

Committee date	Wednesday, 1 July 2020
Application reference	20/00399/OUT Land To The Rear Of Ye Corner Watford
Site address	WD19 4BS
Proposal	Outline application for redevelopment of site to create 20 residential units and associated works.
Applicant	Audacia Investments LTD
Agent	Design Buro Systems
Type of Application	Major Outline Planning Permission
Reason for committee Item	Major
Target decision date	14.07.2020
Statutory publicity	Paper advertisement and site notice with overall expiry of 15.05.2020
Case officer	Alice Reade, alice.reamde@watford.gov.uk
Ward	Oxhey

1. Recommendation

Refuse Planning Permission

2. Site and surroundings

- 2.1 The application site comprises an irregular-shaped parcel of land, covering an area of 0.16 hectares, located to the northwest of the junction where Chalk Hill meets Aldenham Road, and situated behind numbers 1-11 Ye Corner and numbers 44 and 46 Aldenham Road.
- 2.2 Within the site, there is a two storey, brick-built building and single storey workshop buildings constructed using various materials including corrugated metal.
- 2.3 The properties immediately to the south and east of the site which front Chalk Hill and Aldenham Road respectively form a parade of shops. This parade consists of a pair of two storey, semi-detached properties known as 44 and 46 Aldenham Road, a terrace of three storey buildings (nos 1-8 Ye Corner), a separate terrace of three storey properties (9-11 Ye Corner) and a two storey building (12 Ye Corner) which is attached to the western side of the aforementioned terrace. All of these neighbouring properties incorporate a commercial unit at street level with residential accommodation on the upper floors, with the exception of the premises at 12 Ye Corner which is wholly occupied by a business use (over two floors). Some of these properties also

incorporate residential units that sit behind their commercial units including properties at nos 2 and 9 Ye Corner.

- 2.4 Vehicular access to the site is provided by entrances on both the Chalk Hill and Aldenham Road frontages. The Chalk Hill access passes through a narrow gap in the parade between nos 8 and 9 Ye Corner. This entrance used to serve those businesses that occupied the workshops within the main part of the site. It also serves the rear entrances of some of the properties that front Chalk Hill and Aldenham Road. The Aldenham Road access serves the businesses occupying those buildings along the northern edge of the site and also a residential dwelling, known as 48 Aldenham Road, which lies to the north of the site.
- 2.5 There is a change in levels across the site with the access road along its northern edge occupying an elevated position when compared to the main part of the site to the south.
- 2.6 The site is located approximately 1.2 kilometres from Watford Town Centre and less than 250 metres from Bushey Railway Station.
- 2.7 The site is located outside of the Oxhey Conservation Area which lies to the east. It also does not encompass any listed buildings. However, 14-16 Chalk Hill – located 30 metres to the west of the site, is a Grade II listed building. The nearby buildings at 18 Chalk Hill – to the west of the site, and 48 Aldenham Road – to the north, are locally listed.

3. Summary of the proposal

3.1 Proposal

- 3.2 The application seeks outline planning permission for the redevelopment of the site to comprise 20 residential dwellings and associated works.
- 3.3 Matters to be determined under this outline application are access, appearance, layout and scale. The only matter to be reserved is in respect of landscaping.
- 3.4 The development comprises one building of which varies from 2 to 4 storeys in height which is arranged around a central area of the site. The building is to contain 20 dwellings comprising 18 x 2 Bedroom 3 person dwellings and 2 x 1 Bed 2 person dwellings.

3.5 The development is accessed via the existing access from Ye Corner to a hard landscaped area for servicing/deliveries and short term parking for deliveries/emergency vehicles. No on-site parking for residents is proposed.

3.6 The proposal will not provide any on-site affordable housing and does not offers a financial contribution in lieu of this.

