

Committee date	Tuesday 18 May 2021
Application reference Site address	21/00076/FULM - 250 Lower High Street, Watford, WD17 2DB
Proposal	Demolition of existing two-three storey commercial building, and erection of five-storey building providing a total of 25 residential units; provision of associated vehicle and cycle parking, landscaping and waste storage facilities.
Applicant	Eyam Enterprises Ltd
Agent	Peacock And Smith
Type of Application	Full Planning Permission
Reason for committee Item	Major Application
Target decision date	Wednesday 19 May 2021
Statutory publicity	Watford Observer, Neighbour Letters and Site Notice
Case officer	Andrew Clarke, andrew.clarke@watford.gov.uk
Ward	Central

1. Recommendation

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

2. Site and surroundings

- 2.1 The site is located on the south-western side of Lower High Street at the junction of Local Board Road, a short cul-de-sac. The site contains a part two part three storey 1980's red brick commercial building with hardstanding to the front and rear. The site is approximately rectangular in shape with an area of 0.09 hectares. The site contains no listed buildings or structures and is not within a conservation area.
- 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 chance of flooding.

3. Summary of the proposal

3.1 Proposal

3.2 Planning permission is sought for the demolition of existing building, and the erection of a five-storey building providing a total of 25 residential units comprising 15 x 1 bed (60%), 6 x 2 bed (24%) and 4 x 3 bed (16%). Car parking would be provided to the front. Refuse and cycle stores are shown at ground floor level.

3.3 Conclusions

3.4 The design has high timber fences abutting the public realm and the illegible access points on Local Board Road which fail to integrate with the street scene causing harm to the historic character of the area.

3.5 The proposed units fail to meet nationally required minimum space standards and suffer from poor internal light levels and poor outlook due to the number of obscure glazed windows and proximity of boundary fences.

3.6 The development makes no provision for affordable housing and fails to provide any justification for this.

3.7 The proportions and fenestrations of the development would cause significant loss of light, sense of enclosure and loss of privacy to neighbouring residential dwellings within Crosfield Court and on Local Board Road.

3.8 The development would result in significant additional on-street parking within Controlled Parking Zone F.

3.9 The development represents an unacceptable risk to controlled waters from which supplies of potable water are obtained.

4. Relevant policies

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

5. Relevant site history/background information

5.1 A similar planning application (reference: 20/00072/FULM) for the demolition of the existing building and erection of five storey building providing 28 residential units was withdrawn by the applicant on 13th October 2020 following feedback from the case officer.

5.2 A pre application request (reference: 18/00746/PREAPP) for the demolition of the existing building and erection of five storey building providing 30 residential units was submitted in June 2018. Written pre application advice was issued.

6. Main considerations

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

- (a) Principle of the use
- (b) Scale and design
- (c) Quality of residential accommodation
- (d) Affordable housing provision
- (e) Impact on amenity of adjoining residential properties
- (f) Transport, parking and servicing
- (g) Environmental considerations

6.2 (a) Principle of the use
The site has no specific land use designation. Policy HS1 of the Core Strategy lists the criteria that will be taken into account in assessing the suitability of sites for residential use. In this case, the site is brownfield land, is close to the town centre, is not at risk of flooding and has access to public transport.

6.3 The proposed flatted residential development would be appropriate in this location close to the town centre and in keeping with the residential character of the surroundings. The development provides a suitable mix of 1, 2 and 3 bed units and is compliant with Policy HS2 of the Core Strategy. The principle of residential provision is therefore supported.

6.4 (b) Scale and design

The scale and design of the proposed building has been informed by neighbouring Crosfield Court. It would be 5 storeys in height, with the top storey set back from the main elevations. The top storey would align with the pitched roof of neighbouring Crosfield Court. The building would sit slightly forward of this neighbour, to the same extent as the existing building does.

