



**WATFORD  
BOROUGH  
COUNCIL**



# **DEVELOPMENT MANAGEMENT COMMITTEE**

**7 February 2023**

**7.00 pm**

**Town Hall Annexe, Watford**

**Contact**

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# 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 10 January 2023 to be submitted and signed.

**4. 22/01431/FUL – Land at 2 Farm Field Watford Herts WD17 3DF (Pages 5 - 32)**

**5. 22/01126/FULM - 250 Lower High Street, Watford, WD17 2DB (Pages 33 - 51)**

## **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.

<b>Committee date</b>	Tuesday 7 February 2023
<b>Application reference</b>	22/01431/FUL – Land at 2 Farm Field Watford Herts
<b>Site address</b>	WD17 3DF
<b>Proposal</b>	Erection of one 4 bedroom detached dwelling house.
<b>Applicant</b>	Mr B. Sugden, Mrs C. Hillier and Mrs H. Sugden.
<b>Agent</b>	Ms Helen Tether
<b>Type of application</b>	Full planning application
<b>Reason for committee item</b>	5 or more objections submitted
<b>Target decision date</b>	7 February 2023
<b>Statutory publicity</b>	Watford Observer, Site Notice and Neighbour Letters
<b>Case officer</b>	Chris Osgathorp <a href="mailto:chris.osgathorp@watford.gov.uk">chris.osgathorp@watford.gov.uk</a>
<b>Ward</b>	Park

### 1. Recommendation

- 1.1 That planning permission be granted subject to conditions as set out in section 8 of this report.

### 2. Site and surroundings

- 2.1 The application site comprises a plot of open, grassed land within Farm Field. The site is accessed from a private driveway that leads from the end of Devereux Drive and provides access to four other properties. The neighbouring dwelling at No. 2 Farm Field (Sugden House) is a Grade II listed building.
- 2.2 There are trees within and adjacent to the application site that are protected under Tree Preservation Order No. 226. The site is not located in a conservation area.

### 3. Summary of the proposal

#### 3.1 Proposal

- 3.2 The erection of one 4 bedroom detached dwellinghouse. The dwelling would have a driveway and integral garage, which would be served by the existing access drive.

#### 3.3 Conclusion

- 3.4 The proposal would provide one 4-bed dwelling within an established residential area, which would contribute towards the need for family-sized homes in the Borough.

- 3.5 The proposed dwelling would not interfere with any key views of the Grade II listed building at 2 Farm Field given the significant separation distance and its siting at a lower land level. The 2 storey scale of the proposed dwelling would be commensurate with the buildings in its context, and its design displays an interesting architectural form with simple detailing so as to ensure that it would not draw attention away from the listed building. Since the previous application, the windows have been changed to a more contemporary style with black aluminium frames, and so the design would not make an unwanted attempt to copy or mimic the detailing of the listed building. Conditions to require the approval of full details of external materials and detailed drawings of the external elevations are recommended to ensure that a high quality appearance is achieved.
- 3.6 The proposed dwelling would not cause a significant loss of light, outlook or privacy to neighbouring properties. Furthermore, an acceptable living environment would be provided for future occupiers of the proposed development.
- 3.7 The Highway Authority has raised no objection on highway safety grounds. The additional vehicular movements associated with a single dwelling would not cause a significant increase in traffic generation or parking in the surrounding area. Whilst residents have raised pedestrian safety concerns about the existing access into Farm Field, this is an existing access arrangement serving 4 properties which would not be altered as a result of the proposed development. The additional vehicular movements associated with the proposed dwelling would be small and so it is not considered that it would cause material harm to pedestrian safety.
- 3.8 The proposed development is also considered to be acceptable in terms of its impacts on trees, biodiversity and sustainability.
- 3.9 It is therefore concluded that the proposed development accords with the development plan as a whole and so it is recommended for approval, subject to conditions.

#### **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.
- 4.2 Paragraph 11 d) of the National Planning Policy Framework (the Framework) establishes the 'presumption in favour of sustainable development' and the

principles of the 'tilted balance' that apply where a local planning authority cannot demonstrate a 5 years housing supply or have failed to deliver at least 75% of their housing requirement as part of the Housing Delivery Test. Where the tilted balance applies, decision makers should grant permission unless Framework policies on protected areas or assets of particular importance provide a clear reason for refusing development or, and adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against the Framework policies taken as a whole. The tilted balance has the effect of shifting the weight in the planning balance away from local policies and towards the Framework.

- 4.3 The Council scored 48% in the most recent Housing Delivery Test results and therefore the 'tilted balance' applies to the determination of this planning application.

## **5. Relevant site history/background information**

- 5.1 22/01071/FUL - Erection of one 4 bedroom detached dwelling house. Withdrawn.

## **6. Main considerations**

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

(a) Principle of residential development.

(b) The effect of the proposal on the character and appearance of the area, including the setting of the nearby Grade II listed building.

(c) The effect on the living conditions of neighbouring properties.

(d) Whether an acceptable standard of amenity for future occupiers would be provided.

(e) Access, parking and highway matters.

(f) The effect of the proposal on protected trees.

(g) Biodiversity.

(h) Sustainability and environmental considerations.

- 6.2 (a) Principle of residential development

Strategic Policy HO3.1 of the Local Plan states that proposals for residential development will be supported where they contribute positively towards meeting local housing needs and achieving sustainable development.

Residential developments should make optimal use of land and provide a mix

of homes. In this case, the proposal provides one 4-bed dwelling within an established residential area, which would contribute towards the need for family-sized homes in the Borough.

- 6.3 In respect of density and optimising the use of land, the site is outside the Core Development Area where Policy HO3.2 sets out that new residential developments are expected to achieve at least 45 dwellings per hectare, but the optimal density for individual sites should be established through careful consideration of local character, context and access to amenities and public transport.
- 6.4 The proposed development would have a density of 10.23 dwellings per hectare, which is below the target density. Nevertheless, the proposed development would respect the context of the area, which predominantly comprises detached housing set in spacious grounds. Furthermore, the development would preserve the setting of the nearby Grade II Listed building and would respect the constraints arising from the protected trees on and adjacent to the site, as discussed in the report. As such, having regard to the site specific circumstances, the amount of development is considered to be acceptable.
- 6.5 (b) Character and appearance and setting of listed building
- In considering proposals for planning permission, the duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1980 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 193 of the Framework states that “great weight should be given to the [designated heritage] asset’s conservation”.
- 6.6 No. 2 Farm Field (known as Sugden House) is a Grade II listed detached house which was built in 1956. The ‘Reasons for Designation’ in the Official List Entry refers to the architectural interest of the building: “Architectural Interest: the design of the completed house combines the visionary aesthetic of the Smithsons with the indelible stamp of their clients. The superficial simplicity of the exterior treatment belies the subtle nuances of the design, expressed particularly in the form and arrangement of the windows”. Furthermore, it states “the architectural partnership of Alison and Peter Smithson was one of the most influential of the post-war period nationally and internationally. Sugden House is one of their few domestic commissions which came to fruition”.
- 6.7 Views of the listed building are quite localised due to the presence of neighbouring buildings and mature trees. As such, its significance is most appreciated and understood from the private drive leading from Devereux



Drive and the land that immediately surrounds the building. The proposed dwelling would not interfere with any key views of the listed building due to the significant separation distance of over 45m that would be maintained and its sizeable set back of around 8.5m from the private drive. The proposed dwelling would be read as a sympathetic extension of the existing linear siting of dwellings in Devereux Drive/Farm Field – which display varied architectural designs – and would not unduly compete with or appear dominant in relation to the listed building.