3.7 Appendix 2 to this report contains a table of images from the plans for the approved scheme 18/00350FULM alongside the plans proposed for this application for comparison. This revised development includes differences from the extant permission as follows:

- Revised red line application site to omit access from Aldenham Way
- Access only from Ye corner with bin and cycle storage repositioned adjacent to this access
- Amended footprint of building
- Combining of blocks which were previous detached
- Amended access, layout and fenestration of some dwellings
- Increase of part of the of building height from 3 to 4 storeys
- Additional of 1 dwelling (from 19 to 20 units)
- External changes to fenestration and external articulation
- Change of external materiality which is no longer brick and cladding and is now full render.
- Ground level changes to north east side- no longer creating an upper ground floor external level
- Omission of 2 parking spaces on north east side which were for other 'leaseholders'

3.8 **Conclusion**

This revised scheme bears little resemblance to the carefully designed schemes approved under previous applications. The building height has been increased to predominantly 4 storey, there is no separation between sections of the building, the depth of sections of the building has increased, the 'mews' arrangement of front doors has been omitted, the materiality no longer offers brick with timber and metal detailing. The building scale and visual massing would have no relationship to the context and it would will be monolithic and excessively bulk and incongruous to the area.

3.9 The development would fail to create suitable living accommodation for future occupiers who would experience poor access environments, inadequate light and outlook, noise disturbance and inadequate amenity space.

- 3.10 The revised layout, position, height arrangement and fenestration of the building would create unreasonable harm to amenities of neighbouring occupiers.
- 3.11 The development does not provide affordable housing or any contribution to affordable housing. This has not been sufficiently justified by the applicant.
- 3.12 The application has been accompanied by reports and documents that relate entirely to the previously approved scheme and do not justify or support the scheme now proposed meaning the application is not consistent or supported by its own documentation.
- 3.13 The officer recommendation is that planning permission be refused.

4. Relevant policies

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 A pre-application enquiry was received in September 2016 for the demolition of the existing commercial buildings and the redevelopment of the site to create new residential units (Ref. 16/01367/PREAPP). The Local Planning Authority responded to this enquiry in November 2016 and advised that the principle of a car-free residential development in this location was acceptable. However, it was felt that the pre-application submission did not demonstrate that a suitable living environment would be achieved for the future occupiers of the development without compromising the amenities of the occupiers of neighbouring properties and did not suitably address access constraints. The applicant was encouraged to enter into pre-application discussions with the Local Highway Authority.
- 5.2 On 28th February 2018 conditional planning permission was granted for the demolition of the existing buildings and redevelopment of the site to create 15 residential units (Ref 17/00654/FULM). The permission includes the provision of blocks of up to three storeys high blocks around a central court yard. The planning permission was also subject to legal agreement to secure a review mechanism to revisit actual build costs and values when the development is approaching completion to establish whether a contribution towards affordable housing provision can be made.

5.3 On 1st August 2018, conditional planning permission was granted for a revised scheme of 19 residential units (Ref. 18/00350/FULM) in blocks of 2, 3 and 4 storeys in height. The scheme had a similar layout, design and visual appearance to that previously approved. The permission was subject to contributions towards off site affordable housing and a review mechanism as for the previous application.

6. Main considerations

6.1 The main issues to be considered in the determination of these applications are:

- (a) Principle of development
- (b) Design, scale and impact on visual amenity
- (c) Impacts on heritage assets
- (d) Quality of residential accommodation
- (e) Affordable housing provision and housing mix
- (f) Impacts on surrounding properties
- (g) Impacts on trees
- (h) Car parking, access and transportation
- (i) Section 106 and Community Infrastructure Levy (CIL)

6.2 (a) Principle of development

The previous extant permissions have determined that the principle of the redevelopment of the undesignated site from commercial to residential was acceptable. The policy position with respect to the land use has not changed and the redevelopment of the site to residential remains in accordance with Policy HS1 of the Watford Local Plan Core Strategy 2006-31 and in respect of the balanced objectives of the NPPF.