- 6.5 The building would have a contemporary design with a flat roof. It would be broadly rectangular in shape with balconies which would be partially projecting from the facades of the building and partially enclosed with vertical louvers. The main facing material would be two shades of brick, grey and buff. Full height glazing has been used, this glazing is obscured on the two elevations which face Crosfield Court.
- 6.6 The locally listed buildings on the opposite side of Local Board Road include a former industrial building with a hay barn loft gable (number 1A), three terraced dwellinghouses with front doors on the street (numbers 1, 2 and 3) and a former pumping house which is now used as a theatre (number 5). These Victorian, old London stock buildings have attractive architectural features such as curved and straight splayed brick arches above the openings, stone cills, pitched slate roofs and large chimney stacks. In the wider area, the Lower High Street includes other nationally and locally listed historic buildings.
- 6.7 Innovation in building design is not discouraged, though the elevations bear no relation to the scale, rhythm and pattern which form the architectural language of the surroundings. The proposed contemporary building is not sympathetic to this surrounding context and history, failing to take the opportunity of redevelopment to reinforce local character or make a positive contribution to the area as required by policy UD1 of the core strategy and paragraph 127 of the National Planning Policy Framework.
- 6.8 The flats would be accessed from two entrances onto Local Board Road. Refuse stores would be adjacent to these entrances. Apart from these openings the building would be surrounded by 1.8 metre high timber fencing adjacent to the public realm at ground floor level. This high timber fence would relate very poorly to the public realm on Local Board Road. The entrances also lack architectural prominence within the south eastern elevation of the building. They would be defined primarily by the breaks in the timber fencing. The poor interaction with the street scene would harm the historic character of Local Board Road, which is defined by two storey Victorian locally listed buildings fronting the public realm. These elements of the design are considered unacceptable.
- 6.9 (c) Quality of residential accommodation

Unit numbers 1, 5, 9, 11, 15, 17 and 21 fail to meet the minimum internal space standards as set out in the Nationally Described Space Standards and the Residential Design Guide. This is because they all contain single bedrooms which vary in width from 1.75 to 2 metres. The minimum width required by national space standards for a single bedroom is 2.15 metres. The long narrow nature of these rooms is impractical. In addition these bedrooms in units 5, 11 and 17 only have windows which are obscure glazed to a height of 1.8 metres, giving no meaningful outlook to these rooms. This is unacceptable for a habitable room.

- 6.10 Unit numbers 1, 2, 5, 8, 11, 14, 20 all contain living / kitchen / dining rooms where the Average Daylight Factor (ADF) would not meet recommended guidelines for natural light as set out in the British Research Establishment's document 'Site layout planning for daylight and sunlight: a guide to good practice'. To the west corner of the building this is due to the proximity of neighbouring Crosfield Court and to the front this is due to awkwardly shaped rooms. The flats to the western corner of the building attempt to address this lack of daylight by providing many, large windows, though still fail to achieve a suitable ADF. Unit 8 which is awkwardly shaped would achieve less than half of the recommended daylight level.
- 6.11 Units 1, 2, 3 and 4 at ground level have terraces which vary in depth from 0.8 to 1.8 metres. These terraces are enclosed by a 1.8 metre high timer fence. This would give a poor outlook particularly for unit 2 which has only 2 openings in the whole dwelling, both of which face the high fence at 0.8 metres. In addition one of the bedrooms in unit 4 faces an external wall at a distance of 1.8 metres. All of these units would experience limited outlook and an unacceptable sense of enclosure.
- 6.12 All units have their own balcony or terrace. Spaces to the front and rear of the site have been labelled as communal amenity space. To the rear this area is narrow, enclosed and would allow residents to look into the habitable areas of unit 1. The front amenity space is small and sited to the rear of the parking spaces. Both of these amenity spaces are poor and are unlikely to be used by residents for the purposes of recreation. Nevertheless the presence of private amenity space for all units is supported.
- 6.13 (d) Affordable housing provision
Policy HS3 of the Core Strategy requires a 35% provision of affordable housing. The provision should have a tenure mix of 65% affordable rent, 20% social rent and 15% intermediate tenures. Draft local plan policy HO3.3 also requires 35% provision, with a tenure mix which includes 60% social rent. This proposal for 25 units would require a provision of 7 or 8 affordable units. Only

in exceptional circumstances will a lower level of provision be considered where it can be clearly demonstrated that it would not be viable to deliver a policy compliant affordable housing contribution.