6.8 Furthermore, the row of tall birch trees within the garden of the listed building provide some screening and separation between the application site and the listed building. The application site is also at a lower land level and so the proposed dwelling would appear subservient and would not compete with the prominence and stature of the listed building in the surroundings.

6.9 The 2 storey scale of the proposed dwelling would respect the scale of buildings in the vicinity – as shown by the proposed street scene drawing. Its design displays an interesting architectural form with simple detailing. The link in the middle of the building, comprising the main entrance, would break up the massing and provide two main brick finished elements, including shallow pitched, gabled roofs. The fenestration of the proposed dwelling is quite simple so as to ensure that it would not draw attention away from the understated elegance of the external elevations of the listed building. Officers raised concerns to the previous application Ref. 22/01071/FUL on the basis that the proposed windows appeared to be trying to mimic those on the listed building. However, the windows have now been changed to a more contemporary and complimentary style with black aluminium frames. With appropriate materials, it is considered that the proposed dwelling would achieve a high quality appearance.

6.10 For the above reasons, it is considered that the proposal would preserve the setting of the listed building and maintain the character and appearance of the surrounding area. The proposal therefore accords with Policies QD6.2, QD6.4, HE7.1 and HE7.2 of the Local Plan.

6.11 (c) Living conditions of neighbouring properties

The proposed dwelling would not cause a significant loss of daylight, sunlight or outlook to residential properties in the vicinity of the site due to the sizeable distances that would be maintained to the neighbouring windows and gardens.

6.12 Section 7.3.16 of the Watford Residential Design Guide (the RDG) states that a minimum separation distance of 27.5m should be achieved between rear

elevations of new houses and existing houses when clear glass and directly facing habitable windows are at first floor level. Furthermore, it states that a minimum direct distance of 11m should be maintained between upper level habitable rooms on a rear elevation and property boundaries in order to minimise overlooking of private gardens.

- 6.13 The proposed development would maintain a significant distance of around 40m from the rear windows of No. 33 Glen Way, which accords with the guidance in the RDG. Consequently, the proposal would not cause a significant level of overlooking into the habitable rooms of the neighbouring property. Furthermore, the upper floor rear windows of the proposed dwelling would maintain a separation of at least 11m from the rear boundary, in accordance with the guidance in the RDG. The proposal would therefore maintain adequate privacy to the properties at the rear of the site.
- 6.14 The RDG does not set out guidance separation distance between front elevations of properties, as para 7.3.16(a) says that the separation will be determined by the street layout and size of the front gardens. The plans shows that the proposed dwelling would maintain a distance of around 24m from the front elevation of No. 1A Farm Field at its nearest point. Whilst front separation distances are typically slightly greater in Devereux Drive, the proposed separation of 24m is entirely reasonable and would provide adequate privacy for neighbouring occupiers. The proposed dwelling would be set back a sizeable distance from the access road and it would not be possible to site it further back in the plot due to the Root Protection Areas of the Scots Pine trees sited at the rear of the site.
- 6.15 For the above reasons, the proposed development would have no adverse effect on the living conditions of the occupiers of neighbouring properties.
- 6.16 (d) Standard of amenity for future occupiers

The proposed development would be a 4 bed (8 person) 2 storey dwelling for the purposes of the Technical Housing Standards – Nationally Described Space Standard (the NDSS). The NDSS states that the minimum gross internal floor area (GIA) for such a dwelling is 124sqm. The proposed dwelling would have a GIA of around 337sqm, which significantly exceeds the minimum standard. All habitable rooms would benefit from sufficient levels of natural lighting and outlook. Furthermore, future occupiers would benefit from a large garden, which would provide a functional outdoor space.

- 6.17 For the above reasons, the proposal would provide good quality living accommodation for future occupiers.

6.18 (e) Access, parking and highway matters

The part of the existing access road that runs to the front of Nos. 76 and 78 Devereux Drive is adopted highway. It is narrow as the highway is only wide enough for a single vehicle to pass. The road has 'slow' road markings and there is not a dedicated footway. This section is about 30m long from the end of Devereux Drive. At this point, there is a gated entrance to a private drive that serves Nos. 1A, 1, 2 and 3 Farm Field. Immediately to the south of the application site, there is a public footpath which adjoins the adopted section of the access road. This provides access to the Glen Way recreation space to the east (referred to as 'The Dumps' by local residents).

6.19 The Highway Authority has raised no objection to the proposed development on highway safety grounds. The additional vehicular movements associated with a single dwelling would not cause a significant increase in traffic generation or parking in the surrounding area.

6.20 Residents have raised safety concerns about the relationship between the public footpath and the access road (which does not have a dedicated footway). It is suggested that vehicles travelling along the access road at high speeds cause danger to pedestrians exiting the public footpath onto the access road, and pedestrians are vulnerable due to the absence of a dedicated footway. Whilst these concerns are noted, this is an existing access arrangement serving 4 properties, which would not be altered as a result of the proposed development. The additional vehicular movements associated with the proposed dwelling would be small and so it is not considered that it would cause material harm to pedestrian safety. A further consideration is that the existing gate, which denotes the start of the private drive, could be closed by residents (rather than kept open) to require vehicles to stop.

6.21 Appendix E of the Local Plan sets out a maximum parking standard of 1 space per dwelling outside the Core Development Area. The proposed on-site parking provision would exceed this standard. Nevertheless, the relatively narrow width of the access road limits the manoeuvring space available for vehicles to enter and exit the driveway. As such, a larger driveway than may otherwise be desired is acceptable in this instance. Furthermore, whilst acceptable due to site constraints, the provision of a detached dwelling on a large plot is not a typical new development typology in Watford. Having regard to the large amount of open space around the dwelling and the open character of the front gardens, it is not considered practical to limit the amount of on-site parking to 1 space. It is also pertinent that many nearby

properties have larger parking areas due to the width of the plots and the set back of the houses from the road.

#### 6.22 (f) Trees

There are several mature trees within and outside the application site close to the periphery, which are protected under TPO No. 226. These include 3 no. Scots Pine trees (T15-T17) within the application site near to the western boundary, and a group of trees to the north which are outside the application site within the rear garden of No. 2 Farm Field (T1-T9). There is also a nearby Birch tree (T18) within the garden of 1 Farm Field. The submitted Arboricultural Impact Assessment and Arboricultural Method Statement (The Arboricultural Report) identifies that the above trees would be retained.

6.23 In addition to the above, there are 5 no. fruit trees (T10-14) roughly in the middle of the application site. These would be removed to accommodate the proposed development. The Arboricultural Report identifies that the fruit trees are quite aged and poor quality (Category U), and so there is no objection to their removal to accommodate the proposed development.

6.24 The 3 no. Scots Pine trees (T15-T17) are high quality Category A trees with 40+ years remaining useful contribution. The Arboricultural Report says that works could have a minor effect on tree T15 due to their proximity to the eastern end of the calculated Root Protection Area (RPA) – special construction methods will be needed to avoid damage to fine roots. The Arboricultural Report identifies that the proposed development would not affect the RPAs of Category B trees T6 (English Oak) and T18 (Birch). The proposed dwelling would be around 1m outside the RPAs of 4 no. Category C Birch trees (T3, T4, T5 and T9) to the north. Nevertheless, the Arboricultural Report sets out that special construction methods will be needed to the north side of the proposed dwelling to avoid direct (mechanical) or indirect (compaction) damage to the south-eastern extent of the tree RPAs.