6.3 (b) Design, scale and impact on visual amenity

In the officer report for the extant permission for 19 dwellings it was noted that:

“This is a challenging site to bring forward for redevelopment due to the constraints from the surrounding uses, the change in levels, the nearby heritage assets and the limited access arrangements. However, the careful design and layout innovatively responds to the constraints of the site and the contemporary mews style approach is to be welcomed as this will create a high quality environment that offers a suitable relationship with its surroundings.”

- 6.4 This revised scheme bears little resemblance to the carefully designed schemes approved under previous applications. The building height has been increased to predominantly 4 storey, there is no separation between sections of the building, the depth of sections of the building has increased and footprint simplified, the layout of dwellings and accesses have changed, the 'mews' arrangement of front doors has been omitted and the materiality of sole render no longer offers articulation brick with timber and metal detailing.
- 6.5 The building now proposed would be of excessive scale, height and massing. It lacks appropriate fenestration and detailing to articulate or define its massing and would appear as a monolithic and incongruous building. The building would present as a basic, ill-conceived and ungainly addition to the back land site.
- 6.6 The surrounding area contains both listed (14 Chalk Hill) and locally listed buildings (18 Chalk Hill) and a strong local character based on a fine urban grain and buildings dating to the Victorian period. The height, massing, scale, materiality and detailing of the building would bear little relationship to this urban grain or the features of its surroundings.
- 6.7 Within the site, the building would create an oppressive and hostile environment for future occupiers. There is poor activity onto the central courtyard area. The block on the south west corner and on the north west 'wing' do not address the new courtyard frontage and would create a poor and unwelcoming environment. The access to flats in the north east 'wing' would be via an alley way at the back of the building adjacent to the retaining wall to the north east. This layout creates poor access arrangements to dwellings and poor natural surveillance and activity.
- 6.8 (c) Impacts to heritage assets
The site is located outside the Oxhey Conservation Area but is located within close proximity to two locally listed buildings; these being 18 Chalk Hill which lies 7 metres to the west of the site, and 48 Aldenham Road which lies 8 metres to the north. A Grade II statutory listed building, known as 14-16 Chalk Hill, is situated 23 metres southwest of the site.
- 6.9 For the approved scheme it was noted that the scheme used the level change of the site to minimise the impacts on the locally listed buildings at 18 Chalk Hill and 48 Aldenham Road. It was noted that the greatest impact will be on the setting of 48 Aldenham Road as the new scheme will be viewed as one approaches this property. However, it was considered that the approach to this neighbouring property will be improved when compared to the prior situation of poor quality industrial buildings

6.10 The revised scheme has significantly increased the bulk and massing of the building by virtue of its increased height, the lack of gaps between blocks, the ground level arrangements around the building and the amended fenestration and external detailing. These changes create a poor quality and incongruous design and massing. The view up to 48 Aldenham Road would now be dominated by the north east elevation of the development which is significantly different in massing and appearance from that previously approved. As such, the development would now be detrimental to the context and setting of the surrounding heritage assets.

6.11 The application has been accompanied by a heritage statement. However, the impact assessment of this statement relates entirely to the previously approved scheme and this impact assessment is not relevant in relation to the assessment of this revised scheme.

6.12 (d) Quality of residential accommodation

6.13 *Gross Internal Areas*

Section 7.3.6 of the Residential Design Guide sets out the minimum Gross Internal Areas for new dwellings in accordance with the nationally described space standards. The proposal provides a mix of 1 bedroom and 2 bedroom units. All of the proposed 1 bedroom units at 50 square metre, would meet the minimum floorspace standard of 50sqm for a 1 bedroom, 2 person dwelling. Additionally, all of the proposed 2 bedroom units, at 63sqm, will exceed the 61 square metre minimum floorspace standard for a 2 bedroom, 3 person dwelling. The GIAs are fully compliant.

6.14 Light and outlook

By virtue of the ground level changes within the site, the proximity of other buildings and structures and the layout, height and orientation of the development, some windows and dwellings of the development will experience poor light and outlook. The application has been accompanied by a sunlight and daylight assessment however this relates to the previous scheme and does not relate to this revised scheme which includes a revised application side boundary, a revised footprint of building, increased height of part of the building and revisions to residential layout of proposed dwellings. The application has therefore failed to demonstrate that the development would provide dwellings with sufficient light and sunlight for future occupiers.