- 6.14 The planning statement refers to a commuted sum. Watford Borough Council's preference to have an on-site provision, in accordance with Policy HS3, although it is accepted that this may not be possible in some cases and that for some sites a commuted sum is the most suitable option. However, if a commuted sum is to be agreed exceptional circumstances will need to be demonstrated and the sum calculated through a viability assessment. Notwithstanding this, the applicant has made no formal offer of affordable housing provision or a commuted sum contribution. The lack of affordable housing is contrary to Policy HS3 of the Core Strategy.
- 6.15 (e) Impact on amenity of adjoining residential properties
The applicant has submitted a daylight / sunlight assessment which assesses the impact on Crosfield Court and properties on Local Board Road against the Building Research Establishment's (BRE) guidelines. The report measures the proposed Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) to windows and Daylight Distribution (DD) within rooms.
- 6.16 The report concludes that Crosfield Court would not be unreasonably impacted as a result of the proposed development, albeit without knowing the physical layout of rooms or their uses within this neighbouring building. The VSC and APSH calculations appear correct, though without knowing room uses these results are of limited use to the assessment.
- 6.17 The case officer visited Crossfield Court in February 2020 and understands the internal layout. Flat numbers 18, 38, 58 and 76 which are close to the shared south western boundary are stacked (ground, first, second and third floors) and have an identical layout. The daylight / sunlight report asserts that these particular units comprise one single room with four windows used as an "entrance" and daylight distribution within the non-habitable "entrance" room is calculated on this basis. These one bedroom flats contain 4 rooms comprised of 1 living room, 1 bedroom, 1 kitchen and 1 bathroom. Given that all the flat layouts on which the assessment is based are incorrect the daylight distribution results are of limited use.
- 6.18 Aside from the errors within the report, the design of Crosfield Court is such that it would not prejudice a well-designed and carefully considered redevelopment of the subject site. Long corridors abut the subject site at all levels. Only 12 flats (numbers 1, 17, 18, 19, 37, 38, 39, 57, 58, 59, 75, 76) have

windows which face the subject site. Within these flats all habitable room windows which do face the subject site are secondary bedroom windows.

- 6.19 The proposed development would have balconies at ground to third floor levels on the south western elevation which are 3.2 metres from the boundary with Crosfield Court. This would cause overlooking of the neighbouring communal garden which surrounds Crosfield Court. It is accepted that habitable room windows, albeit the aforementioned secondary bedroom windows, within Crosfield Court would overlook the subject site at a similar distance. Nevertheless these proposed balconies would be 7.5 metres from neighbouring habitable room windows within 45 degrees of a perpendicular line taken from the edge of the balconies. The proposed balconies are considered to cause more significant overlooking than the existing secondary bedroom windows within Crosfield Court. This relationship and the resultant loss of privacy to flat numbers 18, 38, 58 and 76 is considered unacceptable.
- 6.20 Opposite the site on Local Board Road are five residential dwellings, numbered 1, 2, 3, 4a and 4b. Numbers 1, 2 and 3 are small two storey dwellinghouses. Numbers 4a and 4b are flats within a wider building. The front elevations of these dwellings face directly onto the street, sited at the back edge of the pavement, and are north-west facing, therefore, daylight into habitable rooms on the front elevations is limited.
- 6.21 The daylight / sunlight report correctly identifies the room uses of some of these dwellings. The results show that none of the windows which face the site would meet the BRE guidelines in terms of VSC or DD. The APSH calculation is not required due to the northerly orientation. The resultant DD to all forward facing habitable rooms within numbers 2, 3, 4a and 4b would be between 29 and 43 percent of existing levels. The existing building on the subject site is lower, at two storeys adjacent to Local Board Road. The substantial increase in height on this boundary would cause unacceptable loss of light and sense of enclosure to these dwellinghouses which front Local Board Road. Balconies across the narrow street at a distance of 10 metres would also cause some loss of privacy.
- 6.22 Overall, the loss of amenity to neighbouring dwellings within Crossfield Court and on Local Board Road is unacceptable.
- 6.23 (f) Transport, parking and servicing
The site is located on the edge of the town centre. Bus stops serving areas to the south of Watford exist close by on Lower High Street. The site is 300m metres from Watford High Street Overground Station and less than 1km from Bushey Railway Station. The site occupies a highly accessible location.

