



**WATFORD
BOROUGH
COUNCIL**

DEVELOPMENT MANAGEMENT COMMITTEE

31 October 2023

7.00 pm

Annexe, Watford Town Hall

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Publication date: 23 October 2023

Committee Membership

Councillor P Jeffree (Chair)

Councillor R Martins (Vice-Chair)

Councillors N Bell, J Pattinson, A Saffery, G Saffery, R Smith, S Trebar and M Watkin

Agenda

Part A – Open to the Public

CONDUCT OF THE MEETING

The committee will take items in the following order:

1. All items where people wish to speak and have registered with Democratic Services.
2. Any remaining items the committee agrees can be determined without further debate.
3. Those applications which the committee wishes to discuss in detail.

1. Apologies for absence

2. Disclosure of interests

3. Minutes

The [minutes](#) of the meeting held on 5 September 2023 to be submitted and signed.

4. 23/00745/AAPA - Block of flats at 1-9 and block of flats at 10-18 Biskra, Langley Road, Watford, WD17 4PF (Pages 5 - 31)

5. 23/00683/FULM - 250 Lower High Street, Watford, WD17 2DB (Pages 32 - 56)

Introduction

Please note that the officer report is a summary of the issues including representations made and consultation responses. Full details of the applications, plans submitted, supporting information and documents, representations made, consultation responses and correspondence can be found on the council's web based [Public Access system](#) using the application reference or address.

Specific policy considerations for each application are detailed within the individual reports. The background papers and policy framework listed below have been relied upon in the preparation of the reports in this agenda.

Background papers

- The current planning applications under consideration and correspondence related to that application.
- All relevant third party representations and consultation replies received.

Policy Framework

- The Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance listed below:

Local Planning Documents

Local Development Documents provide the framework for making planning decisions. These can be found on the Council's [website](#) and include:

- The Watford Local Plan 2021-2038 (adopted 17 October 2022); and
- Supplementary Planning Documents.

County Planning Documents

The Hertfordshire Waste Local Plan and Minerals Local Plan prepared by Hertfordshire County Council are material considerations alongside the Watford Local Plan. These documents can be found on the county council's [website](#).

National Planning Documents

Key legislation can be found using this [weblink](#), including:

- Growth and Infrastructure Act (2013)
- Housing and Planning Act (2016)
- Localism Act (2011) and subsequent amendments

- Planning Act (2008) and subsequent amendments
- Planning and Compulsory Planning Act (2004) and subsequent amendments
- Town and Country Planning Act (1990) and subsequent amendments
- Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequent amendments.

National guidance can be found on the government service and information [website](#), including:

- National Planning Policy Framework (revised July 2021) and supporting Technical Guidance
- Planning Practice Guidance (PPG) (web based)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (which will be referred to in the individual reports as necessary)

Section 106 Planning obligations and Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted where relevant. Section 106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of off-site highways works.

Human Rights implications

The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. This may take the form of conditions or planning obligations on any grant of planning permission or, in some cases, a refusal of planning permission. With regard to any infringement of third party human rights, where these are not considered to be of such a nature and degree as to override the human rights of the applicant the refusal of planning permission may not be warranted.

Committee date	Tuesday 31 October 2023
Application reference	23/00745/AAPA – Block of flats at 1-9 and block of flats at
Site address	10-18 Biskra, Langley Road, Watford, WD17 4PF
Proposal	Construction of an additional storey above each of the existing blocks to provide a total of 6no. residential flats (Class C3), and associated storage
Applicant	Biskra Developments
Agent	Planning Insight
Type of application	Prior Approval – Part 20 Class A of the GPDO.
Reason for committee item	5 or more objections submitted
Target decision date	1 November 2023
Statutory publicity	Site Notice and Neighbour Letters
Case officer	Chris Osgathorp chris.osgathorp@watford.gov.uk
Ward	Nascot

1. Recommendation

1.1 That Prior Approval be granted subject to conditions as set out in section 9 of this report.

2. Site and surroundings

2.1 The application site comprises the two blocks of 3-storey flats (containing a total of 18 flats) at Biskra. A block of 18 garages is sited between the buildings and there is informal parking on the private road, which is accessed from Grandfield Avenue. The area is residential in character and includes buildings of varied size and architectural design.

2.2 The subject buildings are not listed or located in a designated conservation area.

3. Summary of the proposal

3.1 Proposal

3.2 The application for Prior Approval is submitted under the provisions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). This national legislation permits the construction of up to two additional storeys of new dwellinghouses immediately above a purpose-built 3+ storey block of flats, subject to restrictions and consideration of Prior Approval matters.

3.3 The current application proposes the construction of one additional storey above each of the existing block of flats to provide a total of 6no. residential

flats (Class C3) and associated storage. During the course of the application, a revised site plan and ground floor plan were submitted to change the bins in the proposed bin stores from 660L and 1100L Euro bins to smaller wheeled bins. In comparison to the drawings originally submitted, this has not changed the size of the proposed bin stores or the layout of the proposed development.

- 3.4 In accordance with Part 20 Class A Condition A.2, the Local Planning Authority's planning assessment is limited to the following Prior Approval matters:
- (a) Transport and highways impacts of the development;
 - (b) Air traffic and defence asset impacts of the development;
 - (c) Contamination risks in relation to the building;
 - (d) Flooding risks in relation to the building;
 - (e) The external appearance of the building;
 - (f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses;
 - (g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
 - (h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State;
 - (i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
 - (j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

3.5 **Conclusion**

- 3.6 As discussed in the report, matters (b), (c), (d), (f), (h), (i) and (j) are not key considerations due to the nature and location of the proposed development. As such, the main issues are: (a) transport and highway impacts; (e) external appearance of the buildings; and (g) impact on the amenity of the existing building and neighbouring premises.
- 3.7 In respect of transport impacts, the application site is in an accessible location close to bus stops (around 200m) and about 1.1km from Watford Junction and 1.5km from Watford town centre. There are also a range of nearby amenities,

including a convenience store at Tesco Express, public houses and a school. As such, the site is well-positioned for sustainable transport modes including walking, cycling and passenger transport.

- 3.8 Having regard to the accessible location of the site, no additional on-site parking is proposed. This supports the objectives in the Local Plan to encourage the use of sustainable transport modes rather than the private car. The Transport Statement includes a parking survey, which has been carried out using the widely recognised Lambeth Methodology. This shows that the parking demand from 6 additional flats would be small and streets within 200m of the site have sufficient capacity, including an average of 29 unrestricted parking spaces, to accommodate any overspill parking from the development. As such, there is no substantive evidence that parking demand would cause a detrimental impact to highway safety. The Highway Authority has raised no objection in respect of trip generation or parking impacts.
- 3.9 Regarding the external appearance of the buildings, the proposed increase in height by one floor to create 4 storey flat-roofed buildings would sit comfortably in the surrounding context, which includes an adjacent 4 storey building at Outlook Place and several 3 storey plus pitched roof buildings in the vicinity. Furthermore, the buildings are well set back from Grandfield Avenue and Langley Road respectively, and the mature trees and hedges around the boundaries filter views of the buildings. These factors lessen the visual impact of the development in the street scene.
- 3.10 The existing buildings are designed with a flat-roof and have brick external walls with little architectural detailing. A contrasting material comprising zinc standing seam cladding would be used for the proposed additional floor of the buildings, which would help to break up the massing of the blocks and provide some visual interest. This is considered to provide a high quality and durable material, and full details could be secured through the imposition of a planning condition. Furthermore, the design of the additional floor would follow the window arrangement of the existing building, which would provide a coherent appearance. As such, the external appearance of the development is acceptable and would respect the character of the area, which comprises buildings of varied size and architectural styles – including the adjacent contemporary design at Outlook Place.
- 3.11 In relation to neighbour impacts, the existing building maintains sizeable distances to neighbouring properties and the mature trees adjacent to the boundaries provide filtered screening. The provision of an additional storey to

each building would not cause a significant loss of light, outlook or privacy compared to the existing situation.

- 3.12 Officers note the concerns from existing residents relating to how the additional storey would be built, including whether the structure is strong enough to support an additional floor and potential for damage. However, this is covered under the Building Regulations regime and the provisions of the Party Wall Act 1996 and therefore is not a matter within the remit of this application. It will be a civil matter between the developer and adjoining owners as to how the scheme will be built – which will have to be agreed through the procedures of the Party Wall Act 1996.
- 3.13 Regarding noise and disturbance during construction, whilst this is not a Prior Approval matter, Part 20 Class A paragraph A.2(3) stipulates that any development under Class A is permitted subject to a condition that the developer must submit a report for the management of the construction of the development, including hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
- 3.14 Mindful of the above Prior Approval matters, it is concluded that the proposed development is acceptable and so it is recommended that Prior Approval under Schedule 2 Class 20 Part A of the GPDO should be granted.

4. Relevant policies

- 4.1 Members should refer to the background papers attached to the agenda. Specific policy considerations with regard to this particular application are detailed in section 6 below. It should be noted that only those Local Plan policies that are directly relevant to the Prior Approval matters should be considered.

5. Relevant site history/background information

- 5.1 22/01161/PREAP3 - Pre-application enquiry for 10 - 24 residential units; Description: Part 20 upwards extension to 2 blocks to provide 12 dwellings. Pre-application advice given November 2022. The advice is summarised as follows:
- The addition of 2 storeys to each building would significantly change the proportions of the buildings and result in very bulky massing. In context of the site's surroundings, the provision of 5 storey buildings would appear out of scale and dominant in the street scene.

- Advice provided to reduce to one additional storey in contrasting material such as zinc. It should have a design and fenestration pattern to match the existing building.
- The accessible location of the site was noted. Some clarifications were sought over the submitted parking survey. It was noted that cycle and bin storage would need to be provided in accordance with relevant standards. Advised to carry out pre-application engagement with Hertfordshire County Council as the highway authority.
- The submission proposed alterations to the parking layout in Biskra, however advice was given that such works are not permitted under Part 20 Class A.
- Regarding neighbour impacts, it was not considered that the proposal would cause significant overlooking. A daylight and sunlight assessment will need to accompany any application for prior approval to demonstrate the impacts of the proposal.
- Some amendments would be required to the internal layout to meet the provisions of the Technical Housing Standards – Nationally Described Space Standard.

The current application accords with the previous pre-application advice.