6.15 *Noise and air quality*

The site is bordered by commercial and residential properties, it is close to roads with significant traffic and is located approximately 100 metres east of

the West Coast Mainline railway which also has the potential to result in noise disturbance. Previous applications were accompanied by noise assessments carried out in accordance with BS:4142. These identified the noise impacts and includes appropriate mitigation measures of glazing and mechanical ventilation in the interests of protecting the future occupants from noise disturbance and potential poor air quality. This revised application has included no noise survey or attenuation measures, without which, the development would create dwellings with poor amenity for future occupiers.

6.16 *Garden*

Section 7.3.23 of the RDG advises that “For flatted developments, communal open space provided for the exclusive use of occupants of the development may be acceptable as long as its location, size and shape enable it to be enjoyed by the occupants”. It further advises that “The minimum area for usable communal space is 50 square metres, plus 15 square metres per additional unit over two units”. Using this standard, the scheme for 20 units would be required to have a minimum area of 320 square metres in communal open amenity space.

6.17 Landscaping is a reserved matter for this application which seeks outline consent. However, owing to the constraints of the site, the development would not be able to provide this minimum standard. It is noted that the previous schemes included landscaping of 200 sq metres of communal space for 19 dwellings however this shortfall was justified due to private amenity spaces for almost all dwellings. The lack of landscaping detail in this outline application does not allow for or show potential amenity space arrangements. In addition, it is noted that the larger footprint of the revised scheme and the loss of the raised ground area at upper ground floor will create less available amenity space. As such, the dwellings would have inadequate amenity space, contrary to the RDG.

6.18 (e) Affordable housing

Policy HS3 of the Core Strategy requires a 35% provision of affordable housing in all schemes of 10 units or more. In the case of the proposal for 20 units, this would require the provision of 7 affordable units. This provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Only in exceptional circumstances will a lower level of provision be considered through submission of a development viability assessment.

6.19 The development proposes no on site affordable housing and no contributions towards off site affordable housing provision. The application has not been accompanied by an up to date or accurate viability assessment on the development now proposed. The applicant has submitted the consultant's

review of the previously submitted viability assessment for the previous application carried out 2 years ago, however, this is not accurate or sufficient for the assessment of this revised scheme. The lack of affordable housing has therefore not been justified as being for exceptional circumstances and the lack of affordable housing provision or contribution is contrary to policy HS3 of the Watford Local Plan Core Strategy.

- 6.20 It is noted that the previous applications were supported by viability assessments that were reviewed by the Council's consultants. These did identify that the first schemes could not provide on-site affordable housing, nor would it be possible to provide any financial contribution in lieu of on-site provision. At the second application for 19 dwellings, there was debate between the Council's consultant and the applicant's Financial Viability Assessment (FVA) advisor and this was subsequently approved subject to a financial contribution of £127,761 toward off-site affordable housing. Both schemes were approved subject to a review of the viability of the development being undertaken towards the end of the project to allow further contributions should the development create any financial surplus.
- 6.21 This application sees an additional dwelling proposed, a significantly revised building with expectant lowered build costs and 2 years of market changes since previous assessments were made. No updated viability information has, however, been provided to support the lack of affordable housing provision or contribution for this application which has been found as contrary to policy HS3 of the Watford Local Plan Core Strategy.
- 6.22 (f) Impacts on surrounding properties
The site is bordered by residential properties to north, east and south and there are significant ground level differences across the area. This creates potential for the development to create loss of light and outlook to neighbouring properties. The proposed development is in part closer to and taller relative to neighbours. The application has not, however, submitted an updated sunlight and daylight assessment which relates to the proposed development. It has therefore not been demonstrated that the development would not unreasonably harm the light and outlook of neighbours.
- 6.23 The north west 'wing' of the building and the block of the south west corner have also turned their principle elevations to the south west and north west elevations. Being below recommended minimum back to back distances of 27.5m in the RDG, these elevations will create overlooking to neighbouring occupiers.