- 6.24 This highly accessible location would allow a reduced level of parking provision or a car-free development on the site. In this case, the development provides 4 car parking spaces to the front of the site utilising the existing vehicle crossover onto Local Board Road. This number of spaces is in accordance with maximum parking standards and is acceptable in this accessible location. The development would have a negligible impact on traffic using highways in the vicinity of the site.
- 6.25 The site is located within Controlled Parking Zone (CPZ) F which operates Monday to Saturday 8am to 6.30pm, including Bank Holidays, with additional Watford Football Club match day restrictions. Being within the CPZ the entitlement of occupiers to park in surrounding roads can be restricted by a planning obligation as explained in "saved" Policy T24 of Watford District Plan 2000. The development of 25 units is likely to increase parking demand within the controlled parking zone significantly. As the development is considered unacceptable for many other reasons, the applicant was not invited to enter into an agreement to remove parking permit entitlement for the development in this case.
- 6.26 The plans indicate suitable cycle storage in a room which can be accessed from both entrance lobbies.
- 6.27 Two identically sized refuse stores exist adjacent to the two entrances on Local Board Road. Together these stores provide sufficient capacity for the development. Of the two entrances, one provides direct access to 23 units and the other to 2 units. This would mean that the majority of the residents who would be using the main entrance would have to walk down the street to use the other refuse store. The alternative option would be to go via the cycle store. This arrangement is poorly conceived.
- 6.28 (g) Environmental considerations
- i) 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.
- 6.29 In this instance the proposed development would threaten potable water supplies as the proposed development includes activity that may physically disturb the aquifer in SPZ1. In order to overcome the EA's objections a

detailed hydrogeological risk assessment would be required, including modelled impacts on groundwater flow, along with a detailed monitoring scheme to address turbidity and other possible risks to controlled waters.

6.30 In the absence of an acceptable hydrogeological risk assessment, the Environment Agency (EA) has objected to the application because the location of the development proposed represents an unacceptable risk to controlled waters. It is likely to result in a significant risk to groundwater resources from which supplies of potable water are obtained.

6.31 ii) Surface Water Drainage

The submission includes a flood risk assessment. Hertfordshire County Council (HCC) as the Local Lead Flood Authority have reviewed this document and conclude that the information provided does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. They have objected to the application.

6.32 iii) Land contamination

A contamination report has been submitted with the application which identifies a number potentially complete contaminant linkages that require further investigation and appropriate remediation. Appropriate conditions would therefore be required to secure a site remediation scheme in the event of planning permission being granted.

6.33 iv) Sustainability

An energy and sustainability statement has been submitted. This details a number of measures which would make the building more energy efficient, though it does dismiss measures such as ground source heat pump system and solar photovoltaic panels on the roof of the building which would make the development more sustainable. It is acknowledged, however, that a ground source heat pump system may be inappropriate given the potential for groundwater contamination and the objections of the Environment Agency.

