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|----------------------------------|---|
| <b>Committee date</b>            | Wednesday 6 January 2021  |
| <b>Application reference</b>     | 20/01156/OUTM Land To The Rear Of Ye Corner Watford   |
| <b>Site address</b>              | WD19 4BS  |
| <b>Proposal</b>                  | Outline application for the erection of 18no. 2 bedroom flats and 2 no. 1 bedroom flats on a brownfield site in 2, 3 and 4 storey blocks together with a bin and cycle store and associated works |
| <b>Applicant</b>                 | FP (Ye Corner) Ltd  |
| <b>Agent</b>                     | Makana Group  |
| <b>Type of Application</b>       | Major Outline Planning Permission   |
| <b>Reason for committee Item</b> | Major   |
| <b>Target decision date</b>      | 22.01.2021  |
| <b>Statutory publicity</b>       | Paper advertisement and site notice with overall expiry of 20.11.2020   |
| <b>Case officer</b>              | Alice Reade, alice.reamde@watford.gov.uk  |
| <b>Ward</b>                      | 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 within two buildings of 2 to 4 storeys in height and associated works. The building is to contain 20 dwellings comprising 18 x 2 bedroom 3 person dwellings and 2 x 1 bedroom 2 person dwellings.
- 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 has vehicle and pedestrian access via the existing access from Ye Corner. 2 car parking spaces are shown on site for deliveries.

- 3.5 The proposal will not provide any on-site affordable housing and does not offer a financial contribution in lieu of this.
- 3.6 The development includes differences from the extant permission for development of the site 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
  - Amended access, layout and fenestration of some dwellings
  - Reorientation of some dwellings
  - Increase of part of the 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 wood cladding and is now render, grey cement cladding and yellow brick.
  - 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'
- 3.7 The application has been submitted with drawings only and no appropriate supporting reports including:
- Design and Access Statement
  - Transport assessment
  - Phase I Risk Assessment
  - Topographical survey
  - Viability report
  - Sunlight and Daylight
  - Arboricultural Survey
  - Transport and High Assessment
  - Heritage Statement
  - Surface Water Drainage Strategy
- 3.8 **Conclusion**
- 3.9 This is the second revised scheme which again bears little resemblance to the carefully designed schemes approved under previous applications. The building height has been increased to predominantly 4 storey, the footprint and depth of sections of the building has increased, the 'mews' arrangement of front doors has been omitted, fenestration and active frontage is poor and the materiality is poor. The building scale and visual massing would have no

relationship to the context and it would be monolithic, excessively bulky and incongruous to the area.

- 3.10 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.
- 3.11 The revised layout, position, height arrangement and fenestration of the building would create unreasonable harm to amenities of neighbouring occupiers.
- 3.12 The development does not provide affordable housing or any contribution to affordable housing. This has not been justified by the applicant.
- 3.13 The development is therefore unacceptable for reasons of layout, scale, design, amenity, impact to neighbours, lack of affordable housing and highway impact. The application has failed to address or overcome any of the reasons for the refusal of the previous application. 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 1<sup>st</sup> 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 a contribution towards off site affordable housing and a review mechanism as for the previous application.
- 5.4 At Development Management Committee on 2<sup>nd</sup> July 2020, members unanimously refused an application for a scheme for 20 residential units (20/00399/FULM). The scheme demonstrated little of the design quality of the approved scheme and the application submitted documentation not relevant to the revised scheme. This application was refused for the following summarised reasons:
1. Poor quality design in respect of massing, appearance, fenestration, access
  2. No affordable housing
  3. Adverse impact to neighbours
  4. Poor quality dwellings. No sunlight/daylight or noise assessments submitted for this scheme
  5. Lack of sustainable drainage system
- 5.5 The development now submitted retains the same height and massing of the refused scheme however has been split into two blocks. The footprint of the development has been amended and encloses the central area more however the layout of the dwellings is predominantly unchanged from the previous refusal. The external materials now include fibre cement cladding and brick slips as well as the previously proposed render.

## **6. Main considerations**

- 6.1 The main issues to be considered in the determination of this application is:
- (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 second revised scheme again bears little resemblance to the carefully designed schemes approved under previous applications. Again, the building height has been increased to predominantly 4 storey, the depth of sections of the building has increased and the footprint enlarged. The layout of dwellings and accesses have changed, the 'mews' arrangement of front doors has been omitted and the materiality and fenestration do not offer articulation to the building.

6.5 The building now proposed would be of excessive scale, height and massing. It lacks appropriate fenestration, articulation 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. It is noted that some variation has been introduced from the scheme previously refused, however, the height and massing is unchanged. Additional blocks for cores have been added to the building, creating an array of shapes and volumes that results in a confusing and awkward appearance. Elevations are still sparsely articulated lacking in

character or visual interest, they are generally uninspiring and do not help to break up the mass of the building

- 6.6 Materiality of the development remains predominantly white render which was deemed unacceptable under the previous refusal. Some yellow stock brick slip has been introduced although this is minimal. Significant areas of Grey Fibre Cement board have been introduced to the elevations which is considered to be of poor quality. The materiality would be poor and would fail to relate to the strong architectural vernacular of the area or add visual quality to the development.
- 6.7 The surrounding area contains both listed (14-16 Chalk Hill) and locally listed (18 Chalk Hill) buildings 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.
- 6.8 Within the site, the building would create an oppressive and hostile environment for future occupiers. Like the previous refused scheme, there is poor activity onto the central courtyard area. This area has been made smaller and more enclosed by the enlarged buildings. 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' (Core 3) would again 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. Entrances to Core 1, Core 2, Flat 1 and Flat 3 would also be enclosed internal corners of the development, offering poor legibility and poor activity and creating hostile, unwelcome environments for residents and visitors.
- 6.9 (c) Impacts on 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 Listed Building, known as 14-16 Chalk Hill, is situated to the south-west of the site.
- 6.10 For the approved schemes 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

6.11 The revised scheme has significantly increased the bulk and massing of the building by virtue of its increased height, enlarged depth, enlarged footprint, the ground level arrangements around the building and the amended fenestration and poor 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.