6.25 Having regard to the above, the Arboricultural Report includes a method statement to protect the trees during construction works. Amongst other things, this includes tree protection barriers, ground protection, construction methods (hand digging close to RPAs), and details of storage, working area, and site access. The Arboricultural Officer has no objection to the proposed development but has requested further details of the proposed ground protection – this could be secured by condition. The proposal therefore accords with Policies NE9.1 and NE9.2 of the Local Plan.

#### 6.26 (g) Biodiversity

No ecological appraisal was submitted with the application, however, the site contains no existing buildings that could provide a habitat for bats or birds, and the only trees to be removed are poor quality fruit trees. The mature trees around the periphery of the site would be retained. As most of the site is kept as short grass, it is considered that the proposal would have negligible impact on ecological features, including protected and priority species. It is noted that the proposed block plan indicates the provision of 4 no. replacement trees. Nevertheless, a landscaping condition to include a scheme of enhancements to biodiversity at the site should be attached to any grant of permission. Amongst other things, this may potentially include bird/bat boxes, native planting and habitat for hedgehogs. The proposal therefore accords with Policy NE9.1 and NE9.8 of the Local Plan

#### 6.27 (h) Sustainability

Policy CC8.1 of the Local Plan 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 Part L Buildings Regulations 2013, and compliance with the optional standard of 110 litres of water use per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

6.28 No details have been submitted with the application regarding sustainable construction or energy efficiency, and no renewable energy systems are currently proposed. However, under the new Part L Building Regulations (effective from June 2022) all new residential development must achieve an improvement of around 31% in carbon emissions over the target emission rate in the Building Regulations 2013. This exceeds the policy requirement. Furthermore, a condition could be imposed to require the dwelling to be constructed to meet the water efficiency optional requirement of 110 litres of water per person per day, in accordance with Policy CC8.3.

6.29 The application site is within Flood Zone 1 (low risk of flooding) and is not identified in the South West Hertfordshire Level 1 Strategic Flood Risk Assessment as being in an area at high risk of groundwater flooding. The proposed block plan indicates that the driveway would be constructed in permeable paving, which would allow surface water to drain away within the

site. It is recommended that a condition to require details of the construction of the parking area to be submitted for approval should be imposed.

## 7. Consultation responses received

### 7.1 Internal Consultees

Consultee	Comment Summary	Officer response
Highway Authority	No objection	Noted.
H.C.C Fire and Rescue Service	<p>It is unclear whether minimum requirements for vehicle access have been met in respect of Building Regulations Approved Document B 2019.</p> <p>Guidance that a fire appliance should be able to be within 45m of all parts of the dwelling. Access road to be a minimum of 3.7m wide between kerbs and for gates to be a minimum of 3.1m wide.</p> <p>Dead end access routes of over 20m require turning facilities.</p>	<p>It appears that the access road is slightly less than 3.7m wide and there are no dedicated turning facilities for fire tender within Farm Field.</p> <p>Nevertheless, the existing access road already serves four other residential properties where this arrangement exists – some of which are significantly further from Devereux Drive than the application site.</p> <p>Consequently, it is not considered that the siting of the proposed dwelling would place significant additional demands on the Fire Service. Detailed consideration of fire safety would be a matter for Building Regulations approval.</p>
Arboricultural Officer	No objection to proposed tree works.	Noted

	Additional details sought regarding proposed ground protection.	
Waste & Recycling	No comments	Noted
Twentieth Century Society	As the new building lies at the foot of the Sugden House land plot, it forms part of the entry sequence to the house along Devereux Drive. While the proposed development does not inhibit this sequence, the Society regrets a missed opportunity for the applicants to put forward a distinguished building of architectural merit in keeping with Sugden House, and one which would set up a more nuanced dialogue with the listed asset and the entry sequence.	The effect of the proposal on the setting of the listed building is considered in paragraphs 6.5-6.10 of the report.

## 7.2 Interested parties

A notice was posted outside the site and a notice published in the Watford Observer on 16 December 2022.

Letters were sent to 6 properties in the surrounding area and 13 letters of objection have been received. The main comments are summarised below, the full letters are available to view online:

Objection comment	Officer comments
Concerns regarding the size and design of the proposed dwelling. It would harm the setting of the listed building.	This is considered in paragraphs 6.5-6.10 of the report.
There is a well-used pedestrian footway to the south of the site that leads to a green space known as 'The Dumps'. Additional traffic movements in Farm Field would be dangerous to pedestrians as the footpath is	This is considered in paragraph 6.20 of the report.

directly off the access road with no pavement. There is limited inter-visibility between pedestrians and drivers.	
Concerns regarding the accessibility of the proposed driveway and potential trespass/damage to neighbouring property.	<p>The proposed driveway, at around 8.5m, is generous in width. There is no substantive evidence that the access arrangements would cause trespass or damage to neighbouring property. The proposed dwelling would be accessed from the existing private road in the same way as the dwelling opposite at No. 1A Farm Field.</p> <p>Any damage to property would be a civil matter.</p>
Loss of privacy to No. 1A Farm Field. Separation distance does not reflect other properties in the area.	This is considered in paragraph 6.14 of the report.
Loss of privacy to properties to the rear of the site in Glen Way.	This is considered in paragraph 6.13 of the report.
Loss of light and outlook	This is considered in paragraph 6.11 of the report.
<p>Noise and disturbance from construction work. Nuisance parking from contractors in surrounding roads.</p> <p>Impact of construction work on health and wellbeing.</p>	<p>The Highway Authority has not requested the submission of a construction management plan.</p> <p>Construction traffic would be low given that the proposal is for one dwelling and there are controls outside the planning system, including the Highways Act 1980, to deal with matters such as obstruction in the highway.</p> <p>Furthermore, there are powers in the Environmental Protection Act 1990, as amended, to enable the Council to investigate a statutory nuisance, including noise, which may include action to restrict the hours of noisy works. Further information is available on the Council's website</p>



	<a href="https://www.watford.gov.uk/neighbour-complaints/reporting-nuisances/6">https://www.watford.gov.uk/neighbour-complaints/reporting-nuisances/6</a>  As such, this is not sufficient grounds to withhold planning permission.
Noise disturbance caused by future occupiers of the proposed dwelling.	The proposal is compatible with the residential character of the area and so would not cause a material increase in noise and disturbance.
The proposal would put pressure on old drainage and waste systems.	Given that the proposal is for one dwelling, it is unlikely to put pressure on drainage and waste infrastructure.
Impact of the proposal on trees and wildlife.	This is considered in paragraphs 6.22 – 6.26 of the report.
Concerns regarding surface water drainage at the site.	This is considered in paragraph 6.29 of the report.
Loss of property value.	This is not a material planning consideration.

## 8. Recommendation

That planning permission be granted subject to the following conditions:

### Conditions

#### 1. Time Limit

The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### 2. Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the following approved drawings:

PL01; PL02; PL03; and, PL04.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### 3. Tree Protection Measures

No development shall commence until an updated Arboricultural Impact Assessment and Arboricultural Method Statement to include further design

details of the proposed ground protection measures to protect trees during construction works, as indicated on the submitted Tree Protection Plan, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details for the duration of construction works.

Reason: To maintain the health of protected trees, in accordance with Policies NE9.1 and NE9.2 of the Watford Local Plan 2021-2038. This is a pre-commencement condition because the carrying out of construction works without prior agreed protection measures could cause harm to the health of protected trees.