6. Permitted development legislation

6.1 Schedule 2, Part 20, Class A – new dwellinghouses on detached blocks of flats

Permitted development:

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

A.1. Development is not permitted by Class A if –

	Officer's assessment
(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;	Complies.
(b) above ground level, the building is less than 3 storeys in height;	Complies. The application buildings are 3 storeys in height.
(c) the building was constructed before 1st July 1948, or after 5th March 2018;	Complies.
(d) the additional storeys are constructed other than on the principal part of the building;	Complies. The additional storey would be constructed on the flat roof of the buildings.
(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;	Complies. The cross-section drawing shows that the floor to ceiling height of the additional storey would be 2.3m, which matches the existing floor heights.
(f) the new dwellinghouses are not flats;	Complies. All dwellings are flats.
(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);	Complies. The additional storey would have a height of 2.9m above the existing flat roof.
(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;	Complies. The extended buildings would be around 10.8m above ground level.

<p>(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;</p>	<p>Complies. There would be no visible support structures attached to the exterior of the building.</p>
<p>(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to</p> <ul style="list-style-type: none"> (i)strengthen existing walls; (ii)strengthen existing foundations; <p>or</p> <ul style="list-style-type: none"> (iii)install or replace water, drainage, electricity, gas or other services; 	<p>Complies. No additional engineering operations are proposed.</p>
<p>(k) in the case of Class A.(b) development there is no existing plant on the building;</p>	<p>Complies.</p>
<p>(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;</p>	<p>Complies.</p>
<p>(m)development under Class A.(c) would extend beyond the curtilage of the existing building;</p>	<p>Complies.</p>
<p>(n)development under Class A.(d) <i>[works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses]</i> would—</p> <ul style="list-style-type: none"> (i)extend beyond the curtilage of the existing building; (ii)be situated on land forward of a wall forming the principal elevation of the existing building; or 	<p>Complies. Bin and cycle storage would be within the footprint of the existing buildings.</p>

(iii)be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;	
(o)the land or site on which the building is located, is or forms part of— (i)article 2(3) land; (ii)a site of special scientific interest; (iii)a listed building or land within its curtilage; (iv)a scheduled monument or land within its curtilage; (v)a safety hazard area; (vi)a military explosives storage area; or (vii)land within 3 kilometres of the perimeter of an aerodrome.	Complies. The site does not fall within any of these designations.

7. Prior Approval matters

7.1 A.2. – Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) Transport and highways impacts of the development;
- (b) Air traffic and defence asset impacts of the development;
- (c) Contamination risks in relation to the building;
- (d) Flooding risks in relation to the building;
- (e) The external appearance of the building;
- (f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State;

- (i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and
- (j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

7.2 (a) Transport and highways impacts of the development

The application site is in an accessible location close to bus stops (around 200m) and about 1.1km from Watford Junction and 1.5km from Watford town centre. There are also a range of nearby amenities, including a convenience store at Tesco Express, public houses and a school. As such, the site is well-positioned for sustainable transport modes including walking, cycling and passenger transport.

- 7.3 Having regard to the accessible location of the site, no additional on-site parking is proposed. This supports the objectives in the Local Plan to encourage the use of sustainable transport modes rather than the private car. The submitted Transport Statement¹ includes a parking survey, which has been carried out using the widely recognised Lambeth Methodology. This shows that the parking demand from 6 additional flats would be small and streets within 200m of the site have sufficient capacity, including an average of 29 un-restricted parking spaces (not counting spaces with yellow lines or restricted hours), to accommodate any overspill parking from the development. As such, there is no substantive evidence that parking demand would cause a detrimental impact to highway safety. The Highway Authority has raised no objection in respect of trip generation or parking impacts.
- 7.4 The plans show that the existing rear store of each block would be modified to provide secure storage for 6 cycles for the additional flats (a total of 12 cycle spaces). This would include lockable stands and a roller shutter door operated with a fob key. The cycle storage provision exceeds the standard in Appendix D of the Local Plan of 1.75 spaces per 2-bed unit.
- 7.5 Bins for the existing flats are stored on the southern side of the private road in Biskra. The modified rear store for each block would provide bin storage for the new dwellings comprising 3 x 140 litre bins for refuse; 3 x 240 litre bins for recycling; and 1 x 140 litre wheeled bin for food waste. This would provide sufficient capacity for the new dwellings in accordance with the Watford

¹ Prepared by Paul Basham Associates dated August 2023

waste guidance². Bins would be collected from Biskra in accordance with the existing arrangement and the Waste & Recycling team have raised no objection to the proposal.

7.6 (b) Air traffic and defence asset impacts of the development

Not relevant. The site is not near to any airports or defence assets.

7.7 (c) Contamination risks in relation to the buildings

There is unlikely to be contamination at the site given that the land is already in residential use. Given that the proposal is for an additional storey to existing residential buildings and includes no ground works, the risks associated with contamination are low.

7.8 (d) Flooding risks in relation to the building

The site is in Zone 1 (low risk) of the Environment Agency's Flood Map for Planning and so there is low probability of flooding from rivers and the sea. Furthermore, the site is not identified as being at risk from other forms of flooding, including groundwater and surface water. Therefore, the flood risks in relation to the buildings are low.

7.9 (e) The external appearance of the building

The High Court issued a judgement³ (dated 3 February 2022) regarding the interpretation of the GPDO and the principles that apply for authorities when deciding applications for the prior approval of upward extensions to buildings. It was held that the control of the external appearance of the dwelling is not limited to impact on the subject property itself, but also includes the effect on the locality (paragraph 102 of the judgment). As such, when considering the external appearance of the development, consideration of appearance should include the visual impact of a proposal on the surrounding area, including the street scene.

7.10 The proposed increase in height by one floor to create 4 storey flat-roofed buildings would sit comfortably in the surrounding context, which includes an adjacent 4 storey building at Outlook Place and several 3 storey plus pitched roof buildings in the vicinity. Furthermore, the buildings at Biskra are well set back from Grandfield Avenue and Langley Road respectively, and the mature trees and hedges around the boundaries filter views of the buildings. These factors lessen the visual impact of the development in the street scene.

² Waste and Recycling Bin Allocation, Storage and Collection Guidance. New Developments and Conversions. February 2020.

³ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

7.11 The existing buildings are designed with a flat-roof and have brick external walls with little architectural detailing. A contrasting material comprising zinc standing seam cladding would be used for the proposed additional floor of the buildings, which would help to break up the massing of the blocks and provide some visual interest. This is considered to provide a high quality and durable material, and full details could be secured through the imposition of a planning condition. Furthermore, the design of the additional floor would follow the window arrangement of the existing building, which would provide a coherent appearance. As such, the external appearance of the development is acceptable and would respect the character of the area, which comprises buildings of varied size and architectural styles – including the adjacent contemporary design at Outlook Place.

7.12 (f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses

The habitable rooms of the new dwellinghouses would be served by large windows, which would provide adequate natural light. This is confirmed by the submitted Daylight & Sunlight Assessment.

7.13 (g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

Privacy/overlooking:

The application site is located in a settlement where a degree of mutual overlooking is to be expected. Whilst the buildings would be taller, the fenestration pattern of the additional storey would be the same as the floors below and the existing distances to the site boundaries would be maintained. Furthermore, views into neighbouring properties would be filtered by the mature trees on the site boundaries. For these reasons, it is not considered that the proposal would cause a significant loss of privacy to neighbouring occupiers.

7.14 Daylight/sunlight:

The Building Research Establishment Guidance⁴ says that diffuse daylighting of an existing building may be adversely affected if i) the Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value [the VSC test]; or ii) the area of the working plane in a room which will have a direct view of the sky is reduced to

⁴ Building Research Establishment guidelines – Site Layout Planning for Daylight and Sunlight: A guide to good practice (2022).

less than 0.8 times its former value [the Daylight Distribution test]. The 0.8 figure effectively means a reduction in daylight of 20% or more.

7.15 In respect of sunlight, the BRE Guidance sets out that if a main living room window faces within 90 degrees of due south, sunlighting may be adversely affected if the centre of the window: i) receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of APSH between 21 September and 21 March, and ii) receives less than 0.8 times its former sunlight hours during either period, and iii) has a reduction in sunlight received over the whole year greater than 4% of annual probably sunlight hours.

7.16 Outlook Place:

This neighbouring development is located to the north of the application site and there are mature trees adjacent to the boundary. The trees are likely to affect the daylight and sunlight of the windows at Outlook Place, however the Daylight and Sunlight Assessment has disregarded the impact of the existing trees, as recommended by the BRE Guidance.

7.17 The VSC results show that of the 88 windows tested, 82 comply with the BRE Guidance as they would either maintain a VSC of 27%+ or be at least 0.8 times its former value. In respect of the 6 windows that fall below the BRE target, 3 serve the living/kitchen/dining area of 3 flats at ground, first and second floors⁵. The extent of the shortfall is quite modest as the VSC would be at least 0.71, 0.72 and 0.77 times the former values respectively, and these habitable rooms are also each served by two other windows that would experience negligible loss of daylight as a result of the development.

7.18 The VSC test only assesses daylight reaching the external plane of a window and therefore it does not include other factors that would indicate the actual lighting of a room. As such, a further test using the Daylight Distribution method has been carried out. This is a more detailed assessment because it has regard to the size of the neighbouring window, its relationship to the room, the size of the room, and whether there are other windows lighting the same room. The results are shown in Appendix 3 of the Daylight and Sunlight Assessment and demonstrate that the skylit area of the above living rooms would be at least 0.95 times their former value. As such, it is not considered that the proposal would cause a significant loss of daylight to the neighbouring dwellings.

⁵ Ground floor Room R1, First floor room R1 and Second floor Room R1 as shown in Appendix 2 of the Daylight and Sunlight Assessment.

- 7.19 The other 3 windows that do not meet the VSC test serve bedrooms of flats at ground, first and second floor⁶. These bedrooms already experience low VSC values ranging between 5 – 12% due to balconies that project over the windows. Because the existing VSC values are so low, this has a disproportionate effect on the percentage reduction arising from the proposal – resulting in VSC values that are between 0.58 – 0.7 times the former value. The BRE Guidance sets out that the tests need to be applied sensibly and flexibly, and the impact of existing balconies is reflected in paragraph 2.2.13 where it says *“existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VCS, and on the area receiving direct skylight”*.
- 7.20 The proposed development would only result in a modest VSC percentile point reduction of between 2-4 points and the scale of the buildings would be similar to Outlook Place. Consequently, it is considered that the presence of existing projecting balconies is the main contributor for the relative reduction in daylight rather than the proposed development.
- 7.21 In respect of the Daylight Distribution test, 56 of the 59 neighbouring rooms tested comply with the BRE Guidance as they maintain at least 0.8 times their former value. The 3 windows that fall below the recommend target are bedrooms that have their daylight affected by balconies, as discussed above. Moreover, paragraph 2.2.10 of the BRE Guidance acknowledges that although bedrooms should be analysed, they are less important than living rooms. In this regard, it is noted that all neighbouring living room windows comply with the Daylight Distribution test. The daylight results are therefore acceptable.
- 7.22 The Annual Probable Sunlight Hours (APSH) test results show that 58 of the 59 rooms tested comply with the BRE Guidance as they would have at least 25% APSH and 5% in the winter months. The room that falls below the recommended guidance is a bedroom, however the living room associated with this flat has sunlight levels in excess of the BRE Guidance and so the effect of the proposal is considered to be acceptable.
- 7.23 1-5 Langley Place, 6-9 Langley Place and 1-9 Curzon Gate Court:
- The submitted Daylight and Sunlight Assessment shows that all neighbouring windows that require testing meet the respective VSC, Daylight Distribution and APSH recommendations in the BRE Guidance.

