

**THREE RIVERS DISTRICT COUNCIL**

**PRE-APPLICATION ADVICE NOTE**

Woolbro Homes Ltd  
C/O Mr Ben Dakin  
ROK Planning  
16 Upper Woburn Place  
London  
WC1H 0AF

My Ref : 21/0816/PREAPP  
Your Ref :  
Date : 26 May 2021  
Contact : Claire Wilson  
Department: Community and Environmental  
Services

Dear Mr Dakin,

**Application:** Pre-application: Demolition of existing building (florist) and clearance of site, erection of 20 residential units with associated vehicular access, parking and landscaping  
**Address:** Flower House And Land To The Rear 2 - 3 Station Road Kings Langley  
**Reference:** 21/0816/PREAPP.

I refer to your request for pre-application advice dated and received in this office with appropriate details and fee on 6 April 2021.

Plans submitted:  
Meeting requested: Yes  
Meeting offered: Yes, virtually.  
Meeting Date: 13<sup>th</sup> May 2021.

**Relevant Planning History**

8/579/80 – Garden Centre. Permitted.

8/415/85 – Single storey side extension. Permitted.

18/2408/RSP - Part Retrospective: Extension to existing car park, erection of access gate, external lighting and of 6.5 metre high CCTV pole and close boarded timber fencing - Application Withdrawn.

19/0618/RSP: Part retrospective: Creation of an overflow car park including installation of ancillary equipment including erection of access gate, external lighting and of 6.5 metre CCTV pole and close boarded timber fencing. Application refused. Appeal dismissed.

**Relevant Enforcement History**

18/0228/COMP - Laying of loose aggregate (possible use of land as a car park). Enforcement Notice served and appeal dismissed.

**Site Description**

The pre-application site is “L” shaped and is located on the western side of Station Road, Kings Langley; opposite Kings Langley Railway Station and is located within the Metropolitan Green Belt. Station Road consists of a range of commercial and residential buildings of varied size and architectural design.

Part of the pre-application site consists of 2-3 Station Road which is a Class A1 retail premises operating as a florist known as Flowerhouse. Flowerhouse consists of a single storey detached building with an associated and established parking area to the north. The site is currently served by an existing vehicular access from Station Road.

The land levels within the site slope down gradually from Station Road towards a water course (Mill Stream) located at the rear of the site. Towards the rear parcel of the pre-application site unauthorised works have taken place which is subject to on-going enforcement.

To the north of the pre-application site is a dedicated overflow car park for staff and visitors associated with Kings House Business Centre. The land to the west and beyond the water course is open fields. To the south of the site are residential dwellings with the neighbouring dwelling known as Flintstones, which is set in from the boundary with the pre-application site.

## **Proposal**

The applicant is seeking pre-application advice with regard to the demolition of existing building (florist) and clearance of site, erection of 20 residential units with associated vehicular access, parking and landscaping.

The existing florist building would be demolished and it is proposed to erect a three storey building (including loft accommodation) which seeks to provide 9 flats to the front of the site (4 x 1 bedroom and 5 x 2 bedroom flats). The block plan indicates that the proposed building would be located a minimum of 7.5m back from the adjoining highway and approximately 1.3m from the southern boundary. Scaled elevations and floor plans of the building have not been provided. However, the block plan indicates that the building would have a width of approximately 18.5m (including projections) and a maximum depth of approximately 22m. The elevations indicate that the building would have a crown roof form with gabled elements. A dormer window is proposed to the front roofslope fronting Station Road. The site plan indicates that the flats would be served by communal amenity spaces surrounding the building.

To the rear, 11 residential dwellings are proposed (2 x 2 bedroom, 5 x 3 bedroom, and 4 x 3 bedroom). These would consist of a mix of two and two and a half storey dwellings. A terrace of three dwellings would be located to the rear of Flintstones, with their front elevations facing towards the northern boundary. The three dwellings would be served by separate amenity spaces directly to the rear. Sited parallel to the rear boundary of the site, a further eight residential dwellings are proposed. These would be two pairs of semi-detached dwellings and four terrace dwellings, the latter of which are to be positioned towards the south west of the site. Their front elevations would face in an easterly direction. Again these would be served by separate rear amenity spaces with their parking spaces located forward of the dwellings.

The site plan indicates that there would be a total of 27 off street car parking spaces.