- 6.24 As such, by virtue of the position, height, bulk and fenestration of the building, the development would unacceptably harm the amenities of the neighbouring occupiers, contrary to guidance of the Residential Design Guide 2016 and Policies SS1 and UD1 of the Watford Local Plan Part 1 Core Strategy 2006-31.
- 6.25 (g) Impacts on trees
As found previously, the site does not contain any significant trees. There is a belt of trees to the west of the site which includes a group that is protected by a Tree Preservation Order (Tree Preservation Order No. 33) but none of the protected trees will be affected by the development. Only a small group of trees is indicated for removal and this is acceptable.
- 6.26 (h) Car parking, access and transportation
The transport assessment submitted again relates to previous development. However, as the access from Ye Corner remains, this is in part relevant to this application. It is, however, noted that the TA reference 2 parking spaces for leaseholders accessed from Aldenham Road are no longer relevant.
- 6.27 *Parking*
As previously approved, the proposed flats would not have on-site parking. However, the site is well located for access to public transport, being very close to Bushey Station and bus stops. There are local shops in the immediate vicinity of the site, and the Lower High Street retail area and the town centre are both within walking distance. In this context, a higher density, residential development without car parking is in accordance with national and local policy to encourage sustainable development and is considered acceptable in principle.
- 6.28 The site includes 2 car parking spaces for 2 short stay (40 minutes maximum waiting time) parking spaces to allow deliveries to be delivered to the site. This would need to be managed via a servicing and delivery management plan to ensure that no conflict between vehicles would occur.
- 6.29 *Impacts on surrounding highway network*
It is acknowledged that the surrounding residential roads experience high levels of parking congestion at all times, from commuters during the daytime and local residents during the evening. However, the site is not within a controlled parking zone so it is not possible to restrict on-street parking by future occupiers of the development. The site is highly accessible and is an appropriate location for car free development. For this reason, the proposal is considered acceptable.

6.30 The Local Highway Authority has been consulted for this and previous applications and has confirmed that it does not consider that the proposed development is likely to have an impact on the safety of the local highway network. It has raised no objection to the proposal subject to their recommended conditions.

6.31 *Cycle storage*

The scheme incorporates a cycle storage area which will be large enough to meet the demands of the development pursuant to Policy T10 of the Watford District Plan 2000.

6.32 (i) Section 106 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. The CIL charge applicable to the proposed development is £120m² (subject to indexation).

6.33 S.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements. For this development, affordable housing would be required and exceptional circumstances to not provide affordable housing have not been justified. The applicant has not agreed to affordable housing provision and a S106 has not been secured. This requirement would have nonetheless met the tests in Regulation 122 of the Community Infrastructure Regulations 2010, and, consequently, the lack of the planning obligation can be taken into account as material planning consideration in the determination of the application.

7. Consultation responses received

7.1 Statutory consultees and other organisations

Consultee	Comments	Officer response
Hertfordshire Highways	No objection subject to conditions	Noted
HCC Lead Local Flood Authority	Objection – no detail provided	The report has been provided however relates to the previous development and is materially different to

		that now proposed.
HCC Waste and recycling	General comments made	Noted
HCC Growth and infrastructure	Community Infrastructure Levy applicable	Noted
Crime Prevention	No objection	Noted
Oxhey Village Environmental Group	No response received.	
Thames Water	No objection	Noted
Environment Agency	Noted that the Phase 1 Preliminary Risk assessment is unchanged from previous scheme however there is no objection subject to recommended conditions.	Noted