4. Materials

No development above ground level shall be carried out until full details of the materials to be used for all the external finishes of the development hereby approved, including all external walls, all roofs, doors, windows, fascias, rainwater and foul drainage goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development applies high quality materials that make a positive contribution to the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

5. Detailed drawings

No development above ground level shall be carried out until detailed section drawings of the external elevations of the proposed dwelling, including walls/brick detailing, door and window reveals, cills, gable edges, parapets/eaves design and balustrades have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development achieves high quality design that makes a positive contribution to the character and appearance of the area, in accordance with Policies QD6.2 and QD6.4 of the Watford Local Plan 2021-2038.

6. Hard and Soft Landscaping

Prior to the first occupation of the development hereby approved, full details of both hard and soft landscaping works, including:

- trees and soft landscaping to be planted (including location, species, density and planting size),
- a scheme of ecological enhancements,
- details of any changes to ground levels,
- materials for all pathways, all hard surfacing and amenity areas/paving, and,
- boundary treatments,

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme, with the exception of the planting, shall be completed prior to any occupation of the development. The proposed planting shall be completed not later than the first available planting and seeding season after completion of the development. Any new trees or plants which within a period of five years, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and to ensure that enhancements to biodiversity are provided in accordance with Policies NE9.1 and NE9.8 of the Watford Local Plan 2021-2038.

7. Parking and Manoeuvring Area

Prior to the first occupation of the development hereby approved, surface water drainage details (including details of the construction of the hard surface and disposal of surface water) of the parking area shall be submitted to and approved in writing by the Local Planning Authority. The parking area shall be laid out in accordance with the drawings approved under Condition 2 and constructed in accordance with the approved drainage details prior to the first occupation of the development. The parking area shall be retained at all times thereafter.

Reason: To ensure that adequate parking and manoeuvring space is provided and to ensure that surface water is drained within the site so as to minimise flood risk elsewhere, in accordance with Policy NE9.1 and of the Watford Local Plan 2021-2038.

8. Electric vehicle charging

Prior to the first occupation of the development hereby approved an electric vehicle charging point shall be installed and made available for use. The electric charging infrastructure shall be retained at all times thereafter.

Reason: To ensure that the proposed development achieves high levels of sustainability, in accordance with Policy ST11.5 of the Watford Local Plan 2021-2038.

9. Permitted development rights removed

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any modification or re-enactment thereof), no enlargements of a dwellinghouse permitted under Classes A or B or the provision of hard surfaces permitted under Class F shall be carried out or constructed without the prior written permission of the Local Planning Authority.

Reason: The removal of permitted development rights for enlargements to the dwellinghouse is necessary to ensure that any developments are carried out in a manner which will not be harmful to the character and appearance of the area or the setting of the nearby listed building. The removal of permitted development rights for the laying out of additional hard surfaces is necessary in the interests of the visual appearance of the site and to restrict additional on-site parking that could undermine the Council's sustainable transport objectives.

10. Water efficiency

The development hereby approved shall be constructed to meet the water efficiency optional requirement of 110 litres of water per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.

Reason: To minimise the environmental impact of the proposed development, in accordance with Policy CC8.3 of the Watford Local Plan 2021-2038.

11. Accessible dwellings

The development hereby approved shall be constructed to The Building Regulations (2010) Access to and Use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4(2): Accessible and adaptable dwellings.

Reason: To meet the needs of older people and those with mobility issues, in accordance with Policy HO3.10 of the Watford Local Plan 2021-2038.

12. No balcony

No part of the flat roof above the single storey rear projection (comprising the living room) shall be used as a balcony or roof terrace.

Reason: To protect the privacy of the occupiers of neighbouring properties in Glen Way.

**Informatives**

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction
6. IN913 – Community Infrastructure Levy Liability



KEY:

	New trees - refer to arboriculturalist report
	Bin store
	Driveway - permeable paving



Aerial view of the site



Entrance from the end of Devereux Drive





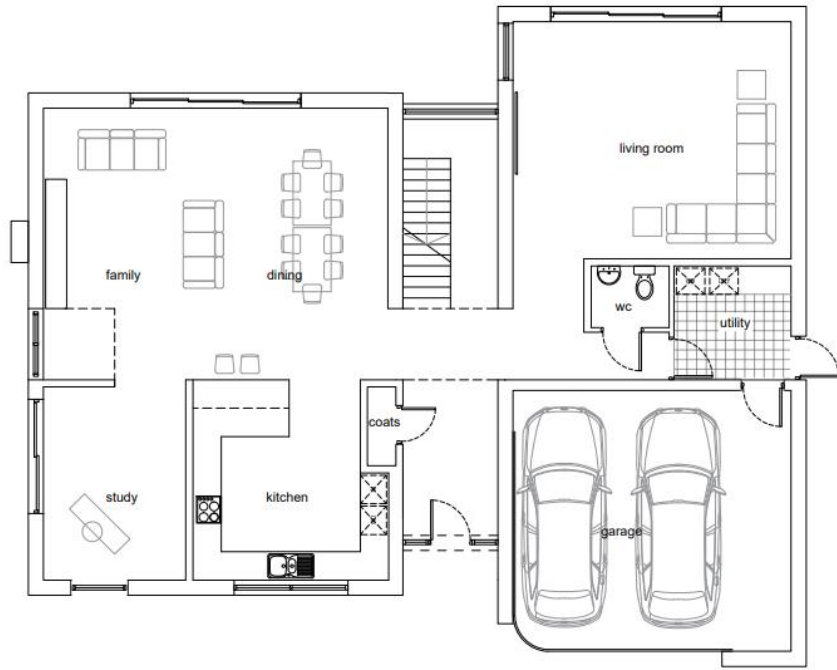
Entrance to the private drive in Farm Field. Sugden House visible. Public footpath immediately to the left.



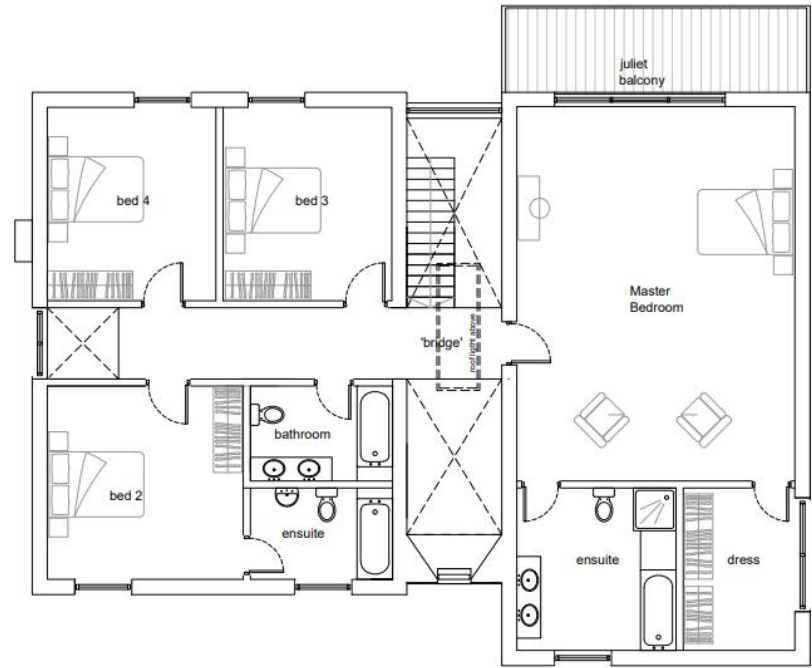
Public footpath to the south of the site (looking west towards the access road into Farm Field)