The development would be served by a vehicular access from Station Road, with a new internal access road serving the development, abutting the northern boundary and also extending in a south easterly direction to serve the properties at the rear

## **Site Constraints**

Metropolitan Green Belt  
Flood Zone 1 and 3 (at the very rear)  
The Langleys and Croxley Green Market Area  
Secondary Centre

## **National & Local Planning Policies**

### **National Planning Policy Framework (NPPF)**

In 2019 the NPPF was updated, to be read alongside the online National Planning Practice

Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

This pre-application has been considered against the policies of the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

### The Three Rivers Local Plan

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 CP11 and CP12.

The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5.

### Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

### **Consultation Responses**

#### Local Plans:

The pre-application seeks the demolition of existing business (Retail) and the erection of 20 residential units. The site is located in Kings Langley, the Spatial Strategy identifies Kings Langley as a Secondary Centre and states that ‘more limited new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres.’ The front of the site is previously developed land, included on the Brownfield Land Register, therefore part of the site complies with the Spatial Strategy.

The remainder of the site is located within the Metropolitan Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that ‘there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.’ The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 87). Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The pre-application states the demolition of existing retail unit, Policy PSP3 of the Core Strategy states that local shops within Secondary Centres are to be maintained and enhanced, the application is therefore contrary to Policy PSP3. Contrary to this the development would result in a net gain of 20 dwellings and would subsequently make a positive contribution to meeting the District’s current annual housing target of 624 dwellings per year.

The proposal should comply with policies relating to housing mix, density and affordability. Policy CP4 of the Core Strategy states that the Council seeks 45% of all new housing to be affordable housing and therefore the proposal is expected to meet this target. Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the district's range of housing needs, in terms of size and type of dwellings, as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

1 bedroom 7.7% of dwellings  
2 bedrooms 27.8% of dwellings  
3 bedrooms 41.5% of dwellings  
4+ bedrooms 23.0% of dwellings

The pre-application proposes four 1-bedroom dwellings, seven 2-bedroom dwellings, five 3-bedroom dwellings and four 4-bedroom dwellings. Therefore meeting the targets set out in the SHMA (2016) as there is a greater number of 2 and 3 bedroom dwellings.

#### Affinity Water:

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (HUNT). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency: Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

#### Thames Water:

Waste Comments: Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the

sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water's current response is based on the information supplied at present. Should a third party planning application be submitted for this site, our response could vary. This could be due to a change within the application or a change on the demands of the Thames Water network.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Water Comments: With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Housing Officer:

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

It is encouraging to see that you intend to provide Affordable Housing onsite, please clarify what your proposal is to meet the requirement.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

## **Analysis/Issues**

### **Principle of Demolition**

The proposed development would result in the demolition of an existing building. The building is not statutorily or locally listed, nor does the site boundaries fall within a designated Conservation Area. As such, there is no objection to the principal of demolition in this location.

### **Principle of Development**

The NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Substantial weight should be given to the value of using suitable brownfield land. The proposed development would result in a net gain of 20 residential dwellings on the site. Whilst comments regarding the site being promoted for the new Local Plan are noted, the site currently is not allocated as a housing site by the Site Allocations LDD (adopted November 2014) and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. However, where a site is not identified, it may still come forward through the planning application process where it will be tested in accordance with the relevant national and local policies.

Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

The application site is located within Kings Langley, identified by Policy PSP3 of the Core Strategy as being a Secondary Centre. The policy notes that in such areas the Council will focus future development predominantly on sites within the urban area, on previously developed land. It sets out that development in Secondary Centres will provide approximately 24% of the District's Housing requirements over the plan period. The front of the site is considered to be previously developed land, and is included on the Brownfield Land Register. As such part of the site complies with the Spatial Strategy and may be deemed suitable for residential development subject to compliance with relevant policies. However, it is noted that site is located in the Metropolitan Green Belt, where there is an principal objection to residential development unless it falls within one of the identified exceptions. This shall therefore be addressed in the analysis below.

In addition, it is noted that the proposed development would result in the loss of an existing retail use. Policy PSP3 of the Core Strategy states that local shops within Secondary Centres are to be maintained and enhanced. As such, the Policy Officer does note that the development would be contrary to this policy. However, the harm arising from the loss of a retail use must be weighed against a variety of factors including the contribution to the housing stock within the District. Furthermore, officers do acknowledge that the existing use is relatively small scale. If an application should come forward, the applicant would be encouraged to submit a supporting statement regarding the loss of this use.