7.2 Internal Consultees

Consultee	Comments	Officer response
Urban Design and Conservation Manager	Development is poor design quality. The proposed scheme bears little resemblance to the consented scheme and cannot be supported	Noted and agreed
Contamination officer	Noted that the Phase 1 Preliminary Risk assessment is unchanged from previous scheme however there is no objection subject to recommended conditions.	Noted
Head of Housing	No comments received	Matters discussed in report.
Tree officer	An Arboricultural Impact assessment and Arboricultural Method Statement have not been provided.	Noted
Waste and	No comments received	No comments received

recycling officer		however bin storage on the site and collection from access on Ye corner are unchanged.
Environmental Health	No comments received	Noted comments from previous schemes and the previous requirement for noise mitigation measure

7.4 Interested parties

Letters were sent to 173 properties in the surrounding area. Responses have been received from 1 property. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
There is insufficient infrastructure for more flats	The development, if permitted, would secure community infrastructure levy for contributions towards infrastructure investment to support the development.
The access to this site is poor and building plant using this access will create impact	Noted. As for the previous approvals, a construction management plan, to the satisfaction of Herts Highways, would need to detail how works would be carried out.
Development will add to congestion on surrounding roads	The development is car free and does not allow for on-site parking. The delivery/servicing vehicles for the site are unlikely to create increased traffic movements when compared to previous site uses.
Heavy plant transportation from business at Bushey yard creates noise and disturbance	Noted. The development has failed to show that the flats would not experience noise disturbances.

8. Recommendation

Refuse Planning Permission

Reasons

1. The proposal is not considered to be of high design quality. By reason of its height, scale and massing the proposed development would adversely affect

the character of the neighbouring residential area and setting of non-designated heritage assets. The building lacks appropriate fenestration, articulation and detailing. Within the site, the building would create an oppressive and hostile environment for future occupiers with poor access arrangements to dwellings and poor natural surveillance and activity. As such the development would be of poor design, harmful to the character and appearance of the surrounding area and is not in accordance with paragraphs 122, 127 and 130 of the NPPF and Policies UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31.

2. The proposed development makes no provision for affordable housing. The application has failed to provide an accurate or up to date justification for the lack of affordable housing provision on the basis of viability and no s106 agreement has been completed to secure a viability review upon completion of the development. Consequently, the proposal is not in accordance with Policy HS3 of the Watford Local Plan Core Strategy 2006-31 and is contrary to paragraphs 62 and 64 of the NPPF in relation to affordable housing provision.
3. By virtue of the position, height, bulk, layout and fenestration of the building, the development would unacceptably harm the amenities of the neighbouring occupiers, contrary to guidance of the Residential Design Guide 2016 and Policies SS1 and UD1 of the Watford Local Plan Part 1 Core Strategy 2006-31.
4. The development would fail to create high quality dwellings for future occupiers. A noise assessment (in accordance with relevant British standards) has not been submitted to detail potential mitigation measures meaning that future occupiers of the development would experience noise disturbance and poor air quality. A Sunlight and daylight assessment (carried out in accordance with BRE publication entitled 'Site Layout Planning for Daylight and Sunlight; A guide to good practice') has not been submitted in relation to this development and by virtue of the ground level changes within the site and the layout, height and orientation of the development, some windows and dwellings will experience poor light and outlook.. The development layout would also fail to allow for sufficient amenity space for the dwellings as included in section 7.3.23 of the Residential Design Guide. As such, the development would fail to provide satisfactory residential accommodation for future occupiers, it does not therefore constitute a high quality or sustainable development and is contrary to guidance of the Residential Design Guide 2016 and Policies SS1 and UD1 of the Watford Local Plan Part 1 Core Strategy 2006-31.

5. The application has been accompanied by a sustainable drainage systems report, however, the proposals for this relate to the previous scheme and do not relate to the revised scheme which includes a revised application site boundary and a revised footprint of building. Consequently, the application fails to demonstrate that the development would not increase flood risk elsewhere, reduce flood risk overall and give priority to the use of sustainable drainage methods. For this reason, the application fails to comply with Policies SD1 and SD2 of the Watford Local Plan Core Strategy 2006-31, paragraphs 99 and 103 of the National Planning Policy Framework (NPPF) and the advice contained within the Planning Practice Guidance (PPG).