⁶ Ground floor room R3, first floor room R3 and second floor Room R3 as shown in Appendix 2 of the Daylight and Sunlight Assessment.

7.24 Biskra Blocks 1 and 2:

The VSC results show that 49 of the 54 windows tested accord with the BRE Guidance as they would either maintain a VSC of 27%+ or be at least 0.8 times its former value. The 5 windows that do not comply all serve kitchens on the first and second floors, however they would only be slightly below the 0.8 target (0.65, 0.67, 0.77, 0.78 and 0.79 respectively). The more detailed Daylight Distribution test in Appendix 3 shows that all of the kitchens would have values in accordance with the BRE Guidance. Two bedrooms (one in each of Blocks 1 and 2) would have ratios of 0.75 and 0.76 times their former value, which is only slightly below the 0.8 target. Furthermore, the main living areas of the two affected flats would continue to receive good levels of daylight. As such, the daylight results are considered to be acceptable.

7.25 The APSH results show that 19 of the 21 assessed rooms accord with the BRE Guidance as they maintain at least 25% APSH and 5% in winter months. The 2 rooms that fall below the recommended levels are a bedroom and kitchen within Block 2, however the main living area would continue to receive good levels of sunlight and would be largely unaffected by the proposal. In these circumstances, the sunlight results are considered to be acceptable.

7.26 In conclusion, the proposed development would have an acceptable impact on the amenity of the existing building and neighbouring premises.

7.27 (h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State.

The proposal would not affect a protected view.

7.28 (i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building

Not applicable. The existing buildings are not 18 metres or more in height.

7.29 (j) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Not applicable. The proposed development would not be 18 metres or more in height or contain 7 or more storeys.

7.30 Internal Space Standards

Part 2, Regulation 3.(9A) of the Town and Country (General Permitted Development) (England) (Amendment) Regulations 2020 requires any development of new dwellinghouses to comply with the nationally described

space standard (the NDSS) issued by the Department for Communities and Local Government on 27 March 2015.

The proposed flats would all be 2 bed (3 person) one storey dwellings and would meet the minimum gross internal floor area of 61sqm and the minimum floor to ceiling height of 2.3m, as set out in the NDSS. Furthermore, all flats would meet the minimum built-in storage provision of 2sqm. The layout of the proposed dwellings therefore accords with the NDSS.

8. Consultation responses received

8.1 Consultees

Consultee	Comment Summary	Officer response
Highway Authority	No objection.	Noted.
Hertfordshire Fire & Rescue	No objection.	Noted.
Waste & Recycling	No comments.	Noted.

8.2 Interested parties

A notice was posted outside the site on 1 September 2023.

Letters were sent to 72 properties in the surrounding area and 55 letters of objection have been received. The main concerns are summarised below, the full letters are available to view online:

Objection comment	Officer comments
Significant impact of construction noise, disruption, dust and traffic on existing residents.	<p>The application cannot be refused on these grounds as this is not a matter that requires the Council's prior approval.</p> <p>Nevertheless, Part 20 Class A paragraph A.2(3) stipulates that any development under Class A is permitted subject to a condition that the developer must submit a report for the management of the construction of the development, including hours of operation and how any adverse impact of noise, dust,</p>

	vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
Damage to property.	This consideration is not within the remit of a Prior Approval application. It will be a civil matter between the developer and adjoining owners as to how the scheme will be built – which will have to be agreed through the procedures of the Party Wall Act 1996.
The proposal would be out of keeping with the appearance of the existing buildings and the general character of the buildings in the area.	This is considered in paragraphs 7.9 – 7.11 of the report.
Increase in traffic. Insufficient parking.	This is considered in paragraphs 7.2 – 7.3 of the report.
Inadequate bin storage arrangements.	This is considered in paragraph 7.5 of the report.
Loss of privacy and light to neighbouring properties.	This is considered in paragraphs 7.13- 7.26 of the report.
Impact on local infrastructure, including schools and doctor surgeries.	This is not a Prior Approval matter that can be considered.
Inadequate access for fire appliances. Mis-leading information has been submitted.	Hertfordshire Fire and Rescue Service has raised no objection to the proposal. The proposal would not change existing fire access arrangements, which would continue to be made from the private road in Biskra. Furthermore, access for fire appliances is a matter for Building Regulations approval and this is not a Prior Approval matter for consideration in the current application.

	The buildings would not be more than 18 metres in height or contain 7 or more stories [the fire risk condition] and so the proposed development is not subject of Prior Approval matter (j).
<p>The application states that no engineering operations will be required to construct the proposed new dwellings, such as visible support structures, strengthening of foundations and replacement drainage.</p> <p>However, in our view engineering works will be required. For example, there is substantial settlement in one of the blocks that is adversely affecting a ground floor flat. Also, no survey has been undertaken to determine this question.</p>	<p>The legislation does not require an applicant to submit a structural survey to demonstrate whether engineering works would be required.</p> <p>If any works are carried out in breach of the permitted development limitations, this may result in an enforcement investigation.</p>
The application states that no additional works are required to accommodate the storage of waste. However, the existing bin stores are already full and are unable to accommodate any further bins.	Servicing is considered in paragraph 7.5 of the report. The additional bin storage provision would meet the capacity requirements for the new dwellings.
Should two applications have been made – one for each block?	<p>The applicant has referred to several appeal decisions from the Planning Inspectorate where the Inspector has considered Prior Approval applications relating to more than one building.</p> <p>The blocks are functionally related and so the inclusion of both buildings in one application is acceptable.</p>

9. Recommendation

The application complies with the conditions and limitations of the regulations under Schedule 2, Part 20, Class A of the General Permitted Development Order and Prior Approval is therefore granted subject to conditions.

Conditions

In addition to the conditions set out in paragraph A.2 of Part 20 Class A of the GPDO, a condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.

Furthermore, a pre-commencement condition to require details of the external materials of the development to be submitted for approval is necessary to ensure that a high quality materials would be used, in the interests of the character and appearance of the area.

1. The development must be completed within a period of 3 years starting with the date prior approval is granted.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

22027S PL 01.01 Rev A; 22027S PL 01.02; 22027S PL 01.03 Rev B;
22027S PL 02.01; 22027S PL 02.02; 22027S PL 02.03 Rev D;
22027S PL 02.04 Rev D; 22027S PL 03.01; 22027S PL 04.01;
22027S PL 04.02; 22027S PL 04.03 Rev B; 22027S PL 04.04 Rev B.
3. No development shall commence until full details of the materials to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.
4. Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
5. The developer must notify the local planning authority of the completion of the development as soon as practicable after completion and the notification must be made in writing and include the name of the developer, the address or location of the development and the date of completion.
6. Each new dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Informatives

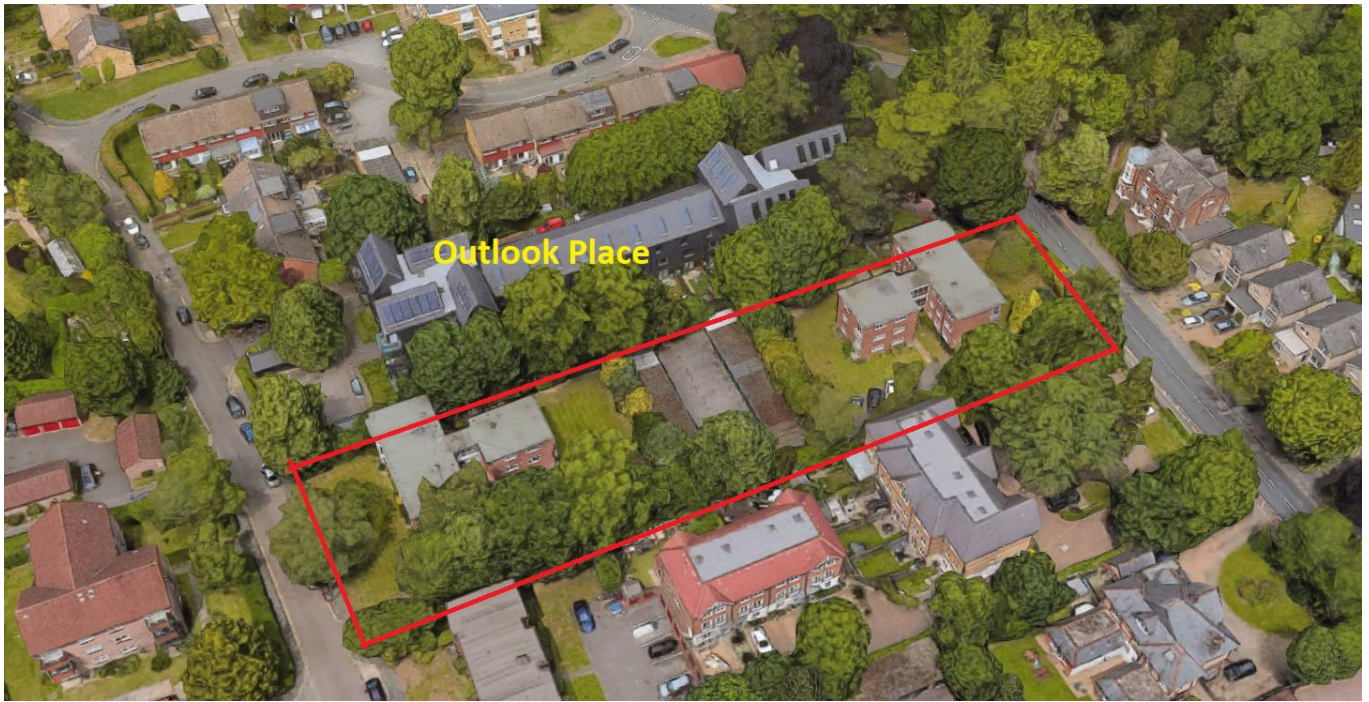
1. IN909 – Street naming and numbering
2. IN910 – Building Regulations
3. IN911 – Party Wall Act
4. IN913 – Community Infrastructure Levy Liability