6.34 v) Biodiversity

There are small areas of planting to the front of the building though there are no trees on the existing site. The proposed plan does propose new tree planting and green landscaping around the building. A suitable soft landscaping scheme could be required by condition.

7 Consultation responses received

7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment
Environment Agency	Refusal recommended due to unacceptable risk to controlled waters.
Hertfordshire County Council (Growth & Infrastructure)	No objection. CIL contributions noted.
Hertfordshire County Council (Highways Authority)	No objections. Conditions and informatives recommended.
Hertfordshire County Council (Lead Local Flood Authority)	Refusal recommended due to insufficient information.
Hertfordshire Constabulary Crime Prevention Design Service	No objection. Recommended Secured by Design principles.
Thames Water	No objection. Informatives recommended. Source Protection Zone and requirement for consultation with Environment Agency noted.

7.2 Internal Consultees

Name of Internal Consultee	Comment
Environmental Health	No objections. Conditions and informatives recommended in relation to potential contamination.
Housing	The Housing Service noted that the proposal would require affordable housing or a commuted sum.
Waste and Recycling	Satisfied with refuse facilities.

7.3 Interested Parties

Letters were sent to 81 properties in the surrounding area. 15 Responses were received in objection. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Overdevelopment	See paragraph 6.4 of the report which relates to scale and massing.
Lack of Affordable Housing	See paragraph 6.13 of the report which relates to affordable housing
Loss of light, outlook and privacy	See paragraph 6.15 of the report which relates to the impact on amenity of adjoining residential properties
Parking pressure and traffic	See paragraph 6.23 of the report which

impacts	relates to transport, parking and servicing
Flooding	See paragraph 6.28 of the report which relates to environmental considerations
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.

8 Recommendation

That planning permission be refused for the following reasons:

Reasons

1. The design of the proposal, by virtue of its appearance and interaction with the street scene is unsympathetic to the surrounding built environment failing to take the opportunity available to improve the character and quality of the historic setting opposite non designated heritage assets. As such the development would be contrary to paragraphs 127, 130 and 197 of the National Planning Policy Framework 2019, Policies SS1, UD1 and UD2 of the Watford Local Plan Core Strategy 2006-31 saved policy U15 of the Watford District Plan 2000.
2. The residential units, by virtue of their numerous obscure glazed windows, poor daylight levels, poor outlook and the failure to meet minimum space standards in terms of bedroom widths, fail to create high quality dwellings for future occupiers. As such the development would be contrary to paragraphs 127 and 130 of the National Planning Policy Framework 2019, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31, and the Residential Design Guide 2016.
3. The development makes no provision for affordable housing and fails to provide any justification for this. As such the development would be contrary to paragraphs 62 and 64 of the National Planning Policy Framework 2019 and Policy HS3 of the Watford Local Plan Core Strategy 2006-31.
4. The design of the proposal, by virtue of its proportions and fenestrations, would cause significant loss of light, sense of enclosure and loss of privacy to neighbouring residential dwellings within Crosfield Court and on Local Board Road. Such a loss of neighbouring amenity is contrary to paragraphs

127 and 130 of the National Planning Policy Framework 2019, Policies SS1 and UD1 of the Watford Local Plan Core Strategy 2006-31 and the Residential Design Guide 2016.

5. The development would result in significant additional on-street parking within Controlled Parking Zone F on Local Board Road which has limited on street parking. Without an appropriate Section 106 agreement or undertaking in place to exempt the future occupiers of the development from the entitlement to parking permits, the proposal would be contrary to paragraph 109 of the National Planning Policy Framework 2019 and saved policies T22 and T24 of the Watford District Plan 2000.

6. The development represents an unacceptable risk to controlled waters from which supplies of potable water are obtained. As such the development would be contrary to paragraphs 127 and 130 of the National Planning Policy Framework 2019, Policy SD2 of the Watford Local Plan Core Strategy 2006-31 and saved Policy SE28 of the Watford District Plan 2000.