View of the application site from the private drive looking towards the east

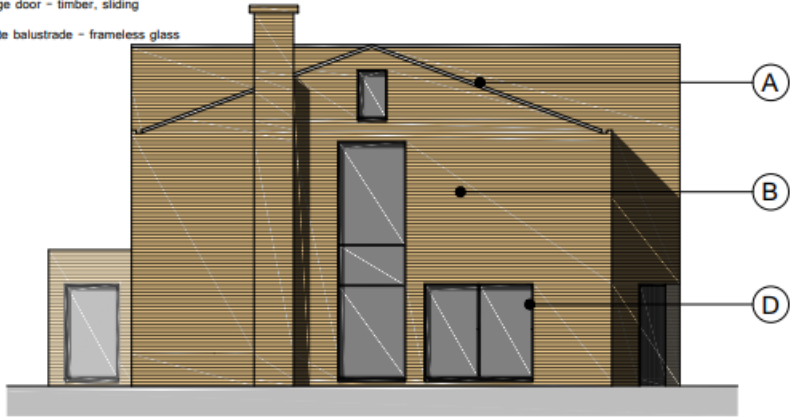


Proposed Ground Floor Plan 1:100



Proposed First Floor Plan 1:100

- (A) Roof tiles - Sandtoft Shire Interlocking Pantile, mottled red sand-faced
- (B) Facing Brickwork - Yellow London Stock
- (C) Metal Cladding - black: GreenCoat PLX or similar
- (D) Aluminium windows - slim-framed, black: Sieger Visiline or similar
- (E) Garage door - timber, sliding
- (F) Juliette balustrade - frameless glass



Proposed Side Elevation 1:100



Proposed Front Elevation 1:100



01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11

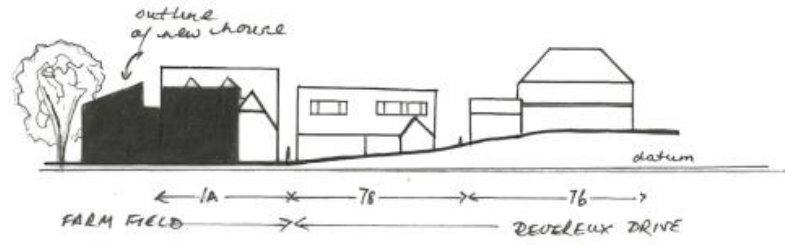
Proposed Side Elevation 1:100



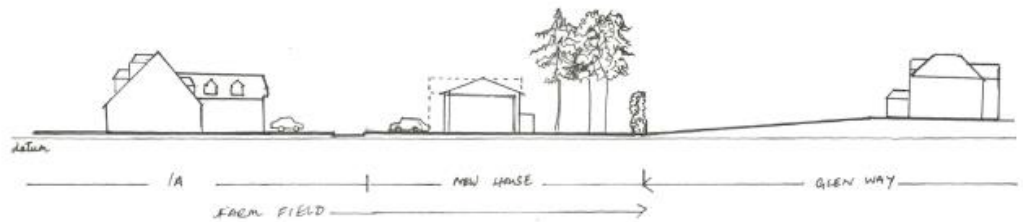
Proposed Rear Elevation 1:100



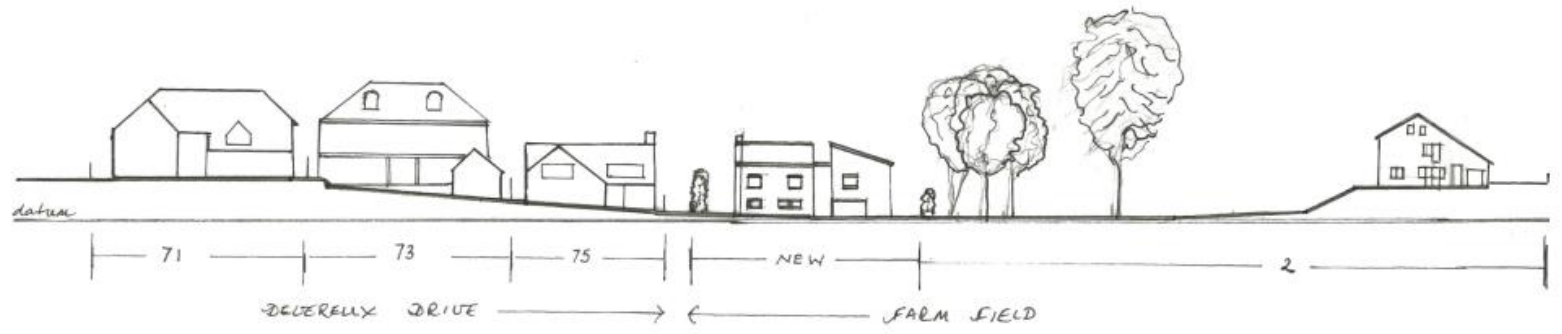
Key Plan 1:1250



Streetscene A-A 1:500



Streetscene B-B 1:500



Streetscene C-C 1:500

EXTERNAL MATERIALS:

Doors & Windows - black slim-framed aluminum eg Sieger/Visiline  
Brick - Yellow London Stock  
Cladding - black metal eg Greencoat PLX  
Roof tiles - Sandtoft Shire Interlocking Pantile, mottled red sand-faced