1 location Plan

Scale: 1:1250







View from Grandfield Avenue





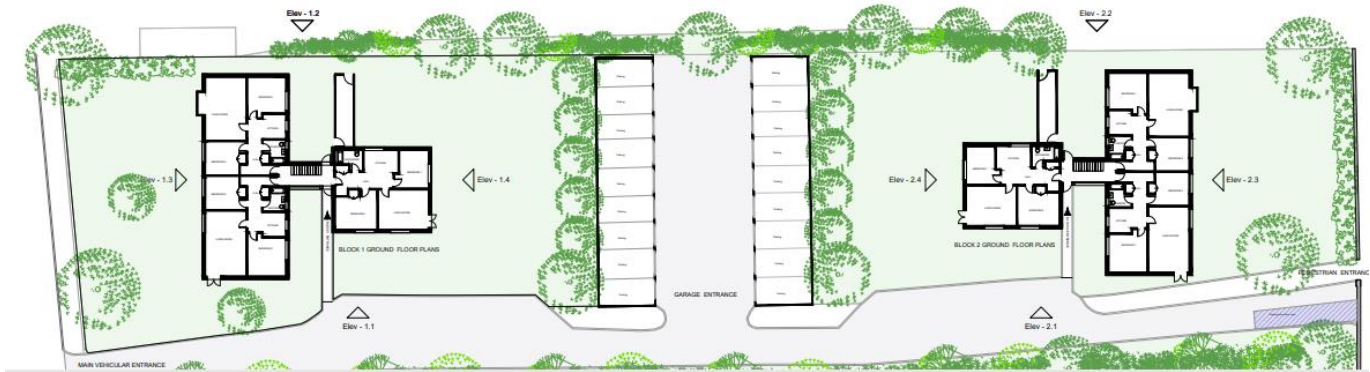
View from Langley Road



View from Langley Road



1 Proposed Site Plan
Scale: 1:200



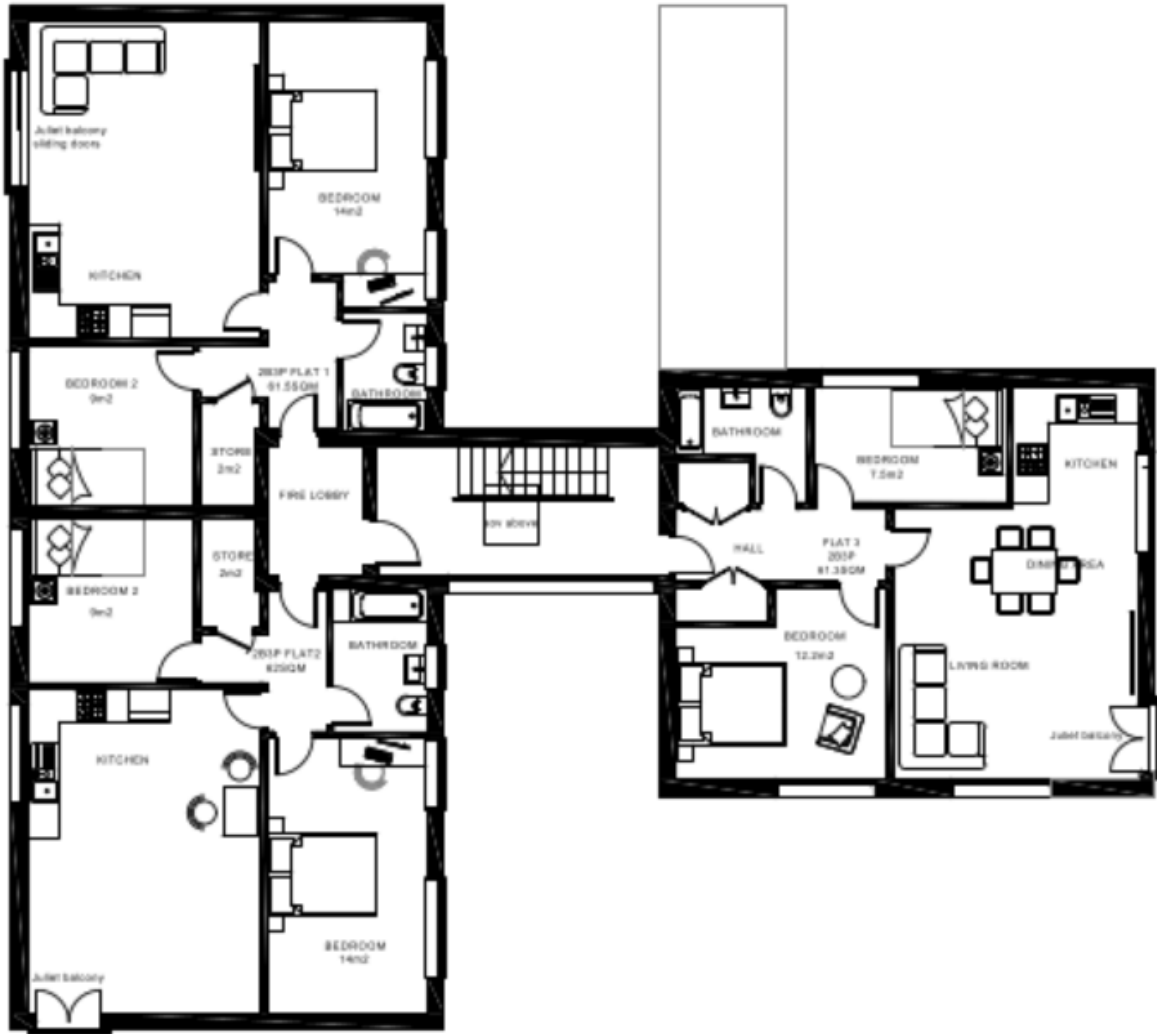
Existing and proposed site plan



PL

PROPOSED GROUND FLOOR PLAN

Scale: 1:100



PL

PROPOSED THIRD FLOOR PLANS

Scale: 1:100



Existing Elevations Block 1



Proposed elevations Block 1

Agenda Item 5

Committee date	Tuesday 31 October 2023
Application reference Site address	23/00683/FULM - 250 Lower High Street, Watford, WD17 2DB
Proposal	Proposed demolition of existing vacant commercial building and erection of a new build, consisting of 29 residential apartments, ranging from one to three bedrooms with shared and private amenity spaces, and ancillary spaces including refuse, cycle, car parking and plant space.
Applicant	Nazmo Ltd
Agent	Benchmark Architects
Type of Application	Full Planning Permission
Reason for committee Item	Major Application
Target decision date	Tuesday 28 November 2023
Statutory publicity	Watford Observer, Neighbour Letters and Site Notice
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Central

1. Recommendation

- 1.1 That planning permission be refused for the reasons set out in section 8 of this report.

2. Site and surroundings

- 2.1 The site is located on the south-western side of Lower High Street at the junction of Local Board Road, a short cul-de-sac. The site contains a part two part three storey 1980's red brick commercial building with hardstanding to the front and rear. The site is approximately rectangular in shape with an area of 0.09 hectares. The site contains no listed buildings or structures and is not within a conservation area, though nearby buildings are locally listed.
- 2.2 The only adjoining site is Crosfield Court, a 1990's residential development containing 76 retirement flats and associated facilities. Facing the site on Local Board Road are 5 locally listed Victorian buildings comprising a former Industrial Building (number 1a), a short terrace of 2 storey dwellings (numbers 1, 2 and 3) and the Pump House Theatre (number 5). The surroundings on Lower High Street are varied. Opposite the site is the rear servicing yard of Tesco Extra with car showrooms and car rental businesses occupying nearby sites. The site occupies a central, accessible location to the south of Watford

Town Centre, approximately 300 metres from Watford High Street Overground Station.

- 2.3 The site is within Source Protection Zone 1. This Environment Agency designation covers the River Colne basin identifying the catchment areas of sources of potable (drinking) water. The site is therefore highly sensitive to contamination. The site is within flood zone 1, the zone with the lowest risk of flooding.

3. Summary of the proposal

3.1 Proposal

- 3.2 Proposed demolition of existing vacant commercial building and erection of a new build, consisting of 29 residential apartments, ranging from one to three bedrooms with shared and private amenity spaces, and ancillary spaces including refuse, cycle, car parking and plant space.

3.3 Conclusions

- 3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Watford Local Plan 2021-2038 (the Local Plan) was adopted on 17 October 2022. The policies of the Local Plan therefore carry substantial weight.
- 3.5 The proposed development, by virtue of its scale and massing fails to successfully transition with or relate to the surrounding local context. The proposal would not contribute positively towards the character and appearance of the area and would conflict with paragraphs 126, 130, 132 and 134 of the NPPF and Policies CDA2.3, QD6.1, QD6.2, QD6.3, QD6.4 and HE7.1 HE7.3 of the Watford Local Plan 2021-2038.
- 3.6 The proposed development, by virtue of the high proportion of single aspect dwellings, the poor internal daylight levels and lack of and poor quality private amenity provision fails to provide high quality accommodation for future users, contrary to paragraph 130 of the NPPF, Policies HO3.11 and QD6.4 of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.
- 3.7 The proposed development, by virtue of its scale and massing would cause significant loss of light, loss of privacy, loss of outlook and sense of enclosure to neighbouring residential dwellings within Crosfield Court and on Local

Board Road. Such a loss of neighbouring amenity is contrary to paragraph 130 of the NPPF, Policies CDA2.3 and CC8.5(g) of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.

- 3.8 The width of the vehicle crossover to Local Board Road fails to minimise the scope for conflicts between pedestrians, cyclists and vehicles. Such poor quality public realm is contrary to paragraph 112 of the NPPF and Policies CDA2.3, QD6.3, ST11.1 and ST11.3 of the Watford Local Plan 2021-2038.
- 3.9 In respect of national policy, the NPPF states that high quality, beautiful and sustainable buildings is fundamental to planning (paragraph 126) and that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (paragraph 132).
- 3.10 It is acknowledged that the proposed development would make efficient use of previously development land with the provision of 29 dwellings, and so would make a contribution towards addressing the shortfall in housing in Watford. However, the benefits of additional housing would be limited by the absence of any affordable housing and the poor quality of the homes provided. The limited benefit would be significantly outweighed by the adverse impacts of the development. In respect of Paragraph 11 d) of the NPPF the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4. Relevant policies

- 4.1 Members should refer to the background papers attached to the agenda. These highlight the policy framework under which this application is determined. Specific policy considerations with regard to this particular application are detailed in section 6 below.

