

Committee date	Tuesday 6 December 2022
Application reference	22/00866/FULM – 252-272 Lower High Street Watford
Site address	WD17 2JJ
Proposal	Demolition of the existing building and hardstanding; and erection of 193 residential units, public realm and landscaping, parking and access, and all other associated works
Applicant	London Square
Agent	Planning Potential Ltd
Type of application	Full Planning Permission
Reason for committee item	Major Application
Target decision date	7 December 2022
Statutory publicity	Watford Observer, Site Notice and Neighbour Letters
Case officer	Chris Osgathorp chris.osgathorp@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 application site comprises the Glyn Hopkins car dealership located adjacent to the junction of Dalton Way and Lower High Street. It includes a showroom building and a large expanse of hard-surfacing for the display of vehicles.
- 2.2 There is a short street of residential and commercial properties immediately to the west of the site in Local Board Road, which includes Locally Listed buildings. Lower High Street consists of residential and commercial buildings of varied scale and appearance, including Locally Listed buildings to the east of the site at No. 253 and the Grade II* Listed Frogmore House to the south. Large format retail warehouses with substantial surface car parks are sited to the west and south.
- 2.3 There is a nearby telecommunications monopole and associated cabinets on the pavement in Dalton Way.
- 2.4 There are nearby bus stops in Dalton Way and Lower High Street, and Watford High Street Station is around 0.5km to the north – a walking time of about 5 minutes. National Cycle Route 6 runs along Dalton Way through to Local Board Road and Lower High Street. Having regard to the sustainable transport options and the range of shops of services available in the immediate vicinity,

this is considered to be an accessible location. Whilst the site itself is not within a Controlled Parking Zone, the properties to the north of are within Zone F.

- 2.5 The Environment Agency's Flood Map for Planning identifies the application site as being part within Zone 3a/Zone 2 in an area benefitting from flood defences. Furthermore, the site is within Source Protection Zone 1 – Inner Protection Zone, which is an area that requires additional protection from potential pollutants to safeguard drinking water abstraction sites. The application site has previously been used for potentially contaminative land uses.

3. Summary of the proposal

3.1 Proposal

- 3.2 The application proposes demolition of the car showroom building and hardstanding; and erection of 193 residential units, public realm and landscaping, parking and access, and other associated works.
- 3.3 The main building would be in a roughly L-shaped footprint with frontages facing Dalton Way and Lower High Street. A communal garden and parking area would be sited to the rear of the building and there would be a vehicular access from Lower High Street via an undercroft. 24 on-site parking spaces would be provided.
- 3.4 The main building would be of 9 storeys (including recessed top floor) at the corner facing the junction, and the wings on Dalton Way and Lower High Street would step down to a maximum of 7 storeys. There would be a lower 4 storey building adjacent to the junction with Local Board Road. A 'pocket park' would be sited between the main building and the lower building.

3.5 Conclusion

- 3.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Watford Local Plan 2021-2038 (the Local Plan) was adopted on 17 October 2022 and post-dates the National Planning Policy Framework (the Framework). The policies of the Local Plan therefore carry substantial weight.
- 3.7 The proposed development is classified as a taller building and so Policy QD6.5 of the Local Plan is engaged. As discussed in the report, the proposed development would not deliver outstanding design in terms of its massing, detailing and site layout. Furthermore, the massing and siting of the proposal would not provide an appropriate relationship and transition to the

surrounding context – including the adjacent modest scale Locally Listed Buildings in Local Board Road, which would be overwhelmed and dominated by the proposed development.

- 3.8 The internal layout of the proposed development includes a significant proportion of single-aspect units with double-banked corridors, which restricts opportunities for passive ventilation and good levels of light and outlook. The layout fails to achieve outstanding design quality in terms of daylight, sunlight, privacy, noise mitigation and design measures to mitigate solar gain and overheating. The single-aspect ground floor units facing Dalton Way would be particularly oppressive for future occupiers. The layout would not provide high quality living conditions for future occupiers and is therefore contrary to Policies QD6.4, QD6.5 and CC8.3 of the Local Plan.
- 3.9 Furthermore, the proposal would not provide an appropriate transition in scale and siting to the neighbouring residential properties adjacent to the site. In this regard, it would cause an unacceptable loss of daylight and sunlight to No. 251 Lower High Street and a significant loss of privacy to residential properties in Local Board Road. It therefore conflicts with Policies QD6.5(g) and CDA2.3(d) of the Local Plan and guidance contained in paragraphs 7.3.10 – 7.3.20 of the Watford Residential Design Guide.
- 3.10 The application provides insufficient information regarding improvements to pedestrian, cycling and bus infrastructure. In the absence of a Section 106 Agreement to secure improvements, the proposal fails to meet the objectives in the Watford Local Plan 2021-2038 to encourage a modal shift and greener travel patterns. Moreover, the significant increase in pedestrian and cycle journeys arising from the proposed development and the absence of necessary new infrastructure to support those journeys would cause unacceptable risk to highway safety. The proposal therefore conflicts with Policies CDA2.3, SS1.1, ST11.1, ST11.3, ST11.6 and IN10.3 of the Local Plan.
- 3.11 The siting of Block E adjoining Local Board Road would represent an unacceptable safety risk to users of the public highway and footway networks. The adjoining pavement, at around 0.5m wide, is very narrow and the siting of the proposed building hard against the highway boundary would make this an unsuitable route for all pedestrians. The doors serving the bin store and residential entrance swing outwards across the adjoining highway, which would cause unacceptable risks to highway users. There is also potential for bins to be stored on the pavement on collection day, which, due to the narrowness of the pavement, would cause obstruction on the pavement to

the detriment of the safety of highway users. The proposed development is therefore contrary to Policies SS1.1, ST11.3 and ST11.6 of the Local Plan.

