

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: To be Confirmed

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.

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February 2024



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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: To be Confirmed (SADC ref: 5/2022/2443)

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 Plan Rev. A
- Existing Site Plan Rev. B
- Indicative Proposed Site Layout Rev. C

4.2 Transport and Highways Plans © Paul Mew Associates:

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

4.3 Transport and Highways Plans © Milestone Transport Planning

- Proposed Active Travel Improvements Ref 23051/001/01 Rev. A
- Proposed Active Travel Improvements Ref 23051/001/02 Rev. A
- Proposed Active Travel Improvements Ref 23051/001/03 Rev. B
- Proposed Active Travel Improvements Ref 23051/001/04 Rev. B
- Proposed Active Travel Improvements Ref 23051/001/05 Rev. B
- Proposed Active Travel Improvements Ref 23051/001/06 Rev. B

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

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

- 5.1 Topographical Survey Ref: TMA-23-2269/201 and 202 © Tower Surveys

6 Relevant Planning History

Application Site

- 6.1 1980s – 1990s – The site hosted a cricket ground and planning applications were associated with the pavilion, changing rooms, storage, floodlights, covered shelter etc.
- 6.2 Ref: 5/2001/0296 and 5/2002/1303 – successful appeals to introduce bed and breakfast accommodation onto the Site
- 6.3 Ref: 5/2005/0783 – the Council granted permission for roofing over the swimming pool enclosure.
- 6.4 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.

Relevant Green Belt Decisions in the District

- 6.5 Ref: 5/2020/1992 – Bullens Green Lane. Not-Determined by the Council. Allowed at Appeal, Ref: APP/B1930/W/20/3265925, 14/06/21.
- 6.6 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).
- 6.7 Ref: 5/2022/0267 – Land Between Caravan Site and Watling Street, Park Street. Refused by the Council on 19/01/24.
- 6.8 Ref: 5/2021/3194– Land North of Chiswell Green Lane, St Albans. Refused by the Council on 25/10/22. Awaiting an Appeal Decision.
- 6.9 Ref: 5/2022/0297 – Land South of Chiswell Green Lane, St Albans. Refused by the Council on 16/12/22. Awaiting an Appeal Decision.
- 6.10 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 List of the most important development plan policies

- 7.1 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

7.2 The St Stephen Neighbourhood Plan

- 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

8 Other relevant planning policy/guidance/material considerations

Policy

- 8.1 The National Planning Policy Framework, December 2023

Guidance

- 8.2 Planning Practice Guidance, online resource published March 2014 and updated since
- 8.3 St Albans Council Design Advice Leaflet No. 1, 1998
- 8.4 St Albans Council Revised Parking Policies and Standards, January 2002
- 8.5 St Albans Council Affordable Housing – Supplementary Planning Guidance, March 2004

Other material documents

- 8.6 Annual Monitoring Report, January 2024
- 8.7 St Albans Housing Delivery Test Action Plan, December 2022
- 8.8 Housing Delivery Test 2022, DLUHC, December 2023

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

9 Areas where the parties are working together

9.1 On the Draft Section 106 Agreement and Conditions.

10 Areas of agreement and disagreement

10.1 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

GREEN BELT		COMMENT
The Appeal Site is entirely within the Green Belt	AGREE	
The Appeal Site is Previously Developed Land	AGREE	
The Appeal Proposal is “appropriate” development	DISAGREE	The Council has not considered the scheme against the second possibility of paragraph 154(g)
If the Appeal Proposal is “appropriate” development there is no need to demonstrate “very special circumstances”	AGREE	
If the Appeal Proposal is “inappropriate” development, “very special circumstances” are required	AGREE	
If “inappropriate”, substantial harm is caused by way of inappropriateness	AGREE	
Level of harm caused by loss of openness	DISAGREE	The level of harm is disputed.
Level of harm to Green Belt purposes	DISAGREE	The level of harm is disputed.
Level of harm to visual amenity	DISAGREE	The Council doesn’t support the findings of the LVIA (UBU Design).
HOUSING		
The latest calculation of deliverable housing sites is 1.7 years	AGREE	
The latest measure of local housing needs is the GL Hearn study for SW Hertfordshire, September 2020	AGREE	
There is no Adopted Policy which sets an Affordable Housing contribution for large sites in the Green Belt	AGREE	
There is no Adopted Policy or Guidance which sets how a contribution of affordable housing should be split between tenures	AGREE	
DESIGN AND AMENITY		
Any concerns over design and amenity could be addressed at the Reserved Matters stage	AGREE	
ECOLOGY		
The site is of no or little ecological interest	AGREE	
HIGHWAYS AND SUSTAINABLE TRANSPORT		
The Highways Authority’s objection cannot be overcome by the proposed design and suitable Conditions and Obligations.	DISAGREE	The Appellant considers the proposed footpath is safe and feasible and that suitable Conditions can address HCC Highway’s other concerns.
SUSTAINABLE DRAINAGE		
The issue can be dealt with by way of suitable Conditions	DISAGREE	HCC as the LLFA believe additional information is needed before an Outline scheme can be approved.
CONTAMINATION		
The issue can be dealt with by way of suitable Conditions	AGREE	
AIR QUALITY		
Generates no constraints	AGREE	
NOISE		
The issue can be dealt with by way of suitable Conditions	AGREE	
ACTIVE DESIGN		
An issue for the Reserved Matters Stage	AGREE	