### **Housing Mix and Affordable Housing**

Policy CP3 sets out that the Council will require housing proposals to take into account the range of

housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent SHMA (South West Hertfordshire Strategic Housing Market Assessment 2016) advises that in terms of the size of accommodation need to 2036 in Three Rivers, the overall requirement is for approximately 19% 1-bedroom units, 28% 2-bedroom units, 37% 3-bedroom units and 16% 4+ bedroom units. The Housing Officer has also advised that the identified need for affordable housing suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as the District has a high requirement for family sized accommodation. In this case, the housing mix proposed is as follows:

4 x 1 bedroom units = 20%  
7 x 2 bedroom units = 35%  
5 x 3 bedroom units = 25%  
4 x 4 bedroom units = 20%

In this case, the proposed housing mix would not be in accordance with the above suggested housing mix. At the time of a formal planning application, the housing mix you put forward must be informed by the SHMA and you should explain how you come to the particular mix put forward.

Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Policy sets out that the Council will seek an overall provision of 45% of all new housing as affordable housing, incorporating a mix of tenures (70% being social rented and 30% being shared ownership). Major developments are expected to provide affordable housing units on-site. The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.

The AHSPD notes that the viability implications of affordable housing provision on a development proposal will be considered by the council where it is supported by a robust evidence base, and only where it can be demonstrated and robustly justified by viability evidence will the Council consider reducing the 45% target. Therefore any future formal planning application must be supported by an affordable housing viability appraisal to demonstrate the level of affordable housing proposed is in accordance with Policy. This would be reviewed by the LPA's assessor at the applicant's expense. The affordable housing contribution can be discussed at future pre-application meetings. Any Affordable Housing Viability Appraisal must be prepared following the guidance at <https://www.gov.uk/guidance/viability>.

National Planning Practice Guidance is clear that any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. Where an exemption from publication is sought, the LPA must be satisfied that the information to be excluded is commercially sensitive. An executive summary should present the data and findings of a viability assessment more clearly so that the process and findings are accessible to affected communities. As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer. Please ensure that any viability assessment is accompanied by an executive summary. Please be aware that both will be published unless an exemption is sought.

In this case, it is noted that the applicant intends to provide policy compliant affordable housing. The Housing Officer has advised that further clarification is required as to how this would be provided. In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

### Impact on the Green Belt

The pre-application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the most important attributes of Green Belts is their openness. Green Belts can shape patterns of urban development at

sub-regional and regional scale; and to help to ensure that development occurs in locations allocated in Development Plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.

As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The requirements of the NPPF are considered to reflect adopted policies of the Three Rivers District Council Local Plan. Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Metropolitan Green Belt. Policy DM2 of the Development Management Policies LDD (adopted July 2013) refers to replacement dwellings and advises that they will only be permitted where the replacement does not materially exceed the size of the original dwelling. Paragraph 145 of the NPPF advises that:

A local planning authority should regard construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- o Buildings for agriculture and forestry;
- o Provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
- o The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- o The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces
- o **Limited infilling in villages**
- o Limited affordable housing for local community needs under policies set out in the Development Plan (including policies for rural exception sites) and;
- o **Limited infilling or the partial or complete redevelopment of previously developed whether redundant or in continuing use (excluding temporary buildings) which would:**
  - **not have a greater impact on the openness of the Green Belt than the existing development;** or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority

The front section of the site is currently occupied by a small single storey building which is currently in use as a Florist. Immediately to the side and rear of the building are areas utilised for car parking in connection with the existing use. An Inspector noted the following regarding the character of the site when determining an appeal associated with application 19/0618/RSP.

*Save for the presence of the building occupied by the floristry business and some associated outbuildings, built form is notably absent and therefore, the appeal site is generally open in character. The appeal site has in part been used for customer parking and storage for the retail unit. The historic aerial photograph shows a limited number of vehicles and amount of storage to the rear of the building with some vegetation also in evidence, thereby keeping most of the appeal site open.*

The front of the site is considered to be previously developed land and is included on the brownfield register. As such, the redevelopment of this particular area of the site is considered to constitute an exception to inappropriate development, so long as the development would have no greater impact



on openness than the existing development. In addition, the applicant suggests that the development should also be considered to be 'limited infilling' in a village' and that the development would fall into this exemption. Both of these factors shall be explored further in the analysis below.