5. Relevant site history/background information

- 5.1 An application for demolition of the existing vacant commercial building and erection of a six storey building comprised of 36 dwellings with associated development including amenity, refuse, cycle, car parking and plant space was submitted in September 2022 (application reference: 22/01126/FULM). The application was refused at Development Management Committee on 7th February 2023. The application was refused for the following reasons:

- The scale and massing of the proposal fails to integrate with the context,

- The poor quality of accommodation.
- The likely harm to the amenity of neighbouring residential units.
- Car parking pressure

5.2 The applicant has appealed the above refusal. The appeal was received by the Planning Inspectorate on the 5th August 2023 and is awaiting a case officer. As such, it currently has no start date.

5.3 A pre-application request for demolition of the existing commercial building, and the construction of a 11 storey residential development providing a total of 48 residential units was submitted in April 2022 (application reference: 22/00496/PREAP4). A meeting was held and a written response was issued in June 2022. This proposal was not supported.

5.4 An application for demolition of the existing commercial building, and the construction of a 5 storey residential development providing a total of 25 residential units was submitted in January 2021 (application reference: 21/00076/FULM). The application was recommended for refusal for the following reasons:

- The scale and massing of the proposal fails to integrate with the context,
- The poor quality of accommodation.
- The likely harm to the amenity of neighbouring residential units.
- The lack of Affordable housing or justification for not providing it.
- Car Parking pressure
- Unacceptable risk to controlled waters

The application was withdrawn on May 17th 2021, prior the May 18th 2021 Development Management Committee.

5.5 An application for demolition of the existing commercial building, and the construction of a 5 storey residential development providing a total of 28 residential units was submitted in January 2020 (application reference: 20/00072/FULM). The application was withdrawn by the applicant on 13th October 2020 following feedback from the case officer.

5.6 A pre-application request for demolition of the existing commercial building, and the construction of a 5 storey residential development providing a total of 30 residential units was submitted in June 2018 (application reference: 18/00746/PREAPP). A written response was issued in August 2018. This proposal was not supported.

6. Main considerations

6.1 The main issues to be considered in the determination of this application are:

- (a) Principle of the proposed development
- (b) Layout, scale and design
- (c) Housing mix
- (d) Affordable housing
- (e) Residential quality
- (f) Impacts to neighbouring properties
- (g) Access, parking and transport matters
- (h) Environmental matters

6.2 (a) Principle of the proposed development

The application site is located within the Colne Valley Strategic Development Area (the Colne Valley SDA). Policy CDA2.3 of the Local Plan sets out strategic objectives for the wider area, and identifies that the Colne Valley SDA is designated to facilitate transformative and co-ordinated change around the River Colne and Lower High Street Area.

6.3 Strategic Policy HO3.1 of the Local Plan states that proposals for residential developments will be supported where they contribute positively towards meeting local housing needs and achieving sustainable development. The principle of a residential development on this undesignated site is supported.

6.4 (b) Layout, scale and design

Chapter 12 of the NPPF sets out national policy for achieving well-designed places and key design qualities are set out in paragraph 130. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

6.5 Strategic Policy QD6.1 seeks to deliver high quality design across the borough. The borough is divided into 3 distinct areas – Core Development Area, Established Areas and Protected Areas - with a separate approach for each area. The application site is within the Colne Valley Strategic Development Area, part of the Core Development Area, where significant revitalisation and transformative change is expected to bring new investment into the town.

6.6 Policy QD6.2 gives more detailed design principles for new development including sustainable design, character and identity, built form, active frontages, connectivity and views. In relation to built form it notes that the scale and massing of proposed buildings will need to relate to the local context and the role of the area. Building footprints are to be of an

appropriate scale, enhance the relationship between buildings individually, collectively and the spaces between them to create environments that are relatable to people, easy to understand, have good light, minimise wind effects and improve connections with the surrounding area. Policy QD6.4 gives detailed design guidance on building design outlining that the proportions of new buildings need to be appropriate to the existing or emerging character of the area.

- 6.7 The National Design Guide echoes many of the design principles of Local Plan policies, requiring development to relate to its context and be of an appropriate scale.
- 6.8 This proposal would see the existing part two, part three storey building replaced by one which is five storeys. The footprint of the proposed building, unlike the existing building would occupy a much larger footprint, filling the site. It would be set back from Lower High Street, though this is still significantly forward of the existing front building line. The upper two storeys would be set back from the floors below.
- 6.9 The immediate local context is comprised of Crosfield Court, a four storey building which wraps around the site on two sides and two storey dwelling houses opposite on Local Board Road.
- 6.10 When viewed from Lower High Street the proposed building does not relate well to Crosfield Court, given its scale, massing and siting. Crosfield Court is substantially lower, wider and set well back from the public realm. The building would appear to dominate the setting of Crossfield Court in views from Lower High Street. The architectural detailing of the proposed building facing Lower High Street with large expanses of wall, full height windows, projecting balconies and floor levels which do not align with Crosfield Court fails to successfully integrate with the context. It is accepted that moving the footprint of the building closer to Lower High Street is not unacceptable in principle, however, the building proposed does not relate to its context or create an attractive public realm to Lower High Street.
- 6.11 The elevation facing Lower High Street, by virtue of its design would appear prominent and discordant, at odds with Policy CDA2.3 which seeks high quality design and place-making within the Colne Valley Strategic Development Area.
- 6.12 Along Local Board Road the proposed building would be set further back from the public realm than the existing building line, however, the building would have a substantially larger footprint and be substantially higher than the

building it replaces which overall significantly increases the sense of enclosure. The lower three levels of the building proposed do relate well to the two storey dwellings opposite in terms of their townhouse appearance and could, subject to further details, improve the public realm. Local Board Road is narrow so the set back upper storeys would not be obvious from within the public realm within Local Board Road, however, the upper storeys would be clearly visible in wider views which appear overbearing and fail to relate to the dwelling houses opposite or the wider surroundings.

- 6.13 Fundamentally, a five storey building of the proportions proposed on this narrow site, which sits between a four storey flatted development and two storey dwelling houses fronting a narrow cul-de-sac, does not relate well to the context. The CGI image on page 70 of the Design and Access Statement demonstrates that the building fails to relate well to its local context or positively contribute to the local area.
- 6.14 Local Plan Policy HE7.1 seeks to protect the historic environment and heritage assets requiring developments to avoid causing harm to their significance, including their setting. Policy HE7.3 gives more detail and specially relates to locally listed buildings (Non-designated heritage assets). It requires proposals to positively contribute towards heritage value.
- 6.15 The proposed building, by virtue of its layout, scale and design would overwhelm the Locally Listed Buildings in Local Board Road producing a jarring relationship between the two from the wider public realm. This harms the setting of these heritage assets and reduces the ability to appreciate their significance.
- 6.16 (c) Housing mix
Policy HO3.2 of the Local Plan requires at least 20% of new homes as family sized (3+bed) in order to seek an appropriate mix of dwelling sizes to meet local need and in order to help contribute towards a balanced community. The development proposes 6 x 3 bed dwellings representing 21% of the development. The proposed housing mix is supported in accordance with this policy.
- 6.17 (d) Affordable housing
Policy HO3.3 of the Local Plan requires a 35% provision of affordable housing for all developments of 10 or more dwellings. This provision should have a tenure mix of which includes 60% social rent.
- 6.18 A financial viability appraisal (FVA) was submitted with the application, which seeks to assert that the proposal cannot viably provide affordable housing in

accordance with the provision and tenure mix set out in Policy HO3.3. This has been independently reviewed by consultants on behalf of the Council. Although some adjustments were recommended, the review has concluded that the development is unable to viably include affordable housing. Specifically, this finds that with the policy compliant provision of affordable housing, the proposed development has a deficit of £1,603,000 against a benchmark land value of £2,056,000. The development also remains unviable with no affordable provision, having a deficit of £379,094 below the benchmark land value for a 100% market scheme. Nonetheless, should the Council consider granting planning permission, a late stage review of viability would be secured to consider actual build costs and sale values. No explanation has been provided as to how the applicant intends to deliver the scheme given the outcome of the appraisal.

6.19 As such, it has been demonstrated that the proposal cannot viably provide affordable housing in accordance with the provision and tenure mix set out in Policy HO3.3 of the Local Plan.

6.20 Notwithstanding the above the applicant has offered a commuted sum of £67,500 towards the provision of affordable housing. Such a figure is substantially less than the cost of providing policy compliant affordable housing.

6.21 (e) Residential quality

The proposed floor plans largely demonstrate compliance with the Technical Housing Standards – Nationally Described Space Standard (NDSS) in terms of the gross internal floor areas, ceiling heights, built-in storage and bedroom sizes, however, two double bedrooms (in units L01-01 and L02-01) would be one square metre under the required 11.5 square metre floorspace. Overall, this deficiency is considered acceptable given that these units exceed the overall internal space standard by four square metres.

6.22 Of the 29 dwellings proposed, 20 (69%) would be single aspect facing Local Board Road. The units with recessed, side facing windows to a balcony are not considered to be truly dual aspect, not affording dual views and are therefore counted as single aspect. The reason for this high proportion is the linear layout of the building with all dwellings on the upper levels accessed off a rear corridor which runs along the back of the building. Single aspect dwellings restrict opportunities for passive ventilation and good internal light. The applicant has referred to three other schemes within Watford which include a high proportion of single aspect units, however, these examples were either not granted planning permission or granted prior to the adoption of the

current Local Plan. Local Plan policy QD6.4 requires new buildings to include a high proportion of dual aspect units to create quality internal spaces.