- 3.12 The proposed flood compensation scheme contained within the submitted Flood Risk Assessment (the FRA) fails to demonstrate that it will be able to provide adequate flood storage to mitigate the proposed development. The development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding to Lower High Street and the surrounding area. The Environment Agency has therefore objected to the scheme. Furthermore, the application contains insufficient information to demonstrate compliance with parts (a) and (b) of the Exception Test in paragraph 164 of the National Planning Policy Framework and there are inconsistencies between the FRA and the proposed plans. The proposal is therefore contrary to Policy NE9.4 of the Watford Local Plan 2021-2038 and Chapter 14 of the National Planning Policy Framework.
- 3.13 The application site is within Source Protection Zone 1 and located upon a principal aquifer. The Environment Agency and Affinity Water object on the basis that inadequate information has been supplied to demonstrate that risks posed to ground water can be satisfactorily mitigated. Furthermore, no information has been submitted to show whether piled foundations would result in physical disturbance to the principal aquifer or whether the risks associated with this can be managed. The proposal therefore conflicts with Policies CC8.5 and NE9.4 of the Local Plan.
- 3.14 The application has failed to adequately demonstrate the impact of the proposed development on surface water and foul water drainage infrastructure and so Thames Water has been unable to assess the proposal. Furthermore, the Lead Local Flood Authority has objected, amongst other reasons, due to insufficient information within the submitted drainage strategy and drainage design. Given the large scale of the proposed development and the location of the site in a Source Protection Zone and area at risk of flooding, it is considered that this is a matter that should be addressed at planning application stage rather than through planning conditions. The proposal is therefore contrary to Policies CC8.5, IN10.2, NE9.1, NE9.4 and NE9.5 of the Local Plan.
- 3.15 Whilst the submitted Energy Statement indicates a 60% reduction in carbon emissions over Part L, it states that gas boilers would be used in the development. The use of fossil fuels would undermine the sustainability credentials of the scheme and the Local Plan's objectives for the borough to become carbon neutral. Furthermore, the absence of passive ventilation

strategies and design measures to minimise the risks of overheating weakens the proposal's sustainability. It is acknowledged that the accessible location of the development and the car-lite parking provision provides opportunities for the use of sustainable modes of transport. Nevertheless, in the absence of a s106 Agreement, the application fails to make necessary contributions towards improvements to pedestrian, cycle and bus infrastructure in the surroundings. This includes improvements to the adjacent road junction of Dalton Way and Lower High Street. As such, the proposal would not provide significant sustainability benefits sought by Policy QD6.5 of the Local Plan.

- 3.16 The 2021 Housing Delivery Test results published 14 January 2022 show that the Council has a measurement of 48% of homes delivered against its requirement over the previous 3 years, which amounts to a substantial shortfall. The proposal would make efficient use of previously development land and the provision of 193 dwellings would make a significant contribution towards addressing the shortfall in housing. The development would be in an accessible location and accord with the Council's spatial strategy to make effective use of sustainable transport modes.
- 3.17 However, the social benefits of additional housing would be limited by the absence of any affordable housing. The proposal would bring temporary economic benefit from the construction process, and the long-term economic benefit from the boost to local services from the new residents. There would also be environmental benefits through additional soft landscaping, enhanced biodiversity and the removal of advertising hoardings. The provision of a pocket park would provide some social and environmental benefit, however this would be heavily overshadowed by the adjacent buildings, which would harm the quality of the space.
- 3.18 Policy QD6.5 sets out that proposal should clearly demonstrate significant public benefits that the development will provide, setting out why these would not be achievable as part of a development restricted to the base building height. The benefits set out above could be provided as part of a development restricted to base build height and, aside from increased housing numbers, it has not been clearly demonstrated what the additional benefits of a taller building are in this location. In this regard, the proposal is contrary to Policy QD6.5.
- 3.19 The benefits would be outweighed by the conflict with development plan policies and so the proposed development conflicts with the development plan as a whole. In accordance with paragraph 11d)i) of the National Planning Policy Framework, the application of policies relating to flood risk (footnote 7)

provide a clear reason for refusing the development. As such, the so called 'tilted balance' in paragraph 11 d)ii) of the Framework is not engaged. Consequently, there are no other considerations that outweigh the conflict with the development plan.

4. Relevant policies

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

4.2 Paragraph 11 d) of the National Planning Policy Framework establishes the 'presumption in favour of sustainable development', which applies where a local planning authority cannot demonstrate a 5 year housing supply or has failed to deliver at least 75% of their housing requirement as part of the Housing Delivery Test. The Council scored below 75% in the most recent Housing Delivery Test results, therefore paragraph 11d) applies. This means granting planning permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5. Relevant site history/background information

5.1 21/01612/PREAP6 - Planning Performance Agreement for proposed redevelopment of the site to provide circa 210 residential units and associated access and landscaping.

The Council has issued 3 Advice Notes in relation to previous iterations of the scheme. The last was issued on 16 May 2022. Also, an iteration was considered at the Place Shaping Panel on 8 March 2022. A subsequent Chair's Review was not carried out. The Place Shaping Panel report is available to view in Appendix 1.

The Place Shaping Panel Report is summarised as follows:

- The designs do not yet demonstrate the outstanding design quality required to justify the proposed heights.

- Further consideration of the site plan is required to ensure that the development relates positively to anticipated developments in the area, for which it will set a benchmark.
- A clear typological approach should be resolved for the blocks which may lead to changes to massing.
- The 2 frontages on Dalton Way and Lower High Street should be treated differently in response to different conditions.
- More active frontage created on Lower High Street, including commercial if possible.
- Stronger corner design required for Block B.
- Quality of courtyard amenity space is questioned, which risks being overshadowed and dominated by hard-surfacing and vehicles.
- The public realm should do more to demonstrate significant public benefit.
- The development must develop a positive relationship with the adjoining Pump House Theatre, and opportunities to provide it with outdoor space and frontage should be discussed.
- The quality of residential units should be outstanding, but the proportion of single aspect units is too high and also questions the lack of true dual aspect properties.
- Further thinking required on the proximity of balconies.
- Options other than a plinth should be revisited to address flood risk, including duplex units on Dalton Way.
- The development must demonstrate significant environmental benefits, and a comprehensive sustainability plan is required to make this case.