BIODIVERSITY NET GAIN		
An issue that can be finalised via a Section 106 and at the Reserved Matters stage	AGREE	
LANDSCAPE		
The Site is not within a “Valued” Landscape	AGREE	
PLANNING BALANCE		
The Appeal Proposal should be Allowed	DISAGREE	The Council considers the Appeal Proposal is inappropriate and the benefits do not outweigh harm to the Green Belt and any other harm. The Appellant considers the Appeal Proposal is “appropriate” or if inappropriate, that “very special circumstances” exist.

11 List of possible conditions

- 11.1 The parties will work together to provide a list of conditions ahead of the Inquiry, indicating areas of agreement and disagreement between the parties.

12 Statement of compliance with statutory and policy requirements

- 12.1 To follow.

13 Draft Heads of Terms for Section 106 Agreement

- 13.1 The latest iteration and correspondence are included with the Appeal Documents.

14 List of Core Documents

List to be added to and reference numbers added, in agreement with the Council.

Application Documents and Plan:

Application Form

Plans © Tom Gristwood ...

Site Location Map

Existing Site Plan Rev. B

Indicative Proposed Site Layout Rev C

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

Highways Report and Plans © Paul Mew Associates ...

Transport Assessment

Travel Plan

Highways Response
Road Safety Audit Response Report
Proposed Site Access Junction Layout
Proposed Site Access Lye Lane
Proposed New Footpath on Lye Lane (4 pages)
Swept Path Analysis 29/06/22 © Paul Mew Associates

and © MRP Planning ...

Design & Access Statement
Planning Statement
Affordable Housing Needs Statement
Local Requirements Checklist
Site Photos
Draft S106 Heads of Terms

Additional/Amended Reports and/or Plans

Plans © Tom Gristwood ...

Amended Site Location Plan Rev A
Amended Existing Site Plan Rev. B

Final Full Reptile Survey © Cherryfield Ecology
Topographical Survey Ref: TMA-23-2269/201 and 202 © Tower Surveys

Highways Plans © Milestone Transport Planning

Proposed Active Travel Improvements Ref 23051/001 (7 sheets)
Proposed Lye Lane Cross Sections Ref 23051/002 Rev A
Swept Path Analysis Large Refuse Vehicle Ref 23051/TK01 (4 sheets)
Swept Path Analysis Large Refuse Vehicle Ref 23051/TK02 (4 sheets)
Swept Path Analysis Large 7.5t Box Van Ref 23051/TK03 (4 sheets)
Swept Path Analysis Large 7.5t Box Van Ref 23051/TK04 (4 sheets)

And © MRP Planning ...

Supplementary Planning Statement
Appendix 1 – Appeal Decision Nov 2022

Plus © MRP Planning

SSSI Statement, Feb 2024

SSSI Appendix 1 – NE Letter

SSSI Appendix 2 – Bricket Wood Common Citation

SSSI Appendix 3 – Moor Mill Citation

The Development Plan

1994 Local Plan Review

St Stephen Neighbourhood Plan

Emerging Development Plan

Signatures

Signed on behalf of MPR Planning¹

Brian Parker, Director

Planning Consultant for JK Rudkin Builders Limited

Date

Signed on behalf of St Albans City and District Council

TBC

Date

¹ Trading name of MRP Professional Services Limited