With regard to whether the site can be considered as a village, it is noted that the site is located in Kings Langley. The Spatial Strategy identifies Kings Langley as a Secondary Centre, and as a cross boundary village shared with Dacorum. The site is located in a relatively built up location on Station Road, with residential dwellings located immediately to the south, a car park to the north and residential dwellings and Kings Langley Station located opposite. The site is also within a short walk from the shops and services located in Kings Langley. It is therefore considered that the site is located within a village. However, it is not considered that the development would be considered as 'limited' infilling. The proposed development would include a flatted development to the frontage with a backland development of residential dwellings to the rear. The block plan indicates that the development would encroach significantly into an otherwise undeveloped area which lies adjacent to open fields. It is therefore considered that the development would significantly intensify the use of the land through the introduction of residential dwellings, their associated curtilages including parking and access road. The principle of limited infilling was recently discussed in an appeal decision for 19 Toms Lane, where the Inspector stated the following:

*"There is no definition of "limited infilling" within the Framework. However, I consider that it would comprise the filling of a defined and limited gap between buildings, rather than the development of a more substantial, open and mostly undeveloped area of land that happens to be in close proximity to other buildings.*

*The appeal site comprises part of an expansive rear garden that extends a considerable length to the rear of No 19 Toms Lane. A significant part of the site's northern portion adjoins the garden areas associated with neighbouring dwellings. Some of the proposed dwellings would likely be contiguous with these garden areas rather than occupying spaces between neighbouring dwellings. In addition, part of the appeal site's northern corner, where two of the proposed dwellings would likely be positioned, would have boundaries adjoining a large agricultural field. As a result, the area behind the frontage development does not appear as an obvious gap between existing properties in a continuous built up frontage."*

Therefore it is emphasised that although the development of the front part of the site may be considered as 'limited infilling', any development rearwards into the otherwise undeveloped area of the site would, in my opinion, fall outside of this exception and would therefore be considered as inappropriate development in the Green Belt.

It is also considered that the development *could* meet the following exception:

*Limited infilling or the partial or complete redevelopment of previously developed whether redundant or in continuing use (excluding temporary buildings) which would:*

*- not have a greater impact on the openness of the Green Belt than the existing development;*

As already noted, the front section of the site, currently occupied by a single storey building would be considered as previously developed land. However, the existing building is considered to a low key form of development by virtue of its modest size and height, meaning that it has a limited visual impact on the openness of the Green Belt. In contrast, the current scheme proposes that this would be replaced by a two storey building with roof accommodation with a width of approximately 18.5m and a depth of 22m. Whilst scaled elevations of the building have not been provided, the plans indicate that it would also appear as a three storey building. The building would therefore be more visually prominent and as a result would have a greater impact on the openness of the Metropolitan Green Belt. The visual prominence of the building would be further exacerbated by its design as including a crown roof form with a large two storey gabled element fronting Station Road, with further gabled features to the side and rear elevations. The proposed building would therefore be of increased bulk and massing than that which it would replace, which would result in significant harm to the openness of the Green Belt. As such, the proposed development would result in actual harm to the openness of the Green Belt and thus would be considered to be an inappropriate form of development.

In light of the above, the proposed development to the rear part of the site would fail to fall within any of the identified exceptions and thus would constitute an inappropriate form of development. Furthermore, it is considered that the proposal would also result in actual harm to the openness of the Green Belt through addition of greater and urbanising built form with associated curtilages and intensification of use of the site as a whole. The redevelopment of the rear of the site includes the introduction of a range of two and two and a half storey dwellings. Their current design includes mainly gabled roof forms which create a vertical emphasis, again increasing the visual prominence of the development as a whole. Furthermore, the development would introduce an increased level of hardstanding on the site due to the introduction of a new access road and the provision of off street car parking spaces. This would also increase the spread of urbanising development into the Green Belt to the detriment of the openness of the Metropolitan Green Belt. As set out above one of the key purposes of including land in the Green Belt is to safeguard the countryside from encroachment and therefore the proposed development would be in conflict with the provisions set out in the NPPF. It is also considered that the proposed development would increase activity on site by the increase levels of activity on the site and that this would also be to the detriment of the openness of the Green Belt.