6.12 (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. It is noted that there was a sunlight and daylight assessment supporting the previously approved scheme however no such report has been submitted in respect of this revised scheme to consider the light for dwellings within the 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 included 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 of amenity area. 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 of 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. The quality of any potential amenity space would be further compromised by the poor natural surveillance and environment around the development. 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 a viability assessment on the development now proposed.

- 6.20 It is noted that the previously approved scheme was supported by a viability assessment, however, this was undertaken 2 years ago and does not relate to the assessment of the revised scheme. The lack of affordable housing has therefore not been justified and the lack of affordable housing provision or contribution is contrary to policy HS3 of the Watford Local Plan Core Strategy.
- 6.21 (f) Impacts on surrounding properties  
The site is bordered by residential properties to north, east and south and there are significant ground levels across the area. This creates potential for the development to create loss of light and outlook to neighbouring properties. Like the previous refused scheme, 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.
- 6.22 Again, as seen in the previously refused application, 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 minimum back to back distances of 27.5m to neighbouring properties, these elevations will create overlooking to neighbouring occupiers.
- 6.23 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.
- 6.24 (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.
- 6.25 (h) Car parking, access and transportation  
The previous application found that the site was suitable for 'car-free' development with no on-site parking. The transport assessment for that application proposed the use of the access from Ye Corner for access to 2 short stay delivery/emergency spaces on the site and demonstrated that this was acceptable. This application has not, however, been accompanied by a Transport Assessment to detail these matters or provide an updated assessment of the transport impacts in respect of the development, the

amended footprint for turning or current highway circumstances. It has therefore failed to demonstrate that the narrow access and site parking arrangements are acceptable in respect of Highway impact.

6.26 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.

6.27 (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 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 £120 per m<sup>2</sup> (subject to indexation).

6.28 S.106 planning obligations can be used to secure affordable housing provision and other site specific requirements. For this development, affordable housing would be required and exceptional circumstances have not been submitted to justify not providing it. The applicant has not offered affordable housing and a S106 agreement has not been secured.

## 7. Consultation responses received

### 7.1 Statutory consultees and other organisations

| Consultee                      | Comments  | Officer response   |
|--------------------------------|---|--|
| Hertfordshire Highways         | No objection subject to conditions based on information with previous approved application. | Highways have assessed this application on the basis of documents submitted with the previously approved application. It is not appropriate to refer to documents in respect of the previous application as these cannot be secured under this subsequent application. |
| HCC Lead Local Flood Authority | Objecting to the development on the basis that no detail of surface water drainage or       | Noted  |

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|                                   | management has been provided with the application   |       |
| HCC Waste and recycling           | General comments made   | Noted |
| HCC Growth and infrastructure     | Community Infrastructure Levy applicable  | Noted |
| Crime Prevention                  | No comments   |       |
| Oxhey Village Environmental Group | No response received.   |       |
| Thames Water                      | No objection  | Noted |
| Environment Agency                | The development does not include a Preliminary Risk Assessment or Phase 1 Desk Study and EA object. | Noted |

## 7.2 Internal Consultees

| <b>Consultee</b>                   | <b>Comments</b>   | <b>Officer response</b>   |
|------------------------------------|---|---|
| Urban Design and Conservation Team | Development is poor design quality. The proposed scheme bears little resemblance to the consented scheme and cannot be supported. The amendments to this revision have not resolved concerns. | Noted and agreed  |
| Contamination officer              | No objection subject to recommended conditions.   | Noted   |
| Head of Housing                    | No comments received  | Matters discussed in report.  |
| Waste and recycling officer        | No comments received  | No comments received 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              |

### 7.3 Interested parties

Letters were sent to 100 properties in the surrounding area. No responses have been received.

### 8.0 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 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 and shared ownership housing. The application has failed to provide any justification for the lack of affordable housing provision on the basis of viability or any other grounds. 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 in 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. 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. 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 to demonstrate suitable light is achieved. 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 not been accompanied by any details of surface water drainage and 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, the National Planning Policy Framework (NPPF) and the advice contained within the Planning Practice Guidance (PPG).
6. The application has not been accompanied by a Preliminary Risk Assessment or Phase 1 Desk Study. The application has therefore not supplied adequate information to demonstrate that risk posed to groundwater can be satisfactorily managed and the development is unacceptable in accordance with the NPPF and Policy SD2 of the Watford Local Plan Core Strategy 2006-31.
7. This application has not been accompanied by a Transport Assessment to detail the transport, parking and highway matters. The development has therefore failed to provide an updated assessment of the transport impacts in respect of the development, the amended footprint for turning or current highway circumstances. It has therefore failed to demonstrate that the narrow access and site parking arrangements are acceptable in respect of Highway impact and is contrary to policies T24 and T26 of the Watford District Plan 2000.