- 6.23 A Daylight and Sunlight (DS) assessment has been undertaken of habitable rooms within the proposed building in accordance with Building Research Establishment's Report 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (BRE Guide). This assessment tests the Spatial Daylight Autonomy (SDA) and Sunlight Exposure (SE) within the proposed building.
- 6.24 It is noted that that the assessment only considers habitable rooms. The five separate kitchens within the ground floor units, which have no windows have not been considered. Section 2.1.15 of the BRE Guide states "*Non-daylit internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too*". The subject kitchens are between 8 and 14 square metres in floorspace which suggests that they could be used for dining purposes. The BRE guidance sets a higher daylight requirement for kitchens compared to bedrooms or living rooms.
- 6.25 The Spatial Daylight Autonomy (SDA) test sets daylight targets which should be achieved across 50% of a working plane measured at 850mm above floor level. This test sets three target lux levels of illumination: minimum, medium and high. These lux factors are set at 100 / 150 / 200, 500 and 750. The minimum target depends on room type (100 for bedrooms, 150 for living rooms and 200 for kitchens). The DS assesses 50 habitable rooms at ground first and second floor levels. The results demonstrate that 8 rooms (16%) would fail to meet the minimum target, 41 rooms (82%) achieve the minimum, 1 room (2%) the medium and no rooms would achieve the high target. Of the rooms which fail many achieve less than half of the target, which suggests that they would be dark and highly dependent on artificial light.
- 6.26 If the five windowless kitchens were included in the results 13 of the 50 rooms assessed (24%) would fail the SDA test. It is acknowledged that the upper levels of the building have not been assessed and that in built up areas it may be difficult for all rooms to comply with the SDA test, nonetheless the results presented suggest very poor internal daylight to rooms.
- 6.27 The Sunlight Exposure (SE) test sets duration of sunlight targets per day tested on March 21st (spring equinox). This test also sets three target lux levels of sunlight: minimum, medium and high. The DS assesses all 80 habitable rooms within the development. The results demonstrate that 21 rooms (26%) would fail to meet the minimum target, 13 rooms (16%) achieve the minimum, 17

rooms (21%) the medium and 29 rooms (36%) the high. Of the rooms which fail, nine do not face within 90° of due south, therefore lower sunlight levels are expected to these windows. The fact that 12 rooms (15%) do face within 90° of due south and fail the text suggests significant overshadowing.

- 6.28 It noted that all the dwellings would have one main window wall facing within 90° of due south. However, BRE guidance acknowledges that living rooms need more daylight than bedrooms. Three living rooms (in units L00-02, L01-01 and L02-01) significantly fail to meet the minimum target and is of concern, particularly when these units have windows with better daylight levels serving bedrooms. In addition, two units (L01-06 and L02-06) have dining rooms which receive zero sunlight. It is accepted that in built up areas it may be difficult for all rooms to comply with the SE test, though the results presented for a building which has the majority of its windows facing a south easterly direction is considered poor.
- 6.29 The BRE guidance recommends that at least half of private amenity and public open space should receive at least two hours of sunlight on March 21st. Two units fail this test. Both of this units have private amenity well in excess of the minimum space requirement of Policy H03.11, however, unit L00-02 which is at ground floor significantly fails this test. Unit L04-06 which is at fourth floor has areas which receive good levels of sunlight. The lack of adequate sunlight to the private amenity space to unit L00-02 is poor.
- 6.30 Policy H03.10 states that all new housing will be designed and built to comply with accessibility standard M4(2) of the Building Regulations unless they are built to comply with standard M4(3). The planning statement asserts all would comply with M4(2) with 10% complying with the higher M4(3) standard.
- 6.31 Policy H03.11 explains that all new dwellings should be provided with private outdoor amenity space setting minimum standards. Six dwellings at fourth floor would have no private amenity space. Seven dwellings at first and second floor levels have private amenity space, though it would not comply with the space standards required by the policy. The five dwellings at ground floor would have space in front of dwellings as private amenity space, though these spaces lack privacy and are unlikely to be used for private amenity given their position. Overall, 18 dwellings (62% of the total) fail to provide policy compliant high quality private amenity space.
- 6.32 Policy H03.11 also states that residential development comprising 10 or more flats should provide shared private outdoor amenity space that is high quality and accessible to all residents unless it would not be possible or appropriate to do so. The development does provide shared private outdoor amenity

space on the roof. Subject to further detail demonstrating a high quality layout this provision is considered acceptable. The provision of communal space does not, however, negate the need for private amenity space to each dwelling.

- 6.33 In terms of outlook the majority of the windows would face Local Board Road. The buildings opposite are at a distance of 10.4 metres. This is a relatively short distance, but given the width of the road, this is not considered unacceptable in terms of outlook from the proposed units. The proposal contains many bedroom windows which look along the side and rear elevations of the building which produces a compromised outlook. In most cases this is acceptable, though in units (L01-01 and L02-01) which have living rooms which significantly fail to meet the SE sunlight test this creates an unacceptable overall quality of accommodation.
- 6.34 Considering all of the matters raised above together, all 29 of the proposed dwellings would have their residential quality compromised in some regard, be that by being single aspect, failing daylight or sunlight tests or having inadequate private amenity space. Many units fail on multiple fronts. The number of compromises to residential quality suggests unacceptable living standards. This is another indication that the quantum of development and scale of the building is excessive.
- 6.35 (f) Impacts to neighbouring properties
Policy CDA2.3 which relates to the Colne Valley Strategic Development Area notes that in locations adjacent to existing residential areas, new development should be designed to minimise the potential impact on these areas by providing a transition in built form between existing homes and higher-density development. The proposed building has a residential density of 322 dwellings per hectare which constitutes a higher-density development.
- 6.36 Paragraph 130 of the NPPF sets out principles for well-designed development including that developments are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The Residential Design Guide sets out guidance for appropriate relationships for new development with existing dwellings. The impact to neighbouring dwellings within Crossfield Court and on Local Board Road is considered below.
- 6.37 A daylight and sunlight assessment has been undertaken for the habitable rooms within the neighbouring buildings in accordance with Building Research Establishment's Report 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (BRE Guide). This assessment tests the Vertical Sky

Component (VSC), Daylight Distribution (DD) and Annual Probable Sunlight Hours (APSH).

- 6.38 The Vertical Sky Component (VSC) test measures of the amount of light falling on a window. The BRE Guide says that diffuse daylighting of the existing building may be adversely affected if the VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times (80%) its former value.
- 6.39 Within Crosfield Court, 14 habitable room windows fail the VSC Test. Ten of these windows are to the rear southern corner of Crosfield Court, the other four windows are the four vertically aligned bedroom windows which face Lower High Street closest to the subject site. On Local Board Road 17 habitable room windows fail the VSC Test. Flat number 18 within Crosfield Court would suffer from all three of its habitable room windows failing this test. The kitchen in this flat was not tested, though given its position it is likely to fail too. It is noted that a dense planting exists outside the windows of this flat which would reduce light levels, however, this would not justify this impact. At Numbers 2 and 3 Local Board Road all six habitable room windows facing the site fail the test.
- 6.40 The proposed building line on Local Board Road differs from that of the existing building. The elevation is set back 1.2 metres from the existing building line, however, the building is substantially deeper and higher. The proposed separation between the front elevation of the houses on Local Board Road is 10.4 metres. This is a relatively short distance given the narrow width of Local Board Road. The existing building contains no habitable room windows and the proposed building has habitable room windows to all 29 units on this elevation. Given these considerations the existing houses would suffer from a significant increase in overlooking at four levels, relative to the existing situation. This degree of overlooking is considered unacceptable.
- 6.41 The BRE Guide does not require non-habitable rooms to be included in the assessment. However, it is noted from the assessment that the four vertically aligned bathroom windows facing the subject site, which belong to the same four units referred to above with the failing bedroom windows would have VSC levels which are between 9 and 25 % of their former value. This is a significant reduction of light to existing bathrooms and indicates a significant overall impact on flat numbers 1, 19, 39 and 59.
- 6.42 The DD test takes the VSC analysis a step further in looking at where in the room daylight is received at the working plane. After a development is complete, the area of a room with visible sky should, ideally, be 0.8 times or

more of the former area on the working plane prior to the development. The daylight and sunlight assessment shows that all 10 of the habitable rooms fronting Local Board Road would fail this test.

- 6.43 It is considered that Crosfield Court does include appropriate setbacks adjacent to the shared boundaries. If these distances were matched on this adjacent site for a proposed building, this could allow for a reasonable mutual relationship. The subject building is, however, proposed substantially closer to these boundaries which causes the significant loss of light noted above and is considered to be unreasonable.
- 6.44 In terms of privacy, proposed first floor unit L01-01 has a bedroom window which is 2.5 metres from the bedroom window of flat 19 within Crosfield Court and within its privacy arc. At the second floor level the relationship between unit L02-02 and flat 39 within Crosfield Court is the same. Paragraph 7.3.18 of Warford's Residential Design Guide explains the privacy arc requiring a minimum privacy distance of 27.5 metres. This relationship would cause unacceptable overlooking into existing neighbouring flats. This could be overcome by having suitable obscure glazed windows, though this would give no outlook to bedrooms within units where the quality of accommodation is already considered unacceptable.
- 6.45 Considering all of the matters raised above many flats within Crosfield Court and dwellings on Local Board Road would have their existing residential amenity unacceptably impacted in terms of loss of light, outlook and privacy.
- 6.46 (g) Access, parking and transport matters
Local Plan policies require proposals to contribute towards a modal shift, greener travel patterns and minimising the impact on the environment. Pedestrian, cycling and passenger transport will be prioritised.
- 6.47 Policy ST11.5 sets out an approach to maximum parking standards pursuant to objectives for a modal shift in transport. The maximum standards as set out in Appendix E of the Local Plan state that in this area, a development of 29 dwellings should not exceed the provision of eight car parking spaces. The proposed development includes three spaces to the front including one disabled space. The three spaces are accessed by a new vehicle crossover which would be 13 metres wide at the front of the footway and 9.6 metres at the back. This width of dropped kerb is considered excessive creating a potential conflict between vehicles and pedestrians. HCC Highways have commented that this width exceeds their guidance.

- 6.48 Policy ST11.4 sets out minimum cycle parking standards. The development provides a sufficient quantity of cycle parking, though the doors to it are not wide which could make access awkward with a bicycle. HCC Highways have raised concern as to whether ceiling heights are sufficient to accommodate double height stacking. Further details of the cycle store could be requested by condition.
- 6.49 The proposed parking provision is supported in respect of securing 'car-lite' development in this sustainable location. The site is within Watford Borough Council's Controlled Parking Zone F, which operates Monday to Saturday 8am to 6.30pm with additional restrictions on Watford Football Club match days. The development could be subject to an exemption to prevent future residents from entitlement to permits and to ensure that the development would not give rise to additional on road parking demand. A planning obligation in the form of a Section 106 agreement is required to secure this exemption. As no agreement has been secured for this application, this is a matter which merits a reason for refusal, however, this could be overcome with an appropriate agreement in place.
- 6.50 (h) Environmental matters
Source Protection Zone
The site is located within Source Protection Zone 1 (SPZ1) and used for potable water supply (that is high quality water supplies usable for human consumption). The Environment Agency (EA) carefully monitor development proposals of all types in this zone. The EA designate SPZ1 to identify the catchment areas of sources of potable water and show where they may be at particular risk from polluting activities on or below the land surface. On the basis that a non-piled shallow foundation will be used that does not penetrate into the chalk, as outlined in the Westlakes Engineering letter, the EA has no objection subject to conditions which could be imposed on any grant of permission.
- 6.51 *Surface Water Drainage*
Hertfordshire County Council (HCC) as the Local Lead Flood Authority did not respond to this application, however, they reviewed the previous proposal and had no significant concerns, recommending that the applicant follow the advice outlined in their response.
- 6.52 *Land contamination*
Watford Borough Council's Environmental Protection Officer is satisfied with the submitted ground investigation report, subject to a condition regarding unexpected contamination.