To conclude, it is therefore considered that the proposed development in its present form would fail to fall within the identified exceptions. It would therefore represent a harmful form of development which would be, by definition, harmful to the openness of the Metropolitan Green Belt. This would be contrary to Policy CP11 of the Core Strategy, Policy DM2 of the Core Strategy and the NPPF (2019). It is suggested that the applicant may wish to explore the development of the front part of the site as this is likely to meet one of the identified exceptions to inappropriate development. However, this would be subject to compliance with other key material planning considerations.

#### Design and impact on the character and appearance of street scene and area

Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should:

*'...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.'*

The NPPF encourages the effective use of land. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) are also relevant. Policy DM1 of the Development Management Policies LDD advises the following:

*The Council will protect the character and residential amenity of existing areas of housing from forms of "backland", "infill" or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:*

- i) Tandem development;*
- ii) Servicing by an awkward access drive which cannot easily be used by service vehicles;*
- iii) The generation of excessive levels of traffic;*
- iv) Loss of residential amenity;*
- v) Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)*

The streetscene of Station Road is varied with commercial buildings, flatted developments and residential dwellings all visible. As such, no objection is raised to the principal of a flatted form of development as indicated on plan, positioned along the frontage of the site. However, as discussed

during the pre-application meeting, some concern is raised in relation to the design and siting of the flatted building in its current form. The block plan indicates the siting of the building in close proximity to the northern boundary (approximately 1.3m). Given its scale the LPA would strongly encourage a greater distance to the boundary to maintain a perception of openness around the building. With regards to the design of the building, it appears to be of significant bulk and officers would encourage amendments to the design to reduce the overall bulk and prominence of the building. At present, concern is raised that the frontage building would have a relatively dominating presence within the streetscene. Appendix 2 of the Development Management Policies LDD advises the following:

*Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.*

Whilst the varied nature of the streetscene is noted, the proposed design also includes gabled elements, which would further exacerbate the bulk and massing of the building. At the time of the meeting, the applicant queried whether a reduction in the width of the front gable would be preferable and it is viewed that this would certainly help minimise the impact of the development. As discussed, it is acknowledged that the scheme is in the early stage of development, however, officers would strongly encourage amendments to the design to address the issues of bulk and massing identified.

The development of the rear part of the site would arguably constitute a tandem and backland form of development which would be contrary to Policy DM1 and Appendix 2 of the Development Management Policies LDD. The development would introduce residential development into an otherwise undeveloped area, which would be unusual when considered in relation to the more linear form of developments within the immediate locality. Whilst the residential dwellings would be located at a lower land level due to the natural slope of the land, the presence of residential development to the rear of the site would be evident from Station Road due to the nature of the new access road and associated car parking areas.

With regard to the design of the residential dwellings, all appear to have a vertical emphasis due to the height of the dwellings, the gabled designs and design of the fenestration. The applicant is encouraged to make amendments to the design of the dwelling in order to minimise harm in this regard. If a full application is submitted, officers would encourage full details of external finishes to be submitted in order to avoid the need for pre-commencement conditions if a development is considered acceptable.

In summary, no objection is raised to the principal of a flatted form of development to the site frontage. However, officers are currently concerned regarding the siting and design of the building. It is suggested that the flatted building is set further in from the boundary if possible and amendments made to the overall design in order to reduce the bulk of the building. The development of the rear part of the site would constitute a back land form of development which would be at odds with the overall character of the locality.

#### Quality of accommodation for future occupants

Any future scheme should be designed to ensure the layout provides a good quality of accommodation for future occupants, both in terms of unit sizes, amenity space size, quality outlook and aspect, sufficient privacy, and good levels of daylight.

Some concern is raised regarding the current layout of the scheme. The site plan indicates that plots 5, 6 and 7 would face towards the two storey gabled elevation of plot 9. At a distance of approximately 14.3m away, this is likely to appear obtrusive and visually prominent, particularly given the sloping nature of the site with the dwelling sited on Plot 9 being located at the higher land level.

In addition, the level of hardstanding dominates the site, with car parking spaces provided immediately fronting Plots 1-8. The LPA would encourage a different car parking layout if possible, with soft landscaping to the fronts of dwelling to provide a pleasant outlook for future occupiers.