In consideration of a subsequent iteration, the officers' Advice Note of 16 May raised concerns that various matters raised by the Place Shaping Panel have not been addressed. Comments were made that the proposal would be seen as one large mass of a building, which would appear bulky and monotonous. It would not achieve the outstanding design sought by Policy QD6.5. Concerns were raised about inactive frontages at ground floor and the quality of outdoor spaces. Furthermore, the scheme did not address the high proportion of single-aspect units, which can result in issues relating to cross-ventilation and quality of the residential accommodation. Issues relating to privacy, noise and pollution need to be addressed. It was noted that the scheme may need to resolve the close proximity of an existing telecommunications mast, which may need to be re-located to accommodate the development.

It was concluded that the quantum of development contributes to issues relating to townscape, place-making and quality of the living environment. The height of the building had not been justified having regard to taller building policy QD6.5.

6. Main considerations

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

- (a) Principle of residential development;
- (b) Whether the proposal would constitute outstanding design quality in terms of architecture, distinctiveness and its relationship to site context;
- (c) The effect of the proposed development on the setting of the Grade II* listed Frogmore House;
- (d) Whether the proposal would constitute outstanding design quality in terms of layout, with particular regard to the quality of the living environment;
- (e) Whether the proposal would provide an acceptable housing mix/tenure;
- (f) The effect of the proposal on the living conditions of neighbouring properties;
- (g) Access, parking and transport matters;
- (h) The effect of the proposal on flood risk;
- (i) Whether the risks posed by land contamination would be adequately mitigated;
- (j) Whether the proposal makes satisfactory provision for surface water and foul water drainage;
- (k) The effect of the nearby telecommunications equipment in Dalton Way;
- (l) Whether the proposal would provide significant public benefits which would not be achievable as part of a development restricted to base build height; and,
- (m) Whether the proposal would provide significant sustainability benefits.

6.2 (a) Principle of residential development

The application site is located within the Colne Valley Strategic Development Area (the Colne Valley SDA). Policy CDA2.3 of the Local Plan sets out strategic objectives for the wider area, and identifies that the Colne Valley SDA is

designated to facilitate transformative and co-ordinated change around the River Colne and Lower High Street Area, producing a sustainable and mixed-use urban quarter of high quality design and place making, excellent connectivity and a diverse range of uses.

- 6.3 Amongst other things, the Policy states that proposals will be expected to contribute towards the co-ordinated delivery of development, infrastructure and improvements to the public realm. Furthermore, in locations adjacent to existing residential areas, new development should be designed to minimise the potential impact on these areas by providing a transition in built form between the existing homes and higher-density development.
- 6.4 At a site-specific level, the application site forms Housing Allocation HS22 of the Local Plan, which identifies the site as suitable for residential development and outlines an indicative yield of 110 units. It states that development proposals should:
- (a) Support the wider objectives of the Colne Valley Strategic Development Area;
 - (b) Future development at HS22 will take into account the findings and recommendations of the Council's Heritage Impact Assessment;
 - (c) Future development must demonstrate that any negative impacts on the significance of the designated and non-designated heritage assets, and their setting, identified in the Heritage Impact Assessment have been avoided and if this is not possible, minimised through appropriate masterplan design;
 - (d) Specific mitigation measures will be identified through the preparation of a further detailed Heritage Impact Assessment for the site, to be submitted prior to the determination of any application;
 - (e) Ensure that the scheme is designed to minimise impacts on the low level residential dwellings located to the west of the site;
 - (f) Demonstrate that safe access has been provided on the site;
 - (g) Consider how the scheme contributes to the pedestrian and cyclist experience in the area and retain the footpaths adjacent;
 - (h) Be informed by a site specific Flood Risk Assessment and Surface Water Drainage Strategy as the site is in Flood Zone 2 and 3a, and is also subject to groundwater and surface water flood risk;
 - (i) Take account of the potential impact on water and wastewater infrastructure in conjunction with Thames Water, and make provision for upgrades where required due to the scale of the new dwellings to be provided; and
 - (j) Take account of the potential risk of contamination on site.

6.5 Figure 6.3 of the Local Plan identifies the Base Building Height in the Colne Valley SDA as being up to 6 storeys. The proposed development would be above this height and is therefore classified as a taller building. Policy QD6.5 of the Local Plan states that proposals for taller buildings should clearly demonstrate:

- a) Outstanding design quality, including height, massing, proportion, materials, detailing, site layout and its relationship with the surrounding area, which set it apart in terms of quality and distinctiveness, and which positively contribute towards the context and character of the area;
- b) Significant public benefits that the development will provide, clearly setting out why these would not be achievable as part of a development restricted to the base building height;
- c) Significant sustainability benefits including the building design, construction, operation and connections to the surrounding area;
- d) A clear townscape rationale for the specific siting of taller buildings, marking key locations or nodes, and responding to public transport accessibility and activity;
- e) A positive relationship with relevant heritage assets and their setting and the historic character that contributes to the town's distinctiveness;
- f) A desire to achieve a specific skyline shape or cluster having regard to Skyline: Watford's Approach to Tall Buildings Supplementary Planning Document;
- g) That proposals have been designed to avoid harmful impacts on daylight, sunlight, wind conditions, overheating and microclimate, including the provision of appropriate mitigation where required;
- h) That appropriate amenity and play spaces are incorporated to a high standard for all residents;
- i) That the setting of the development will not be dominated by car parking as a result of the higher density. In this context, a car-lite approach should be taken, where this would be an appropriate response to higher local public transport accessibility; and
- j) A balanced and comprehensive approach to servicing to avoid impact on local streets and spaces.

