

<b>Committee date</b>	Tuesday 31 October 2023
<b>Application reference Site address</b>	23/00683/FULM - 250 Lower High Street, Watford, WD17 2DB
<b>Proposal</b>	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.
<b>Applicant</b>	Nazmo Ltd
<b>Agent</b>	Benchmark Architects
<b>Type of Application</b>	Full Planning Permission
<b>Reason for committee item</b>	Major Application
<b>Target decision date</b>	Tuesday 28 November 2023
<b>Statutory publicity</b>	Watford Observer, Neighbour Letters and Site Notice
<b>Case officer</b>	Andrew Clarke, andrew.clarke@watford.gov.uk
<b>Ward</b>	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 7<sup>th</sup> 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 5<sup>th</sup> 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 17<sup>th</sup> 2021, prior the May 18<sup>th</sup> 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 13<sup>th</sup> 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 21<sup>st</sup> (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 21<sup>st</sup>. 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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>
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.