 154(g) of the NPPF.

4.0 **Green Belt**

4.1 The extent of harm to the openness of the Green Belt.

- 4.2 The extent of harm to the spatial dimension of openness.
- 4.3 The extent of harm to the visual dimension of openness.
- 4.4 The extent of harm to preventing neighbouring towns merging into one another.
- 4.5 The extent of harm to assisting in safeguarding the countryside from encroachment.

5.0 **Flood Risk and Sustainable Drainage**

- 5.1 The appropriateness of the level of detail provided in the Flood Risk Assessment (CD 1.8) and Sustainable Drainage Assessment (CD 1.9).

6.0 **Highways and Transport**

- 6.1 Whether the Appellant has demonstrated that off-site highway improvements and public transport upgrades can be delivered or secured in order to render the site's location sustainable in terms of transport.
- 6.2 Whether there will be further harm to highway safety.

7.0 **Other Considerations**

- 7.1 Whether the provision of a footpath along Lye Lane is a benefit.


ATTRIBUTION OF HARM/BENEFIT AND WEIGHT

- 8.0 The Council attributes weight to harm and benefits according to the following scale:

- Substantial
- Significant
- Moderate
- Limited
- None

8.1 The Appellant attributes weight to harm and benefits according to the following scale:

- Very Substantial
- Substantial
- Moderate
- Limited
- None



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For the Appellant



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