

Committee date	Tuesday, 7 June 2022
Application reference	21/01575/VARM - 94-98 St Albans Road
Site address	
Proposal	Variation of Condition 2 (approved drawings), to amend the design of 4 buildings located south of Penn Road comprising Phase 1B, buildings S3 and S6 and Phase 1C, buildings S4 and S5, to create 53 additional dwellings, of planning permission 19/00507/FULM granted for - Hybrid planning application: comprising detailed planning application for the demolition of existing buildings and erection of Use Class C3 residential units and flexible commercial floorspace (Class E), public house and bar (sui generis), takeaway (sui generis), a new energy centre (sui generis) and associated car and cycle parking, landscaping including a new square and highway works including alterations to the existing access road. Outline planning application (all matters reserved except access) for the erection of a 2 form entry primary school (Class F) and nursery (Class E), associated car parking and landscaping (description as amended under planning ref. 21/01525/NONMAT).
Applicant	Berkeley Homes North East London Ltd
Agent	Miss Stefanie Mizen, JLL
Type of Application	Section 73 variation application
Reason for committee Item	Major application
Target decision date	17 January 2022 (extended to 20 May by agreement)
Statutory publicity	Public advertisement in Watford Observer and site notices
Case officer	Paul Baxter, paul.baxter@watford.gov.uk
Ward	Central

1. Recommendation

That planning permission be granted subject to a Deed of Variation or a Unilateral Undertaking, executed under s106 of the Town and Country Planning Act 1990 (as amended), and conditions, as set out in section 8 of the officer report (see Appendix 1).

2. Background

2.1 This application was considered by the Committee at its meeting on 17 May 2022 with an officer recommendation for approval. A vote on the officer

recommendation was lost by 4 votes to 5. No motion was proposed to refuse the application which was subsequently deferred. In the debate on the application, it was evident that the inclusion of 101 studio flats as part of the housing mix proposed was the main matter of concern.

2.2 Following the deferral of the application, further advice was sought from the Head of Democracy and Governance. She has sent an email to all members of the Development Management Committee setting out the matters members need to take account of when deciding planning applications. She has clarified that when making any decision, regard must be paid to the Development Plan and any other material considerations, including policies published by the Government such as the National Planning Policy Framework. Failure to have regard to the relevant local plan policies when taking a decision is likely to lead to an applicant, in the event that planning permission is refused, being able to successfully appeal the decision. In addition, in such circumstances, it is likely that they will be able to also make a successful claim for costs against the Council in having to contest the appeal. If the Committee are minded to refuse the application, it is imperative to have a substantiated, specific, precise and relevant reasons for refusal based on adopted local plan policy, unless valid material considerations suggest otherwise.

2.3 The relevant local plan policy in respect of housing mix is Policy HS2 of the Core Strategy. This policy states:

Housing Mix

The council will seek to reduce inequalities, create socially mixed communities with greater choice and a mix in size, type and location of housing to meet the needs of the whole of Watford's community. The Local Plan will assist in supporting Watford's Housing Strategy in this aim.

The council will seek the provision of a mix of housing types, sizes and tenures at a local level to meet the requirements of all sectors of the community.

This includes the provision of;

- *family sized units (especially houses) and*
- *smaller housing units and*
- *provision for those unable to compete financially in the housing market sector and*
- *those with special needs as informed by local evidence.*

.....

Higher density developments mainly including flats will be focused around the town centre and key strategic sites such as the Watford Junction and the

Health Campus Special Policy Areas, and to a limited extent around the area at the proposed station at Ascot Road.

- 2.4 It should be noted that the policy seeks to create socially mixed communities with greater choice and a housing mix to meet the needs of the whole of Watford's community. The policy specifically supports the provision of smaller housing units. The policy does not seek to limit the provision of any particular size or type of dwelling only that an appropriate mix be provided to meet the needs of the whole community.
- 2.5 The application remains unchanged to that considered by the committee on 17 May. Your officers remain of the view that the proposal provides an appropriate and acceptable mix of housing sizes in this highly sustainable location and is fully in accordance with Policy HS2.
- 2.6 Following the deferral of the application, further discussions were held with the applicant. They have resisted making any further changes to the proposal as they believe it is fully compliant with Policy HS2. They have also referred to the committee meeting on 14 March 2022 when approval was given for the development of 19-21 Clarendon Road providing 65 flats with a mix of studio, 1 bed, 2 bed and 3 bed flats. In this case, 18 of the flats were studios, equating to 28%, double the percentage of studio flats in the current proposal which proposes 101 studios out of a total of 703 flats, equating to 14%.
- 2.7 Further reference is also made to the West Hertfordshire Housing Needs Assessment which forms part of the evidence base for the emerging local plan. This does not differentiate between studio and 1 bed flats in terms of housing need but notes that there is low availability of studio apartments in the Watford area citing this as evidence of high demand for this type of 'flexible product'. The report also notes that there is likely to be a significant increase in the number of 1 person households over the next 10-15 years.
- 2.8 In conclusion, the officer recommendation for approval remains unchanged. The previous officer report is attached as Appendix 1.