6.6 The proposal would provide residential development on an allocated housing site and is therefore acceptable in principle. The main issues set out in the report draw upon the above matters identified in the Local Plan.

6.7 (b) Whether the proposal would constitute outstanding design quality in terms of architecture, distinctiveness and its relationship to site context

The buildings to the north/west of the application site in Local Board Road and Lower High Street display variation in scale and appearance, and are typically of 2 or 3 storeys. There are exceptions to this, including the 4 storey block of flats at Crosfield Court. The residential/commercial buildings on the western side of Lower High Street – identified in pink on page 19 of the Design & Access Statement – have a fairly tight urban grain of buildings on modest plots, which gives a strong and legible character to the street scene. Large format retail warehouses with substantial surface car parks are sited to the west and south – as identified in blue on page 19 of the D & A Statement. This form of development has resulted in a much looser grain with poor definition to the street frontages and a car-dominated environment.

6.8 The redevelopment of the application site presents an opportunity to improve the street structure at a prominent location and provide a more active and legible route towards the town centre. In doing so, development should respect and respond to the surrounding context. There is also an opportunity to improve the public realm and replace the existing large areas of hardstanding with soft landscaping.

6.9 The main block of the proposed development would be in an L-shaped footprint with residential frontages facing Dalton Way and Lower High Street. The general principle of this footprint is acceptable because it enables a stronger streetscape to be provided with a quieter communal garden rear. Nevertheless, the scale and appearance of the proposed development and its effect on the townscape is considered in more detail below.

6.10 The main building would be of 9 storeys at the corner facing the junction, and the wings on Dalton Way and Lower High Street would step down to a maximum of 7 storeys. There would be a lower 4 storey building adjacent to the junction with Local Board Road. This includes a recessed top floor for the main building and the lower block. A ‘pocket park’ would be sited between the main building and the lower building.

6.11 The elevations of the main block are articulated through projecting bays that include balconies to the sides. The recessed top floor in contrasting dark brick is proposed as a means to break down the massing of the building. The Design & Access Statement explains that the detailing of the Lower High Street

elevation has sought to take some cues from the surrounding context through the use of red brickwork, white horizontal banding and cills, and metalwork to the balconies. It sets out that the vertical piers provides a more formal, civic façade. The Dalton Way elevation adopts a similar approach, however the external walls are finished in buff brickwork and the horizontal banding is less perceptible. The D & A Statement comments that this elevation has a less formal and softer character. The lower block adjacent to Local Board Road would employ a similar approach, albeit at a smaller scale and without projecting bays.

- 6.12 Whilst the architecture has sought to break down the massing through projecting bays and a recessed top floor, it is considered that the main block would appear overly bulky. A taller element on the corner adjacent to the road junction could be an acceptable approach to enable wayfinding and act as a nodal point at this busy intersection. Nevertheless, the tallest element of the building along Lower High Street would have a particularly boxy form due to the lack of step down in height. The massing and proposed materials would create a heavy and monolithic presence in Lower High Street. Furthermore, although the detailing has sought to reflect the horizontal banding and brick detailing of other buildings in the vicinity, this approach on such a large building results in a horizontal emphasis which draws attention to the significant bulk of the building. As such, it is not considered that the arrangement of massing and use of materials provides a building of outstanding design quality.
- 6.13 The Place Shaping Panel suggested that a decision on the development typology could involve either breaking the massing down further in smaller buildings, or connecting individual buildings to form a single perimeter block. The proposal does not respond satisfactorily to this advice as it would have the appearance of a substantial building, which would not have sufficient visual interest through variation in form and detailing. In this way, the elevations would appear rather monotonous and would not provide an adequate response to the finer grain development to the north/west.
- 6.14 There would be a pinch point to the northern end of the main block, which arises due to the tapering of the site and the significant depth of the proposed building. At this point, the corners of the building would be very close to Lower High Street and the boundary with the properties in Local Board Road. This creates a cramped feel and an uncomfortable relationship to Lower High Street. From the north, the considerable depth of the building would be conspicuous and this would give a sense of the substantial scale and bulk of

the proposed development and its incongruous relationship to the surrounding context.

- 6.15 The main block would come close to the modest scale Locally Listed Buildings in Local Board Road at a substantially greater scale, which would overwhelm and dominate the neighbouring buildings. Also, the 4 storey scale of the lower block would jar with the more modest scale and proportions of the Locally Listed buildings, and its siting hard against the narrow pavement would be overbearing in Local Board Road and result in an unduly prominent relationship to the Locally Listed buildings. The massing and siting of the proposal therefore would not provide an appropriate relationship and transition to the surrounding context.
- 6.16 The ground floor on Dalton Way would be raised 1.3m above pavement level as a means to mitigate the risk of flooding. This would result in the ground floor windows being at a high level above a plinth and so at pedestrian level, the frontage is defensive and does not promote activity. There would also only be one residential entrance on this elevation and a long section of blank wall which further undermines the activity of the elevation. Whilst it is acknowledged that this is a challenging site due to its location close to busy main roads and an area at risk of flooding, the poor relationship to the pedestrian environment is an additional negative aspect of the proposal that weighs against the scheme. It is not considered that alternative options for the approach to the ground floor have been fully explored, including commercial or community uses. Furthermore, limited information of the public realm on this frontage has been provided and so the quality has not been fully demonstrated.
- 6.17 Regarding the outdoor space to the rear of the building, whilst the proposal has sought to use landscaping measures to mitigate the impact of the parking area, the large proportion of space given over to the parking and manoeuvring would nevertheless undermine the quality of the external space. The Place Shaping Panel raised concerns that the courtyard would be dominated by parking and it is not considered that this matter has been resolved.
- 6.18 For the above reasons, the proposed development fails to achieve outstanding design quality in terms of architecture, distinctiveness and its relationship to site context. The proposal therefore conflicts with Policy QD6.5 of the Watford Local Plan.
- 6.19 (c) The effect of the proposal on the setting of Frogmore House

In considering proposals for planning permission, the duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1980

requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 193 of the Framework states that “great weight should be given to the [designated heritage] asset’s conservation”.