6.53 *Energy and Sustainability strategy*

Strategic Policy CC8.1 states that the Council will support proposals that help combat climate change and new development will need to demonstrate how it contributes positively towards this. Policy CC8.3 seeks to minimise the impact of new housing on the environment through energy and water efficiency measures. This includes a 19% improvement in carbon emissions over the target emission rate in the Building Regulations 2013 and a standard of 110 litres of water use per person per day. The application is accompanied by an Energy Strategy Report detailing proposals for use of Air Source Heat Pumps (ASHP) and Photo Voltaic (PV) panels for energy generation in compliance with Policies CC8.1 and CC8.3.

6.54 *Biodiversity*

An Arboricultural Impact Assessment has been submitted which identifies a group of category C Leyland Cypress trees within Crosfield Court along the south-western boundary of the site which overhang the boundary. The assessment asserts that these would be cut back to the boundary. Such severe works and the proximity of the proposed building would prejudice the health of these trees. Nevertheless, the landscape masterplan included in section 8.0 of the Design and Access Statement suggests biodiversity enhancement with new flowers, plants and trees around the building. Although a 10% biodiversity net gain has not been explicitly demonstrated in accordance with Policy NE9.8 of the Local Plan, this could be secured through a detailed soft landscaping plan.

7 **Consultation responses received**

7.1 **Statutory consultees and other organisations**

Name of Statutory Consultee / Other Organisation	Comment
Environment Agency	No objection subject to conditions.
Health and Safety Executive	No objection.
Hertfordshire Constabulary	Concerns raised with regards to lack of access and surveillance details. Developments should be designed to the Secured by Design principles. Nevertheless, conditions could be applied to secure these details.
Hertfordshire County Council (Growth & Infrastructure)	No response. Development would be CIL liable.

Hertfordshire County Council (Highways Authority)	Objection raised due to width of vehicle crossover to Local Board Road which is considered hazardous.
Hertfordshire County Council (Lead Local Flood Authority)	No response. Noted that there was no objection to previous proposal subject to the applicant following the advice outlined in their response.
Hertfordshire County Council (Minerals & Waste)	No response. Noted that there was no objection to previous proposal subject to a condition.
Thames Water	No objection.
Affinity Water	No response. Noted that there was no objection to previous proposal subject to conditions.

7.2 Internal Consultees

Name of Internal Consultee	Comment
Environmental Health Contamination	No objection subject to conditions.
Housing	The Housing Service did not support the application as no Affordable Housing is proposed.
Waste and Recycling	Sought clarifications with regards to collection, though plans suggest this is acceptable.
Arboricultural Officer	No objection subject to a details of landscaping which could be secured by condition.

7.3 Interested Parties

Letters were sent to 95 properties in the surrounding area. 21 responses were received in objection. Two neutral responses were received which referred solely to matters of biodiversity. The majority of objections were from residents of Crosfield Court. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Impact on the character and appearance of the area.	See section 6.4 to 6.15 of the report which relates to layout, scale and design.
Lack of Affordable Housing	See paragraph 6.17 to 6.20 of the report which relates to affordable housing

Loss of light, outlook and privacy	See paragraph 6.35 to 6.45 of the report which relates to the impact on amenity of adjoining residential properties
Parking pressure and traffic impacts	See paragraph 6.46 to 6.49 of the report which relates to transport, parking and servicing
Risk to controlled waters	See paragraph 6.50 of the report which relates to controlled waters.
Flooding	See paragraph 6.51 of the report which relates to flooding.
Biodiversity	See paragraph 6.54 of the report which relates to biodiversity.
Disruption from construction	The Environmental Protection Act, the Control of Pollution Act and the Highway Act control the matters of disruption raised.
Loss of television signal	The loss of TV signal over a neighbouring site is not reason to restrict development opportunities.
Building not being vacant	The application states that the building is empty, though it is asserted that it may be occupied. Either way this would not impact the overall assessment.

8 Recommendation

That planning permission be refused for the following reasons:

Reasons

1. The proposed development, by virtue of its scale, massing, siting, design and poor quality prominent appearance from Lower High Street fails to successfully transition with or relate to the surrounding local context. The proposal would not contribute positively towards the character and appearance of the area and would conflict with paragraphs 126, 130, 132 and 134 of the NPPF and Policies CDA2.3, QD6.1, QD6.2, QD6.3, QD6.4 and HE7.1 HE7.3 of the Watford Local Plan 2021-2038.
2. The proposed development, by virtue of the high proportion of single aspect dwellings, the poor internal daylight levels and lack of and poor quality private amenity provision fails to provide high quality accommodation for future users, contrary to paragraph 130 of the NPPF, Policies HO3.11 and QD6.4 of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.

3. The proposed development, by virtue of its scale, massing and siting would cause significant loss of light, loss of privacy, loss of outlook and sense of enclosure to neighbouring residential dwellings within Crosfield Court and on Local Board Road. Such a loss of neighbouring amenity is contrary to paragraph 130 of the NPPF, Policies CDA2.3 and CC8.5(g) of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.
4. The width of the vehicle crossover to Local Board Road fails to minimise the scope for conflicts between pedestrians, cyclists and vehicles. Such poor quality public realm is contrary to paragraph 112 of the NPPF and Policies CDA2.3, QD6.3, ST11.1 and ST11.3 of the Watford Local Plan 2021-2038.
5. A legal undertaking has not been completed to secure financial contributions towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to restrict the entitlement of the proposed dwellings to parking permits for the controlled parking zones in the vicinity of the site. Without such an undertaking in place, the development would result in additional on-street parking in an already congested area contrary to Policies ST11.1 and ST11.5 of the Watford Local Plan 2021-2038.

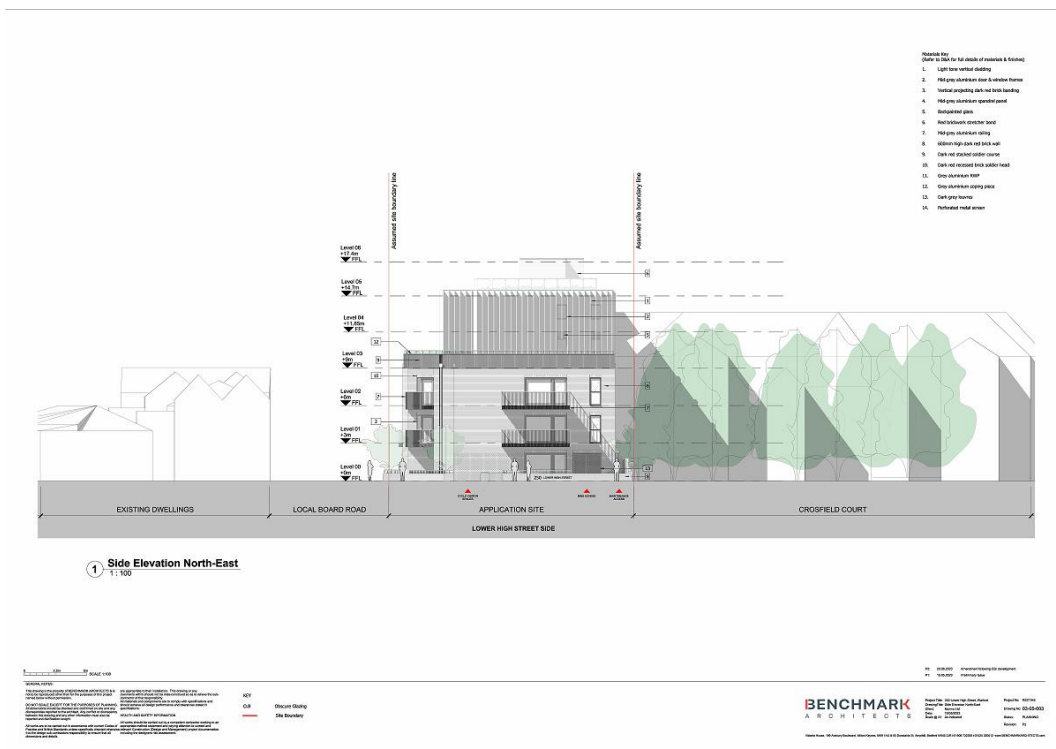
Site Location Plan



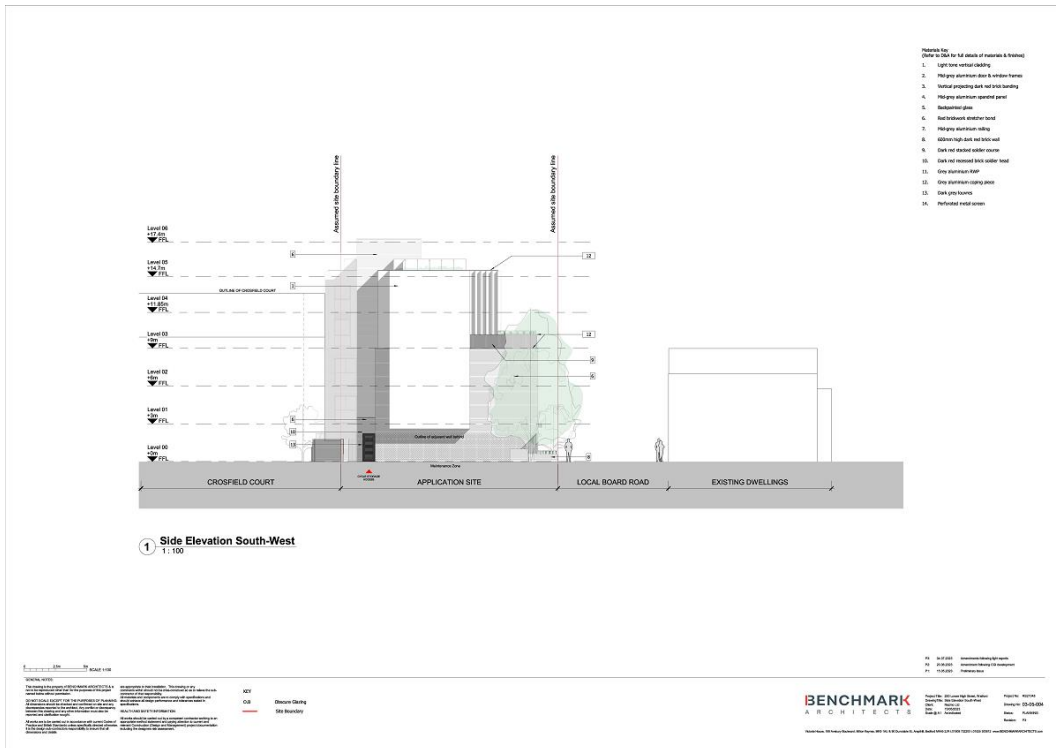
South East (Local Board Road facing) Elevation