Rooflight



Red Pantiles



Yellow London stock brickwork



Garage door



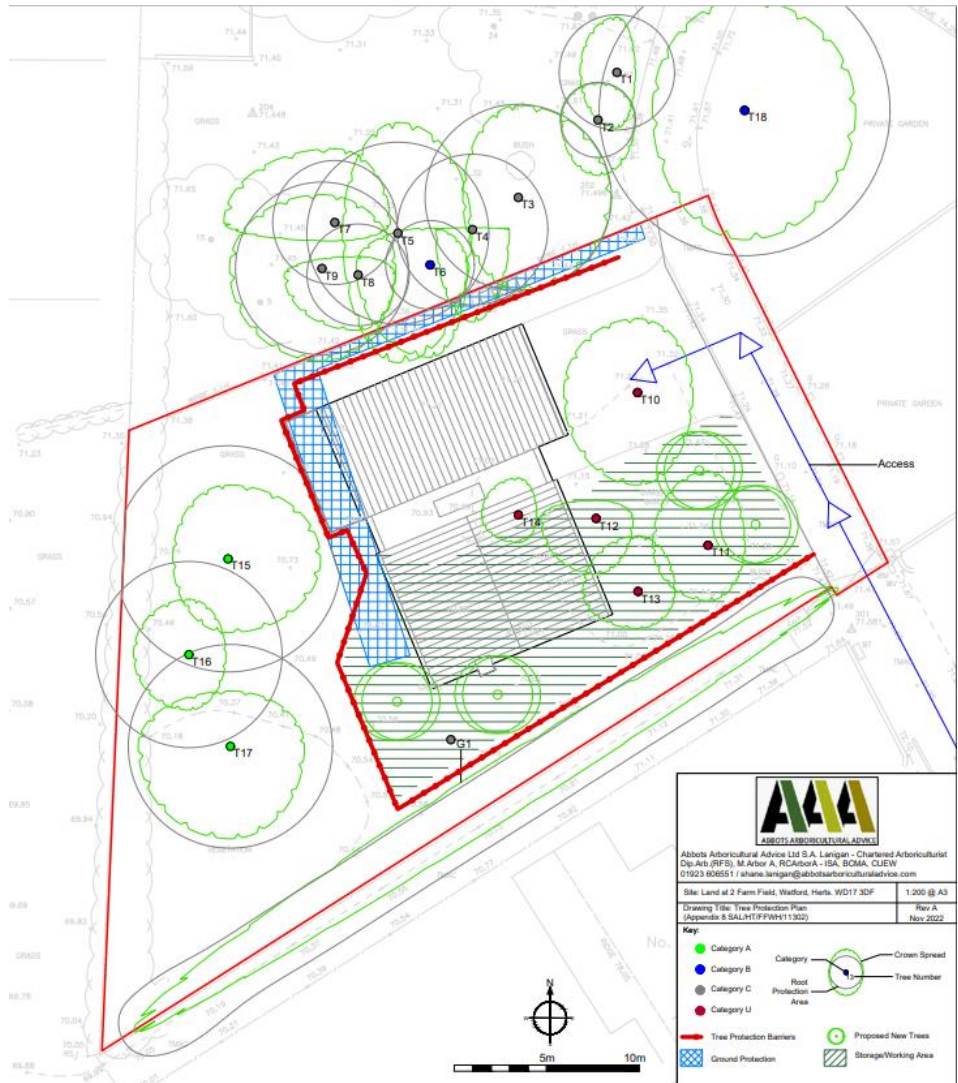
'Sieger' slimline doors and windows



'Greencoat PLX' metal cladding



Black powder coated aluminium doors



Tree protection plan



<b>Committee date</b>	Tuesday 7 February 2023
<b>Application reference</b> <b>Site address</b>	22/01126/FULM - 250 Lower High Street, Watford, WD17 2DB
<b>Proposal</b>	Demolish 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.
<b>Applicant</b>	Mr Alejandro Munoz
<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>	Wednesday 8 February 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.
- 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 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 (SPZ1). 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 Demolish 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.

#### **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 and postdates the National Planning Policy Framework (the NPPF). 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 HO3.10, 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 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 QD6.5(g) of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.

- 3.8 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).
- 3.9 It is acknowledged that the proposed development would make efficient use of previously development land with the provision of 36 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.
- 4.2 Paragraph 11 d) of the National Planning Policy Framework establishes the 'presumption in favour of sustainable development', which applies where a local planning authority cannot demonstrate a 5 year housing supply or has failed to deliver at least 75% of their housing requirement as part of the Housing Delivery Test. The Council can demonstrate a 5 year housing supply but scored below 75% in the most recent Housing Delivery Test results, therefore paragraph 11d) applies. This means granting planning permission unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

#### **5. Relevant site history/background information**

- 5.1 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.
- 5.2 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.

- 5.3 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.
- 5.4 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.

## **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. This policy states:

*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.*

- 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 SDA which forms parts 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. Policy QD6.3 seeks safe, accessible, inclusive and attractive public realm. Policy QD6.4 gives detailed design guidance on building design. Policy QD6.5 concerns building height and gives base building height of 6 storeys for the Colne Valley SDA.
- 6.7 Policy HE7.1 seeks to protect of the historic environment 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.

- 6.7 This proposal would see the existing part two, part three storey building replaced by one which is part five, part six storeys. The footprint of the proposed building, unlike the exiting building would fill the entire site with small setbacks on all sides. The uppermost (sixth) storey would be set back from the main building line.
- 6.8 The rationale behind how the proposed massing was developed is explained in the Design and Access Statement (DAS). A five storey block which largely fills the site is taken as the starting point, then this block is been moulded to reduce the massing opposite the locally listed buildings on Local Board Road. As opposed to starting with the assumption of a five storey block being suitable the development of the massing should have considered key design principles, as outlined in Policy QD6.2, such as how the building relates to the local context.
- 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 locally listed dwelling houses opposite on Local Board Road. The wider surroundings are varied, including two to three storey buildings and large retail warehouses. A six storey building on this site which is relatively narrow and fronts a narrow cul-de-sac does not relate well to the context, regardless of the base building height outlined in Policy QD6.5. Nevertheless, the appropriate height for any individual site must still reflect the balance between existing character, constraints and opportunities.
- 6.10 It is accepted that moving the footprint of the building closer to Lower High Street would restore some building frontage at the back of the pavement and animate the relationship with the public realm on Lower High Street, however, the proposed building has a narrow frontage with a chamfered end and tall, wide flank wall facing Crosfield Court. The substantial massing in front of Crosfield Court would appear dominant and discordant within the streetscene and adjacent to Crosfield Court which is substantially lower, wider and set well back from the public realm.
- 6.11 The proposed building line along Local Board Road would be set further back from the public realm than the existing building line, however, the building would be substantially deeper and higher than the building it replaces. Although the upper storeys are recessed, the proposed building would create an unacceptable sense of enclosure to Local Board Road which is a historic,

narrow cul-de-sac. The massing would overwhelm the small locally listed historic dwelling houses on the opposite side of Local Board producing a jarring relationship between the two.

- 6.12 Externally the building would be finished in red brick with lighter panels used on the recessed upper levels in an attempt to make the building less imposing. The narrow elevation facing Lower High Street would have larger openings and projecting balconies whereas the elevation facing Local Board Road has recessed balconies and appears akin to a row of terraced dwellings at the lower levels. Subject to further details the use of red brick could be acceptable, though the elevations contain details such as tall openings, vertical banding and black glazing / spandrel panels between the windows which emphasise the verticality and dominance of the building. The CGI image on page 66 of the Design and Access Statement demonstrates the visual dominance of the building in the context.
- 6.13 It is recognised that this site is within the Core Development Area where transformative change is expected, however, this site is narrow and constrained by existing residential development on three sides, including locally listed dwelling houses. It is recognised that the site is adjacent to a large allocated housing site at 252-272 Lower High Street (Glyn Hopkins car showroom) which may come forward for redevelopment, however, this adjoining site is located on a major road junction and has a very different context. In respect of the application site, the proportions of the building would be inappropriate to the existing and emerging character of the area contrary to Policy QD6.4.
- 6.14 (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 8 x 3 bed dwellings representing 22% of the development. The proposed housing mix is supported in accordance with this policy.
- 6.15 (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.
- 6.16 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 £2,098,000 against a benchmark land value of £2,263,000. The development also remains unviable with no affordable provision, having a deficit of £731,000 below the benchmark land value of £2,263,000 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.

6.17 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.

6.18 (e) Residential quality

The proposed floor plans 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.

6.19 Of the 36 dwellings proposed 26 (72%) would be single aspect facing Local Board Road. The reason for this high proportion is the linear layout of the building with all dwellings on upper levels accessed off a rear corridor which runs along the back of the building. Single aspect dwellings restricts opportunities for passive ventilation and good internal light.

6.20 A daylight and sunlight 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 Daylight Factor (DF), Spatial Daylight Autonomy (SDA) and Sunlight Exposure (SE) in all 96 habitable rooms within the 36 dwellings.

6.21 The DF 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 levels of illumination: minimum, medium and high. These factors are set at 2.1%, 3.5% and 5.0% respectively. The daylight and sunlight assessment shows that 9 rooms (9.5%) would fail to meet the minimum target, 24 rooms (25.5%) achieve the minimum, 14 (15%) the medium and 47 (50%) the high.