- 6.20 Frogmore House is a Grade II* listed building, which was constructed in 1716 in the early Georgian period. The building is of 3 storeys constructed in red brick, and has a hipped plain tile roof behind a parapet. The Official Listing notes that the building has a four window range to the road, and a formal 5 window south front. The windows are 19th Century sash windows. The road front has moulded wood eaves cornice, blank openings to the left bay of the ground floor and 2 left bays above. The Official Listing notes that the building has a fine doorcase with fluted pilasters on panels set against a channelled rusticated surround. The northern elevation consists of a rendered wall.
- 6.21 The submitted Heritage Assessment notes that Frogmore House has a high level of architectural significance and was designed in a restrained classical style with balanced proportions typical of the early Georgian period. This is agreed. It is evident that the main architectural interest of the building relates to the southern elevation and the western road-facing elevation as this provides the main visual and decorative interest. The northern elevation provides less interest as it consists of a rendered wall and the windows are of different size and style, and do not reflect the strong order of typical Georgian architecture. The building was subject to restoration works, which were granted consent in November 2017 under Ref. 17/00594/LBC. This included works to the building and improvements to landscaping and boundary treatment within its setting.
- 6.22 The setting of the building has changed significantly since its original construction and is urban in character – including large retail warehouses and busy main roads. The application site forms part of this urban setting. Having regard to the siting of Frogmore House in the streetscape, it is considered that its significance is most understood from within the walled garden and in short-range views in Dalton Way and Lower High Street. This is particularly so in views from the south, where the architectural composition of the building can be appreciated.
- 6.23 The proposed development would be most noticeable in the setting of Frogmore House in views from the south in Lower High Street, where the tallest element of the building would represent a nodal feature and signpost the route towards the town centre. The proposal would be of a significantly greater scale than the listed building, however it is not considered that it would appear dominant or overbearing in the setting due to its location on

the opposite side of a busy road intersection. Whilst the proposal would not represent outstanding design quality, it sits within the existing urban setting and would not unduly compete with the listed building in views from the south or harm the appreciation of the significance of the building.

- 6.24 The proposed development may restrict some views of the listed building from the north in Lower High Street, however this relates to the rendered northern elevation of the listed building, which is considered to be of less significance. In this respect, it is not considered that the proposal would be harmful to the setting of the listed building.
- 6.25 For the above reasons, the proposed development would preserve the setting of the Grade II* Listed Frogmore House. The proposal therefore complies with Policy HE7.1 and HE7.2 of the Local Plan.
- 6.26 (d) Whether the proposal would constitute outstanding design quality in terms of layout, including living environment and public realm

The proposed floor plans demonstrate general compliance with the Technical Housing Standards – Nationally Described Space Standard (the NDSS) in terms of the gross internal floor areas, built-in storage and bedroom sizes. Furthermore, the cross-section drawings show that the flats would have a minimum floor to ceiling height of at least 2.4m, which accords with the NDSS. There are some labelling errors on the plans – for example on drawing Nos. D2101_CD Rev 02 and D2105_CD Rev 02, flats D.1.5, D.1.6, D.5.5 and D.5.6 are incorrectly labelled as 2 bed 4 person units when they are in fact 1 bed 2 person flats. However, this is not material to the assessment of the layout.

- 6.27 The internal layout includes a significant proportion of single-aspect units (30%) with double-banked corridors, which restricts opportunities for passive ventilation and good levels of light and outlook. Furthermore, most of the units indicated as being dual-aspect are not considered to be true dual-aspect units as side windows are created through small steps in the frontage. This was a point that was referenced by the Place Shaping Panel. There is little information to demonstrate that this would provide benefits of cross-ventilation associated with true dual-aspects properties. The submitted Daylight & Sunlight Assessment¹ shows that many flats would receive inadequate levels of daylight and sunlight, which appears to be partly due to the significant proportion of single-aspect units and the deep and narrow layout of some of the flats.

¹ Prepared by Anstey Horne Ref: RC/EK/ROL00623 Dated May 2022

- 6.28 The Daylight & Sunlight Assessment has been carried out using the widely recognised methodology in the Building Research Establishment Guidance² (the BRE Guidance). It indicates that only 63% of the living/kitchen/dining rooms achieve the 2% guide for Average Daylight Factor (ADF) – a means of testing daylighting to habitable rooms. Furthermore, 13.9% would not even achieve 1.5% ADF. Moreover, the Daylight & Sunlight Assessment shows that only 258 of the 493 habitable rooms (52%) face within 90 degrees of due south. Of the windows that do face within 90 degrees of due south, only 75% receive the BRE Guidance for annual probable sunlight hours (APSH). These results are not indicative of an outstanding layout.
- 6.29 Furthermore, the proximity of the windows and balconies within the recessed bays on the front elevations would result in close inter-visibility between the proposed flats, which would compromise privacy for future occupiers.
- 6.30 Paragraph 150 of the National Design Guide states that well-designed buildings make the most of passive design strategies to minimise overheating and achieve internal comfort. These include: the layout and aspect of internal spaces; insulation of the external envelope and thermal mass; management of solar gain; and good ventilation to reduce overheating. They are supported by other measures where necessary, such as mechanical ventilation. Paragraph 8.14 of the Local Plan highlights that smart design, such as dual aspect windows, passive ventilation and the incorporation of cooling measures are important to prevent overheating and avoid health risks. Use of traditional, energy dependent, cooling systems is not appropriate.
- 6.31 The application does not adequately demonstrate how it has made the most of passive design strategies to minimise overheating. In particular, the development includes a large proportion of single-aspect units, which limits the opportunities for cross-ventilation. The south-west facing single-aspect units would be particularly susceptible to overheating and represents poor layout. The Energy Statement says that all noise affected units in Dalton Way and Lower High Street would have MVHR mechanical ventilation. Reliance on mechanical ventilation for a large proportion of the units in the development is not considered to constitute outstanding design. Furthermore, there is little information regarding the management of solar gain – for example solar shading that keeps summer sun out but lets the winter sun shine into the building, or use of different window sizes and designs.
- 6.32 The Environmental Health department has raised concerns regarding the contents of the submitted Noise Assessment, which amongst other things,