Appendix 2 of the Development Management Policies LDD sets out standards for amenity space provision. The standards are as follows:

1 bedroom: 42 square metres

2 bedroom: 63 square metres  
3 bedroom: 84square metres  
4 bedroom: 105 square metres

The submitted Design Pack indicates the cumulative total of amenity space for all of the dwellings would exceed the required amount of amenity space provision. However, the site plan indicates that none of the four bedroom dwellings would have the required amount of amenity space provision with garden spaces ranging from between 99 square metres of amenity space to 88 square metres of amenity space. In addition, the three bedroom dwellings would all fail to provide policy compliant amenity space with areas ranging from approximately 55square metres, representing a significant shortfall in amenity space provision. With regard to the two bedroom dwellings, only one would provide policy compliant amenity space.

With regards to flatted development, a one bedroom flat would require 21 square metres of amenity space, with a further 10 square metres per additional bedroom. The flatted building would accommodate 4, one bedroom flats and 5, two bedroom flats, therefore requiring a cumulative total of 239 square metres of amenity space. The submitted pre-application pack indicates that a total of 209 square metres of amenity space would be available to serve future occupiers, thus representing a shortfall of 20 square metres. The LPA also queries whether the areas marked as amenity space to the front and rear of the flats can really be considered as useable areas for future occupiers. The section to the rear of the building is located immediately adjacent to car parking areas and the area to the front is immediately adjacent to a main road. The amenity spaces would also be located immediately adjacent to the bedrooms of some of the flats, which therefore would impact on the privacy of future occupiers. It is arguable that these areas form the setting to the building rather than providing high quality, useable, amenity space provision.

In light of current lifestyle changes and to ensure new housing developments provide amenities to ensure the health and wellbeing of future occupants, outdoor amenity space provision, in accordance or exceeding the standards should be provided. Where a development is unable to provide amenity space provision, in accordance with the requirements, this should be clearly justified as part of a formal application, including the location of any outdoor recreation space within walking distance; these details should include distance from the site and accessibility for occupants.

#### Impact on the amenities of neighbours

Policy CP12 of the Core Strategy states that development should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Policy DM1 and Appendix 2 of the Development Management Policies LDD also set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

Residential dwellings are located immediately to the south of the site, with Flintstones being the nearest residential neighbour. It is noted that this dwelling is set in from the boundary with the site but does contain a large first floor flank window facing towards the site. Appendix 2 of the Development Management Policies LDD states the following:

*Two storey development at the rear of properties should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties*

It does appear that the flatted building adjacent would result in an intrusion of the 45 degree line when taken from the boundary with this neighbour. Concern is raised that due to the close siting of the building in relation to the boundary and its design, that the building may appear as an unduly prominent and overbearing form of development. Setting the development in from the boundary with this neighbour may assist in minimising the harm in this regard. Flank windows serving habitable accommodation should be avoided.

The proposed development would introduce a backland form of development which would in effect

wrap around the rear boundary of the neighbouring dwelling. Although not a traditional back to back relationship, the guidance in Appendix 2 relating to back to back distances can be considered applicable. This requires a back to back distance of 28m to be retained to prevent impact to neighbouring dwellings. The block plan indicates that the dwelling located on Plot 11 would be located approximately 25m away, and it is noted that this dwelling would be located at a lower land level which would help prevent an overbearing impact to this neighbour. A full section at the time of an application would be helpful to demonstrate that there would not be demonstrable harm to this neighbour. However, notwithstanding this comment, given the depth of the flats immediately adjacent and the siting of the dwellings immediately to the rear, concern is raised that the neighbouring dwelling may experience some sense of enclosure as a result of the development and thus amendments would be encouraged to address this issue.

There would be no impact to neighbours opposite the site due to the separation by the public highway. There are no residential neighbours immediately to the south of the site.

### Impact on Trees and Landscape

In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:

“i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces”.

Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. The proposed development would result in an increase in hardstanding at the site and thus any future application should be accompanied by a comprehensive hard and soft landscaping scheme. Landscaping proposals should include new trees to enhance the landscape of the site and its surroundings as appropriate.

Any future formal planning application must be informed and accompanied by an Arboricultural Impact Assessment (including Tree Survey, method statement and tree protection plan).

### Parking/Access/Highways

Hertfordshire Highways (Local Highway Authority) operate their own pre-application advice service (details available at <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#preapplication>) and as such have not provided comments in relation to this pre application enquiry. You are encouraged to contact Hertfordshire Highways directly to discuss your proposal as they would be a statutory consultee consulted by the LPA at the time of formal submission of any planning application.

Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the DMLDD set out the car parking requirements for the District. Car parking spaces should be shown on a proposed site layout plan submitted to accompany a formal planning application, with care taken to ensure that the size of any proposed car parking area is the minimum necessary to facilitate parking. Provision must be made for cycle parking facilities and you may wish to also consider the provision of electric car charging points. Policy DM13 of the Development Management Policies LDD sets out the following car parking standards for residential development:

- 1 Bedroom dwelling: 1.75 spaces per dwelling (1 assigned space)
- 2 Bedroom dwelling: 2 spaces per dwelling (1 assigned space)
- 3 Bedroom dwelling: 2.25 spaces per dwelling (2 assigned spaces)
- 4 Bedroom dwelling: 3 spaces per dwelling (3 assigned spaces within curtilage)

Therefore, for the proposed development, the car parking requirements would be as followed:

4 x 1 bedroom dwelling:	7 spaces	(4 assigned spaces)
7 x 2 bedroom dwelling:	14 spaces	(7 assigned spaces)
5 x 3 bedroom dwelling:	11.25 spaces	(10 assigned spaces)
4 x 4 bedroom dwelling:	12 spaces	(12 assigned spaces)

Total: 44.25 spaces (33 assigned spaces)

At present, the proposed development therefore would result in a maximum shortfall of 17.25 spaces and a shortfall of 6 assigned spaces. Whilst the proximity to the Kings Langley Station is noted, it is considered that the current shortfall would not be an acceptable form of development, and is indicative of overdevelopment of the site. The Local Planning Authority would strongly encourage an increase in off street car parking at the pre-application site, particularly with regard to the number of assigned car parking spaces.

### Sustainability

Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

To prove compliance with the policy, the developer is required to submit an Energy Statement. The statement shall include the following details as a minimum:

1. The development's predicted energy demand in kWh/year. This figure should be based on SAP or SBEM calculations and separated by fuel type (this is the DER or BER value)
2. The total carbon dioxide (CO<sub>2</sub>) emissions resulting from the above energy demand (kgCO<sub>2</sub>/year).
3. Proposals to reduce the energy demand. Specifications of any decentralised energy source and/or low or renewable energy systems proposed for the development shall be included.
4. The reduction in carbon dioxide emissions resulting from the above measures.

The Energy Statement should be presented in a way that is easy to read and understand. It should clearly state that the proposals meet the policy criteria and it should also be clear where data has been obtained from. It is preferable if this statement is produced by an accredited Energy Assessor. As noted above, the applicant should also consider the provision of electric car charging points.

### Wildlife & Biodiversity

Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies Local Development Document (adopted July 2013). National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

Please be advised that all planning applications must be submitted in accordance with the Council's validation checklist which includes a requirement for a local biodiversity checklist, contained in Part D of the validation checklist, to be submitted with all planning applications.

If the application involves a development proposal which requires a survey and assessment (i.e. you have answered YES at any point in the final column of the local biodiversity checklist), a Protected Species/Habitat/Geo-diversity Survey and Assessment must also be submitted with the application. Failure to do so will prevent the validation of the application.

## Refuse/Recycling

Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

Full details of the proposed refuse and recycling strategy, including the area for containers to be stored should be provided as part of any future formal application. Details of the Council's storage requirements can be found in the document "Solid Waste Storage Collection Guidance" at <https://www.threerivers.gov.uk/egcl-page/pre-application-stage>.

## Flooding and Drainage

Hertfordshire County Council as Lead Local Flood Authority (LLFA) would be consulted as part of any future formal planning application. The LLFA provide their own pre-application advice service (details available via <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>) and should be contacted directly for discussions given the sensitive nature of the application site. Any pre-application advice provided by the Flood Risk management Team at Hertfordshire County Council will be charged at a cost of £110 per hour per officer. This will include any preparatory work, attendance at meetings and the provision of follow-up advice to the applicant.

It is also noted that the rear part of the site is located in Flood Zone 3. As such, you may wish to seek pre-application advice from the Environment Agency prior to the submission of a formal application.

## CIL

The site is within CIL Liable area. A CIL Additional Questions form must be submitted with any future formal planning application. For further details, including of the process to claim exemptions and relief (which must be submitted prior to works taking place on site), please see <http://www.threerivers.gov.uk/egcl-page/community-infrastructure-levy>.

## Very special circumstances

Paragraph 144 of the NPPF states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

As identified above the proposal would represent inappropriate development and would result in actual harm to the openness of the Green Belt. Very special circumstances would be required to be submitted that would outweigh the harm the development would have on the Green Belt by virtue of inappropriateness and actual harm.