6.22 The SDA test calculates the illuminance from daylight within a room at the working plane at hourly intervals for a typical year. Target illumination levels, which depend on room use should be achieved across at least 50% of the working plane in a day lit space for at least half of the possible daylight hours. The daylight and sunlight assessment shows that 34 (36%) of the habitable rooms fail this test. Of those which fail 21 (22%) achieve less than 25% of the 50% target. The illuminance of the working plane in some of the rooms is particularly low with one of the living / kitchen / dining rooms achieving only 2% of the required 50%.

6.23 The SE test suggests that a dwelling would appear reasonably sunlit provided:

- at least one main window wall faces within 90° of due south and
- a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March.

All of the dwellings would have one main window wall facing within 90° of due south. However 9 (9%) rooms fail to achieve the minimum 1.5 hours and 24 (25%) would achieve less than 3 hours. Four bedrooms would receive no sunlight at all.

6.24 Generally the dwellings on the upper levels achieve better results due to their orientation and elevated position above the level of the dwellings opposite on Local Board Road. The rooms which fail and achieve the poorest results against minimum targets are those which:

- have windows close to or facing Crosfield Court,
- are at lower levels of the building,
- have deep footprints behind recessed balconies.

6.25 The BRE guide explains that the numerical guidelines should be interpreted flexibly and the NPPF also recommends taking a flexible approach relating to daylight and sunlight as long as the resulting scheme would provide acceptable living standards. However, the Daylight Sunlight Assessment submitted suggests many rooms would significantly fail the both the DF and SDA tests. Furthermore, whole dwellings would be poorly lit throughout. Such poor results would create unacceptable living standards.

6.26 Policy HO3.10 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.

- 6.27 Policy H03.11 explains that all new dwellings should be provided with private outdoor amenity space setting minimum standards. Five dwellings (14% of total) at fourth floor would have no private amenity space. The 4 dwellings which front Lower High Street have balconies which are 1 metre deep with a floor area of 3.5 square meters. These figures fall far short of the required depth of 1.5 metres and minimum floor area of 8 metres for 3 bedroom dwellings. At first and second floors the 4 dwellings nearest to the south west side of the building have balconies which also fall short of the minimum floor space standards requirements. The 5 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, 22 dwellings (61% of the total) fail to provide policy compliant high quality private amenity space.
- 6.28 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.
- 6.29 (f) Impacts to neighbouring properties  
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.
- 6.30 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) and Daylight Distribution (DD).
- 6.31 The 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 its former value. The daylight and sunlight assessment shows that 12 habitable room windows within Crossfield Court and 16 habitable room windows fronting Local Board Road would fail this test.

- 6.32 Within Crosfield Court the dwellings most severely impacted are flat numbers 1, 19, 39 and 59 whose habitable rooms all face Lower High Street adjacent to the proposed building. All bedrooms in these units would fail the BRE test incurring light level reductions between 0.62 and 0.66. However the greatest harm would be incurred by the dwellings on Local Board Road where all forward facing habitable room windows fail the test incurring light level reductions between 0.62 and 0.75.
- 6.33 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 6 rooms within Crosfield Court and 10 rooms fronting Local Board Road would fail this test.
- 6.34 Within Crosfield Court the same four bedroom windows in flat numbers 1, 19, 39 and 59 which fail the VSC test also fail the DD test. The greatest impact is to 4B Local Board Road with rooms which achieve levels at only 0.34 and 0.36 of their former value.
- 6.35 The windows which suffer the most significant reductions in light would also suffer the most acute loss of outlook and sense of enclosure given their proximity to and the proportions of the proposed building. For the above reasons, the proposal would cause an unacceptable loss of amenity to neighbouring properties and would conflict with paragraph 130 of the NPPF, Policy QD6.5(g) of the Local Plan and the Residential Design Guide.
- 6.36 The building has been designed to ensure habitable rooms and amenity spaces do not cause any significant loss of privacy to neighbouring residential dwellings. The communal corridor windows to the rear would face the communal corridor windows within Crosfield Court.
- 6.37 (g) Access, parking and transport matters  
Strategic Policy SS1.1 and Policy ST11.4 of the Local Plan state that proposals will contribute towards a modal shift, greener travel patterns and minimising the impact on the environment. Pedestrian, cycling and passenger transport will be prioritised.
- 6.38 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 36 dwellings should not exceed the provision of 10 car parking spaces. The proposed development includes one disabled space accessed via a

repositioned vehicle crossover on Local Board Road. This would be within the maximum parking standards of Appendix E.

6.39 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 that merits a reason for refusal, however, this could be overcome with an appropriate agreement in place.

6.40 (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.

6.41 *Surface Water Drainage*

Hertfordshire County Council (HCC) as the Local Lead Flood Authority have reviewed the flood risk assessment and confirm that they have no significant concerns recommending that the applicant follow the advice outlined in their response.

6.42 *Land contamination*

Watford Borough Council's Environmental Protection Officer is satisfied with the submitted ground investigation report, subject to a condition regarding unexpected contamination.

6.43 *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.

#### 6.44 *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 and on the basis that a non-piled shallow foundation will be used which does not penetrate into the chalk.
Hertfordshire County Council (Growth & Infrastructure)	No objection. CIL contributions noted.
Hertfordshire County Council (Highways Authority)	No objection subject to conditions and informatives.
Hertfordshire County Council (Lead Local Flood Authority)	Responded with no significant concerns recommending that the applicant follow the advice outlined in their response.
Hertfordshire County Council (Minerals & Waste)	No objection subject to a condition.
Thames Water	No objection.
Affinity Water	No objection subject to conditions.

## 7.2 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>
Environmental Health	No objection subject to a condition.
Housing	The Housing Service did not support the application as no Affordable Housing is proposed.
Waste and Recycling	Sought clarification on pull distances. These are 10 metres at maximum.
Arboricultural Officer	Requested Arboricultural Impact Assessment, Method Statement due to proximity of trees within Crosfield Court. Additional information received, though additional comments were not received.

## 7.3 Interested Parties

Letters were sent to 95 properties in the surrounding area. Thirty responses were received in objection. The majority of objections were from residents of Crosfield Court. The main comments are summarised below, the full letters are available to view online:

<b>Comments</b>	<b>Officer response</b>
Impact on the character and appearance of the area.	See section 6.4 to 6.13 of the report which relates to layout, scale and design.
Lack of Affordable Housing	See paragraph 6.15 to 6.17 of the report which relates to affordable housing
Loss of light, outlook and privacy	See paragraph 6.29 to 6.36 of the report which relates to the impact on amenity of adjoining residential properties
Parking pressure and traffic impacts	See paragraph 6.37 to 6.39 of the report which relates to transport, parking and servicing
Risk to controlled waters	See paragraph 6.40 of the report which relates to controlled waters.
Flooding	See paragraph 6.41 of the report which relates to flooding.
Biodiversity	See paragraph 6.44 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 TV Signal	The loss of TV signal over a neighbouring

	site is not reason to restrict development opportunities.
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## 8 Recommendation

That planning permission be refused for the following reasons:

### Reasons

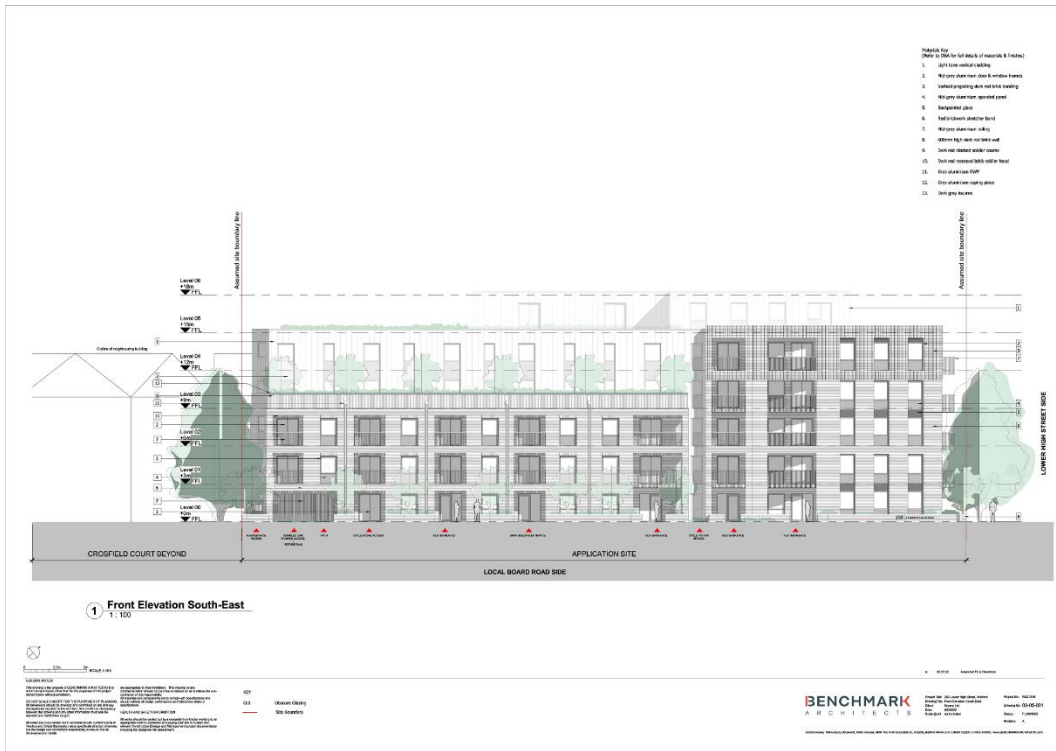
1. The proposed development, by virtue of its design, scale and massing fails to successfully transition with or relate to the surrounding local context. The proposal would not contribute positively towards the character and appearance of the area conflicting with paragraphs 126, 130, 132 and 134 of 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 HO3.10, 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 and massing would cause significant loss of light, 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 of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.
4. 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





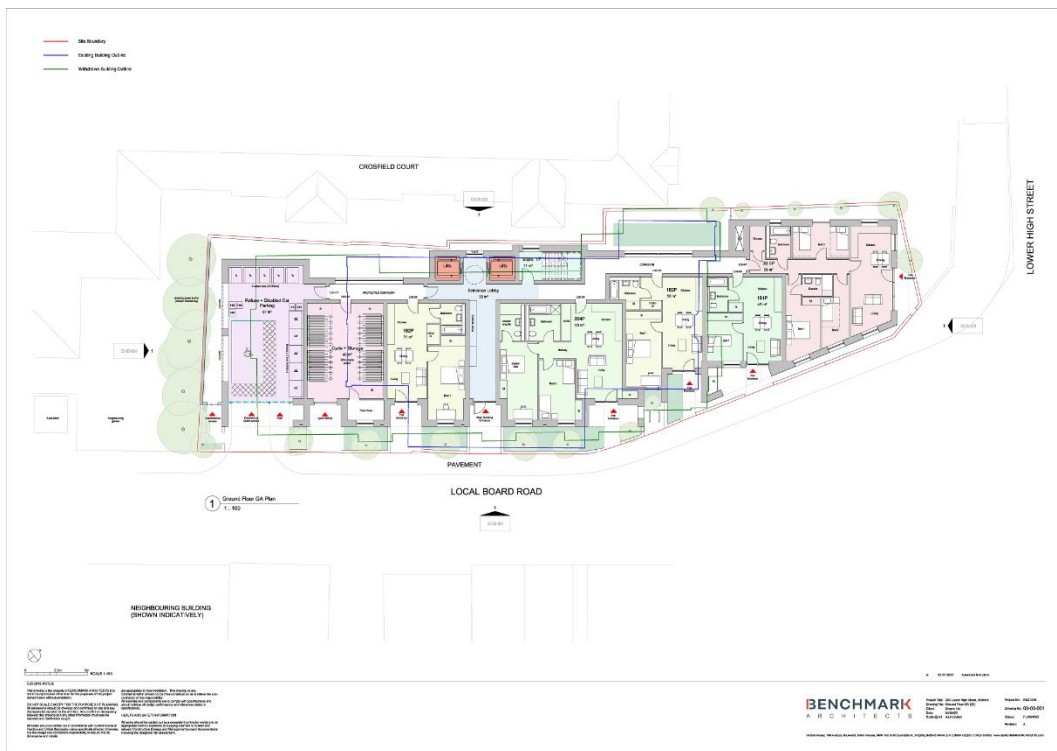
## South East (Local Board Road facing) Elevation



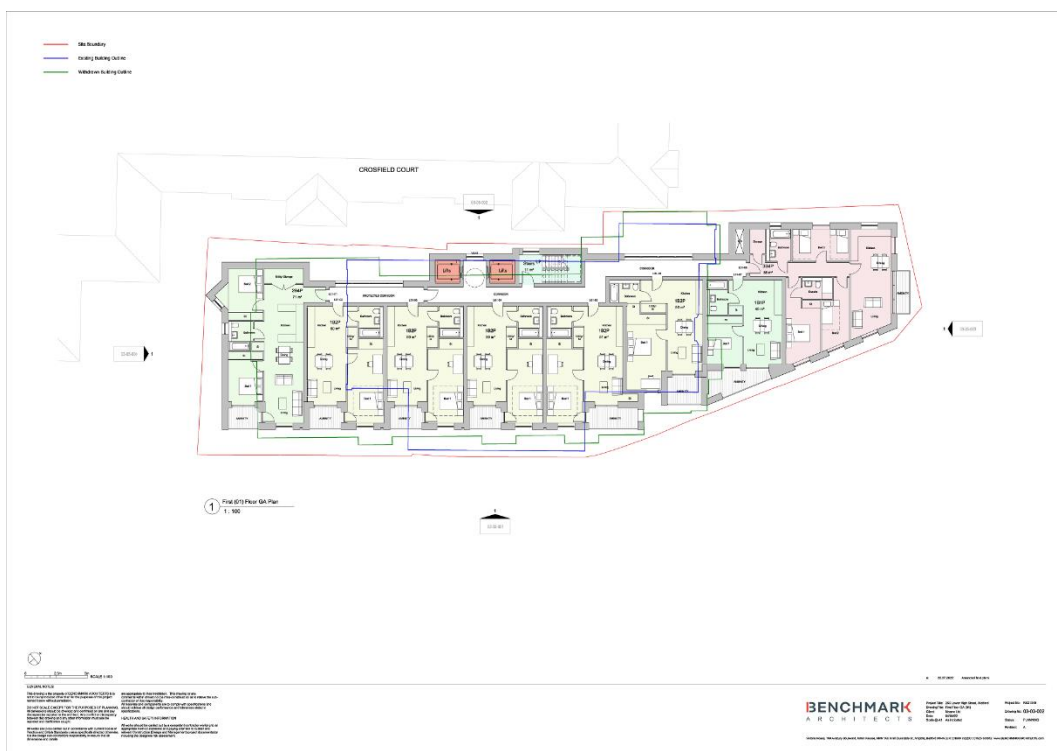
## North East (rear) Elevation



# Ground Floor Plan



# First Floor Plan



# CGI from Lower High Street



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