² Site Layout Planning for Daylight and Sunlight: A guide to good practice (Second Edition, 2011)

includes the survey methodology, modelling and lack of information on property design features to mitigate noise (aside from standard measures such as glazing specifications). Development proposals should separate new noise-sensitive development from major noise sources (including roads) through good layout and design (including use of distance, screening, orientation, uses and materials) rather than sole reliance on sound insulation.

- 6.33 It is not considered that single-aspect ground floor units close to busy main roads constitutes outstanding design and little justification or mitigation has been provided. It is noted that the ground floor units would be raised, however this would not provide adequate mitigation. Furthermore, whilst it is noted that high glazing performance could provide some attenuation, residents would have a reasonable expectation to be able to open windows and the subsequent exposure to high noise levels is unacceptable.
- 6.34 Furthermore, there would be poor quality outlook from the single-aspect ground floor units close to main roads. The lack of an outlook towards a private, landscaped space would undermine the quality of these units. As such, the combined effect of the single-aspect layout, outlook onto busy roads and impacts of noise would result in oppressive living conditions for residents. In this regard, the proposal has not addressed the comments of the Place Shaping Panel.
- 6.35 The nearby Pump House theatre in Local Board Road is a potential source of noise due to performances and outdoor functions. This may be particularly noticeable in the evenings due to quieter background noise levels. The Noise Assessment fails to consider the impact of noise from the Pump House theatre on the proposed residential units and any attenuation measures that may be required.
- 6.36 The habitable windows of the ground floor unit labelled E.G.1 in Block E would adjoin the site boundaries, including the narrow pavement in Local Board Road. This is a cramped layout and would result in substandard privacy and outlook for future residents. Furthermore, there would be little defensible space for the habitable windows serving unit E.G.2 adjacent to the pocket park.
- 6.37 The Daylight and Sunlight assessment shows that a large proportion of the new 'pocket park' would experience significant overshadowing, which would undermine the quality and attractiveness of this space. This is due to the enclosure of the space by existing and proposed buildings and its siting directly to the north of the main block.

6.38 Taken in the round, the above factors indicate that the layout of the proposed development would fail to achieve high quality living conditions for future occupiers and therefore would not demonstrate outstanding design, as sought by Policy QD6.5 of the emerging Local Plan.

6.39 (e) Housing mix/tenure

The application shows that 39% of the proposed units would be 1-bed; 53% 2-bed; and 8% 3-bed. The 3-bed allocation falls short of the minimum provision of 20% for family-sized units as set out in Policy HO3.2 of the Local Plan.

Nevertheless, pre-application discussions were undertaken regarding this site some time before the adoption of the Local Plan and officers had indicated that a similar housing mix would be acceptable. At the time of pre-application discussions, it was not certain that the Local Plan Inspector would find the 20% provision for family units to be sound. In these circumstances, it is not considered reasonable to object to the proposed housing mix.

6.40 A financial viability appraisal (FVA) was submitted with the application, which sets out that the proposed development has a deficit of £7,223,238 against a benchmark land value of £4,290,000 with no affordable units. The Council requested to see a copy of the existing lease for the car showroom to verify the rental value of £235,000 indicated in the FVA, however the applicant declined to provide this on the basis that it is confidential information. This is not considered to be an acceptable response and so the benchmark land value is not agreed. As such, it has not been demonstrated that the proposal cannot viably provide affordable housing in accordance with the provision and tenure mix set out in Policy HO3.3 of the Local Plan, and a s106 Agreement has not been completed to include a late-stage review mechanism – contrary to Policy HO3.3.

6.41 On 27 October the applicant subsequently e-mailed a formal offer of 90 affordable rented units (46% of total units) at a discounted rent of 66.4% of market value to be secured by a s106 Agreement. The Housing department advise that a mix of affordable rented and shared ownership does not meet the Borough's housing needs. This is because Affordable Rents are not affordable for the majority of households on the housing register – due to high market values. Policy HO3.3 of the Local Plan states that 60% of affordable units should be social rented and seek to prioritise family-sized accommodation – this is to meet the housing needs of the community. The affordable housing offer conflicts with the tenure mix in Policy HO3.3. Furthermore, a s106 Agreement has not been completed to secure the

affordable rented units and so this consideration provides no weight in favour of the proposal.

6.42 (f) Living conditions of neighbouring properties

The BRE Guidance says that diffuse daylighting of the existing building may be adversely affected if i) the Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value [the VSC test]; or ii) the area of the working plane in a room which will have a direct view of the sky is reduced to less than 0.8 times its former value [the Daylight Distribution test]. The 0.8 figure effectively means a reduction in daylight of 20% or more.

6.43 The VSC test results in the Daylight & Sunlight assessment show a noticeable loss of daylight to 3 habitable windows at Nos. 1, 2 and 4a Local Board Road. Furthermore, there would be a noticeable reduction in daylight distribution to 4 habitable rooms at Nos 2, 3 and 4a. Of greatest concern is the effect of the proposal on the first floor flat at 251 Lower High Street, which would experience significant reductions in both daylight and sunlight.

6.44 The VSC test shows that only 2 of the 8 windows at No. 251 Lower High Street adhere to BRE Guidance. The non-conforming bedroom and living room windows have VSC values ranging between 8.05% and 18.95% and retain 0.37 to 0.54 times their former value. This amounts to a substantial reduction in the level of daylight received by the windows.