At present, no very special circumstances have been put forward by the applicant which would outweigh the harm to the openness of the Green Belt. The onus would be on the applicant to put these forward if they consider that there are any which would outweigh the identified harm.

Titled balance

The pre-application site is located within the Metropolitan Green Belt and as there is harm identified

to the openness of the Green Belt, paragraph 11 of the NPPF would not be engaged as there would be a clear reason for refusal in this instance.

## **Summary**

In summary, significant concern is raised regarding the current proposal. Whilst the front of the site is considered to be previously developed land which may be suitable for residential development subject to compliance with relevant policies, the development of the rear of the site would constitute substantial and urbanising encroachment into the Green Belt. Inappropriate development is by definition harmful to the openness of the Green Belt. In this case there would also be identified actual harm due to the scale of the building proposed, the level of hardstanding and the urbanising spread of development. Furthermore it would represent a backland form of development which would be uncharacteristic of the wider locality.

As set out above, the onus would be on the applicant to put forward very special circumstances which would justify such a development. Any future application should be accompanied by a comprehensive Planning Statement to set out what those circumstances are (if any). At this stage, I would have significant concerns regarding the acceptability of the development and it is unlikely that officers would be able to support the development. As discussed, whilst comments regarding the site being promoted for the new Local Plan are noted, the site currently is not allocated as a housing site by the Site Allocations LDD (adopted November 2014) and as such is not currently identified as part of the District's housing supply.

If you wish to submit an amended set of drawings, it may be possible for these to be treated as a follow-up enquiry, with further verbal advice given for a reduced fee. You may also request a follow-up meeting (chargeable at the standard rate for the type of development proposed).

Whilst you are going through the planning process it is advisable to consider the design in terms of compliance with the building regulations as this is the next stage once you have obtained planning permission. We may be able to offer the attendance of a Building Control surveyor at a follow-up meeting. They would be able to review the submission for compliance with the Building Regulations, to avoid the need for further changes to be made following a grant of planning permission. It is important to remember that Building Control is different to planning and requires both a separate application and approval.

## **Other Matters**

You are encouraged to incorporate provision for high speed broadband within any future redevelopment at this site, ensuring that infrastructure and capability is designed into the scheme at an early stage. This is in recognition of the importance of high speed broadband for growing a sustainable economy, and for education and home working as well as community cohesion and resilience.

In order to assist us in compliance with the General Data Protection Regulations, please ensure that personal data is provided only within the planning application form. Should there be a need to include any other personal data or sensitive personal data within the application, please do so within a separate version of the relevant document clearly marked as containing personal data. Personal data should not be included on any drawings or other submission documents.

## **Requirements if Application Submitted**

In accordance with national guidance published by the Department for Communities and Local Government, Three Rivers District Council has created a list of local requirements for the validation of planning applications. This has been incorporated into a validation checklist which encompasses national requirements (including the application form, the correct fee, ownership certificates and other specific details) as well as local validation requirements. The checklist can be viewed on the planning pages of the Council's website at [www.threerivers.gov.uk](http://www.threerivers.gov.uk) and is available at the following link: <https://www.threerivers.gov.uk/egcl-page/making-an-application>. Three Rivers District Council no



longer accepts payment by cheque, and therefore any planning application fee should be made by card over the telephone, or through the Planning Portal at the time of submission.

Please note that the grant of planning permission subject to pre-commencement condition(s) is prohibited without the prior written agreement of the applicant to the terms of the condition, except in prescribed circumstances. Our ability to minimise pre-commencement conditions is in part dependent on the level of information submitted by applicants as part of a planning application. As such, should you wish to submitted additional details (for example full specification of site levels, materials, boundary treatments, hard and soft landscaping, and tree protection and construction works methodology) these details can be considered during the course of the formal application.

**Informative:**

Whilst this advice is offered in good faith and to the best of our ability, it neither conveys planning permission nor binds the Local Planning Authority to the grant of permission which will be subject to public consultation and may ultimately be decided by a relevant Council Committee.

However, this pre-application advice note will be considered by the Council as a material consideration in the determination of the future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position.

It should also be noted that little or no weight will be given to the content of the schemes which are submitted more than 1 year after the date of this advice.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

I trust this information is of assistance.

Yours sincerely

Claire Wilson  
Principal Planning Officer