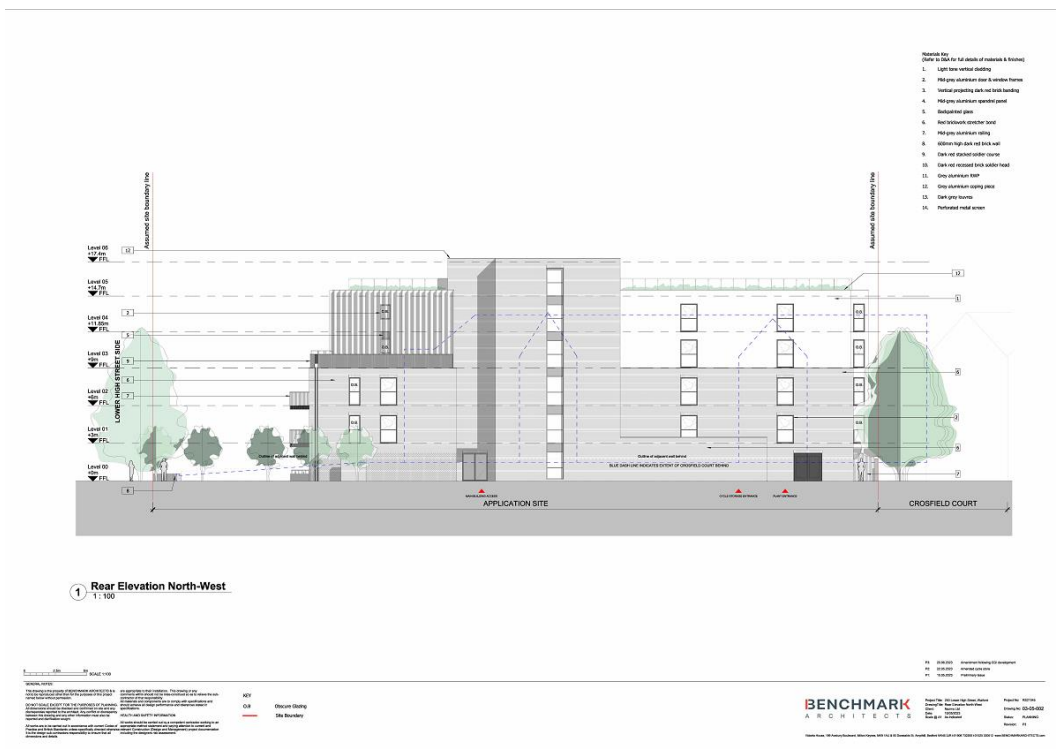
North East (Local Board Road facing) Elevation



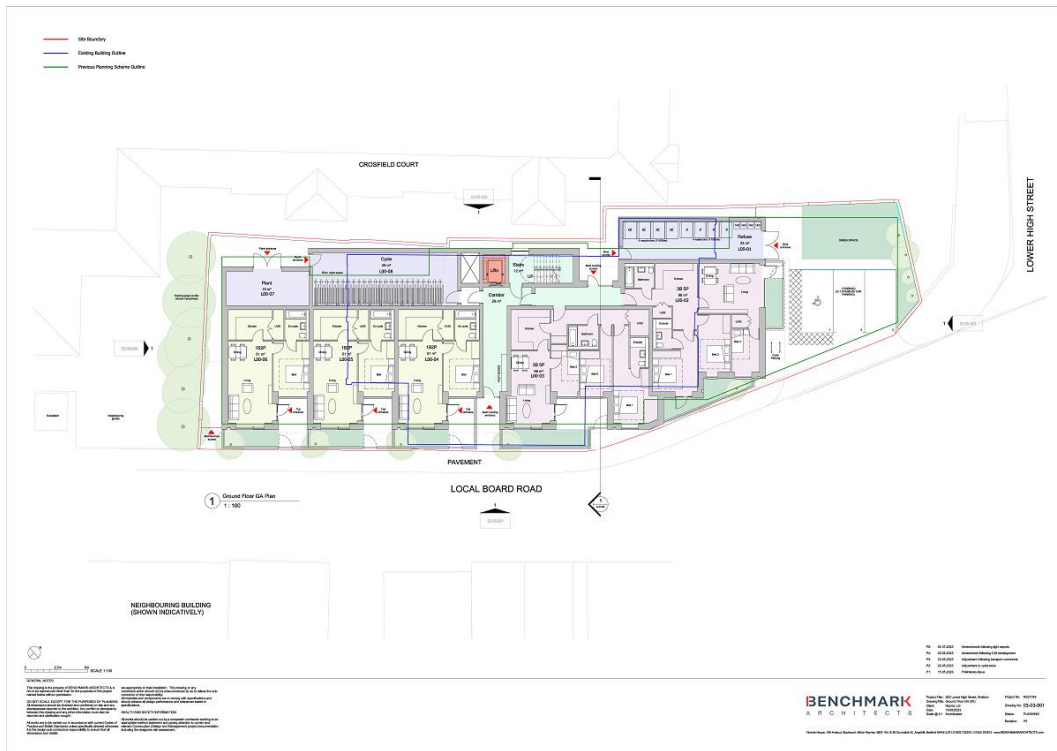
South West (rear) Elevation



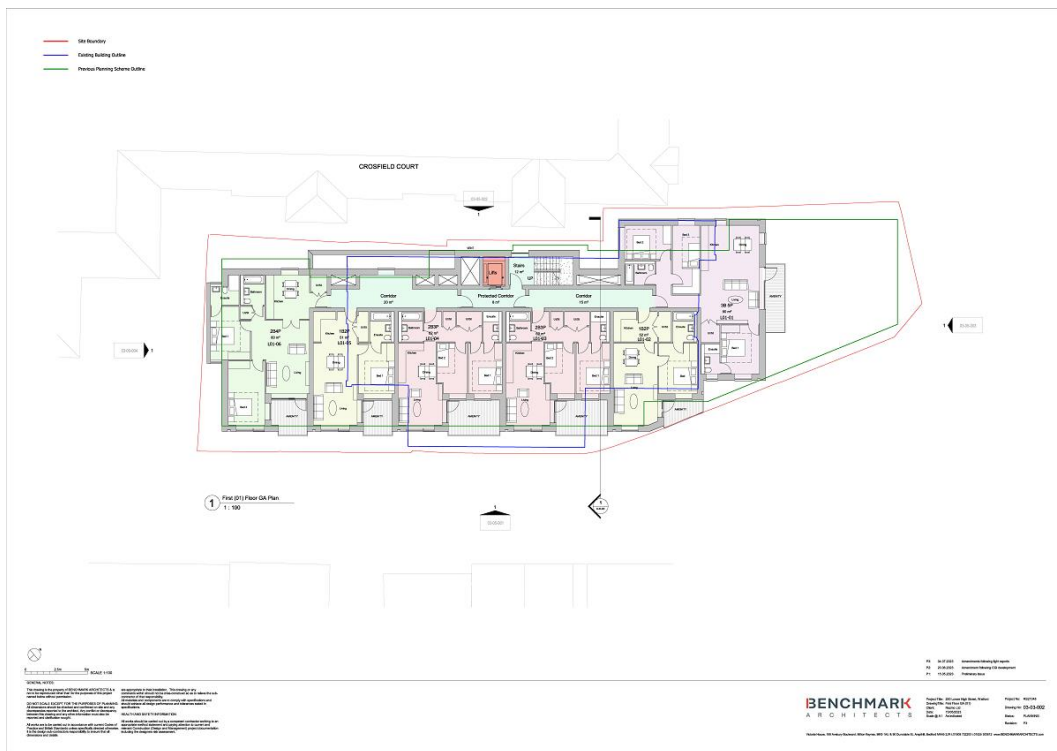
North West (rear) Elevation



Ground Floor Plan



First Floor Plan



CGI from Lower High Street

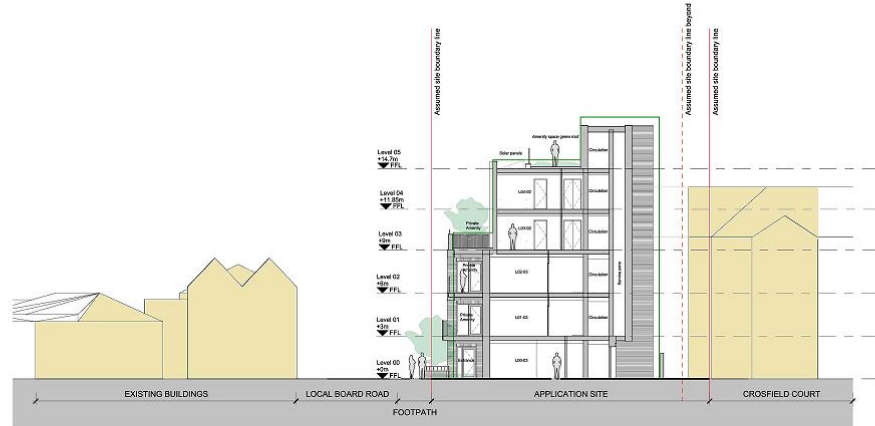


CGI from Local Board Road



Cross section. Local Board Road to left. Crosfield Court to Right.

- Site boundary
- Existing Building Outline
- Previous Planning Scheme Outline



1 Section A-A
1:100

1:100
0 10 20 30 40 50 60 70 80 90 100

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10/10/2023
 10/10/2023

BENCHMARK
 ARCHITECTS
 Project No: 2023-001
 Client: [Redacted]
 Date: 10/10/2023
 Author: [Redacted]
 Review: [Redacted]