6.45 Regarding daylight distribution, only 1 (the kitchen) of the 4 rooms assessed adhere to the BRE Guidance. The non-conforming rooms retain between 0.41 and 0.58 their former value, and have visible sky access to at least 40% of the room areas. The living room retains visible sky to 48% of the room area.

6.46 In respect of sunlight, the BRE Guidance sets out that if a main living room window faces within 90 degrees of due south, sunlighting may be adversely affected if the centre of the window: i) receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of APSH between 21 September and 21 March, and ii) receives less than 0.8 times its former sunlight hours during either period, and iii) has a reduction in sunlight received over the whole year greater than 4% of annual probably sunlight hours.

6.47 The assessed rooms at No. 251 are all below the BRE Guidance for both annual and winter APSH. For annual APSH, the rooms have absolute values ranging between 16% and 24% and retain between 0.38 and 0.46 times their former values. For winter APSH, the rooms have values ranging between 0%

and 3% and retain between 0 and 0.18 times their former value. The reduction for all windows would also be greater than 4% of APSH. In particular, the living room would have a reduction in winter APSH from 17% as existing to just 3% as proposed.

- 6.48 The Daylight & Sunlight Assessment justifies the results on the basis that they are representative of levels that one may consider appropriate to set as an alternative target value in this location which is identified as a strategic development area. It also refers to a comparison with an alternative 6 storey massing. However, no information regarding the alternative massing is shown. The Daylight and Sunlight Report indicates that the results would not be significantly worse than a 6 storey alternative, however it would nevertheless cause an additional impact. Furthermore, the Base Build Height in the Colne Valley area is up to 6 storeys and so an appropriate height will depend on various factors, including the effect on surrounding properties. As such, 6 storeys is not the starting point.
- 6.49 It is accepted that it is a matter of planning judgement as to whether the loss of daylight and sunlight is acceptable. Whilst redevelopment of the site to provide higher density development may have some impact on the neighbouring windows, it is considered that the results are unacceptably poor and is indicative of the scheme failing to respect the surrounding context. This matter therefore weighs against the scheme.
- 6.50 Several habitable windows in the south-western elevation of the main block would be within 11m of the boundary with the properties in Local Board Road, which conflicts with the guidance in Section 7.3.16 of the Watford Residential Design Guide. This would result in unacceptable overlooking of neighbouring gardens. There would also be overlooking from the balconies of the northernmost flats of the main block into the gardens.
- 6.51 The windows are also within the 27.5m privacy arc measured from the neighbouring rear windows (see Section 7.3.16 of the RDG), which would cause overlooking of habitable rooms to the detriment of the privacy of neighbouring occupiers.
- 6.52 The windows in the side elevation of the lower block facing Local Board Road would need to be obscure glass and fixed closed below 1.7m in order to protect the privacy of No .1 Local Board Road. The balconies of this block would cause direct overlooking into the neighbouring garden given their close proximity to the boundary and elevated position.
- 6.53 For the above reasons, the proposal would cause an unacceptable loss of daylight and sunlight to No. 251 Lower High Street and a significant loss of

privacy to neighbouring residential properties in Local Board Road. It therefore conflicts with Policies QD6.5(g) and CDA2.3(d) of the Watford Local Plan.

6.54 (g) Access, parking and transport matters

Strategic Policy SS1.1 of the Local Plan states that proposals will contribute towards a modal shift, greener travel patterns and minimising the impact on the environment. Pedestrian, cycling and passenger transport will be prioritised. Policy QD6.5 (j) states that the setting of the development should not be dominated by car parking as a result of the higher density. In this context, a car-lite approach should be taken, where this would be an appropriate response to higher local public transport accessibility. Policy ST11.3 states that in the Colne Valley SDA, developments should expect that their transport needs are met primarily by sustainable transport objectives, and as such should be car-lite. Lower High Street should serve primarily as a sustainable travel corridor, with high quality direct pedestrian access from sites. The provision of an internal travel network that is highly permeable to those who wish to walk or cycle, with direct, high quality links and low traffic streets should be ensured.

6.55 Due to the accessible location of the application site within the Colne Valley SDA, a car-lite approach should be taken. In accordance with the objectives in the Local Plan to encourage a modal shift, the development should support journeys by walking, cycling or passenger transport rather than by car. Given the dominance of the on-site parking area, as discussed above, a further reduction in on-site parking spaces would be encouraged.

6.56 Whilst the site itself is not within a Controlled Parking Zone, the properties to the north of are within Zone F. This restricts parking to permit holders only Monday – Saturday 8am – 6.30pm plus 6pm – 10pm Weekday Matches and 1pm – 6.30pm Sunday Matches. Future occupants of the proposed development would not be entitled to permits within Zone F, and the restriction hours would make it impractical to own a car and park in surrounding residential streets. Furthermore, Dalton Way, Lower High Street and Waterfields Way are principal roads with parking restrictions through double yellow lines. As such, having regard to the existing parking restrictions in the vicinity and the significant distance to streets with un-restricted parking, it is not considered that the proposed development would generate significant overspill parking in surrounding area. The limited parking availability would provide opportunities for the use of sustainable transport modes and support the objectives in the Local Plan.

- 6.57 Given the Local Plan objectives to encourage a modal shift towards sustainable transport patterns, and the expected uplift in pedestrian and cycle movements – as shown in the Transport Assessment, it is necessary that infrastructure is improved to support these journeys. In this regard, the Highway Authority notes that the Lower High Street/Dalton Way junction is convoluted for pedestrians due to the numerous guardrails and crossing stages not falling on desire lines to local facilities. For cycles, the current southbound cycle bypass layout is outdated and provides priority to vehicles. The layout is unsuitable for all types of cycle and intimidates cycle users due to potential conflicts between cycles/vehicles and pedestrians. The Highway Authority comments that the junction has therefore been identified as a severe risk following the anticipated increases in pedestrian and cycle trips and the proximity of the site to the junction.
- 6.58 As such, improvement works to be carried out by the applicant under s278 works or a financial contribution are necessary – which would go towards Safety Scheme 2 identified in Section 7.2 of the draft Infrastructure Delivery Plan January 2021. In the absence of a s106 Agreement to secure improvements to the junction, the proposal would have an unacceptable impact on highway safety and conflict with the sustainable transport objectives in the Local Plan.
- 6.59 The Highway Authority comments that the proposed site access and Local Board Road bellmouth need to be redesigned to provide pedestrian and cycle priority. This should be in the form of a continuous footway/cycleway crossover or a Copenhagen Crossing. Furthermore, the Highway Authority states that in order to provide a safe and suitable access for cycles, whilst avoiding conflicts with pedestrians, a cycle route should be provided around the front of the building and designed in line with the widths and materials contained in LTN 1/20 Cycle Infrastructure Design³. This sets out a minimum width of 3m for shared use routes.
- 6.60 The proposed ground floor plan indicates new paved surfacing and trees to the Dalton Way and Lower High Street pavements. Nevertheless, there is limited information in the Transport Assessment regarding the design of these public realm works. Furthermore, there are few details to assess the potential pinch points, including the obstruction caused by the existing telecommunications equipment. Some sections of the route – particularly along Dalton Way – are less than 3m wide, which could cause conflicts between pedestrians and cyclists and make use of the route less comfortable.

³ Local Transport Note 1/20 published by the Department for Transport July 2020.

The Highway Authority also requests that the trees along Lower High Street should be re-sited closer to the highway to increase the area of cycling.

- 6.61 Regarding bus infrastructure, the Highway Authority notes that the closest southbound bus stop to the site is on Lower High Street. Currently, no real time information boards are provided and so to encourage bus trips a financial contribution is sought to provide a real time information board.
- 6.62 The contents of the applicant's Travel Plan are noted, however due to the insufficient information regarding improvements to pedestrian, cycling and bus infrastructure, and the absence of a Section 106 Agreement to secure improvements, the proposal fails to meet the objectives in the Local Plan to encourage a modal shift and greener travel patterns. Moreover, the increase in pedestrian and cycle journeys arising from the development and the absence of appropriate infrastructure to support those journeys would cause unacceptable risk to highway safety. The proposed development is therefore contrary to Policies SS1.1, ST11.3 and ST11.6 of the Local Plan.
- 6.63 The Highways Authority comments that Block E is too close to Local Board Road and represents severe safety risks to users of the public highway and footway networks. The adjoining pavement, at around 0.5m wide, is very narrow and the siting of the proposed building hard against the highway boundary would make this an unsuitable route for all pedestrians. For these reasons, the layout of the proposal pays little regard to the quality of pedestrian infrastructure. Furthermore, the doors serving the bin store and residential entrance swing outwards across the adjoining highway, which would cause unacceptable risks to highway users. There is also potential for bins to be stored on the pavement on collection day, which, due to the narrowness of the pavement, would cause obstruction on the pavement to the detriment of the safety of highway users. The proposed development is therefore contrary to Policies SS1.1, ST11.3 and ST11.6 of the Local Plan.
- 6.64 Vehicular access to the site would be from Lower High Street. There would be 9 parking spaces in the undercroft area and 15 parking spaces on the hard-surfacing in the rear courtyard, which includes 10 disabled parking spaces. Refuse stores would be accessed from the rear of the building. The submitted Operational Waste Management Strategy sets out that refuse collection vehicles would approach the site from the north and enter in forward gear. Bins would be collected from the rear parking area, and collection vehicles would turn within the site and exit the site in forward gear. The Highway Authority has raised no concerns regarding the turning diagrams for a 10m rigid vehicle. Nevertheless, officers are concerned that the large gates within

the undercroft are indicated to open outwards, which could prevent collection vehicles pulling fully off the highway while gates are opened and therefore lead to obstruction. This is a matter that would need to be addressed through a planning condition.

- 6.65 The submitted Delivery and Servicing Plan sets out that delivery vehicles would access the site in the same way. Amongst other things, it states that delivery lockers will be provided within building lobbies for residents' parcels to be delivered to, which will reduce the loading time for deliveries to the development and subsequently reduce the on-site space requirements for delivery and servicing. The outline details are considered to be acceptable, however, a detailed Delivery and Servicing Plan should be secured through a s106 Agreement.
- 6.66 The submitted Car Parking Management Plan (the CPMP) sets out that 80% of parking spaces would have active charging infrastructure with passive provision for all other spaces. This exceeds the minimum provision set out in the Local Plan. Furthermore, it states that engagement with a local car club operator has been undertaken and a letter of intent has been received confirming that one car club space will be provided on site from the outset and a second can be provided in the future should demand increase. The developer will provide one year's free membership to residents to encourage the uptake of the on-site car club. The CPMP outlines proposed parking management measures, including leasing parking spaces on a short-term basis to maximise the efficiency of the car park, and proposed parking enforcement measures. A detailed CPMP, to include details of the operation and management of the car club amongst other things, should be secured through a s106 Agreement.
- 6.67 For the above reasons, the proposed development would have an unacceptable impact on highway safety and it fails to make satisfactory provision for necessary enhancements to pedestrian, cycling and passenger transport infrastructure. The proposal therefore conflicts with Policies SS1.1, ST11.3 and ST11.6 of the Local Plan.
- 6.68 (h) Flood risk

The application site is located within Flood Zones 3a and 2. The Sequential Test set out in the Framework and Policy NE9.4 of the Local Plan does not need to be applied because the site is allocated for housing in the Local Plan. There are no other sites in the Borough that are sequentially preferable. Nevertheless, the Exception Test is required because the proposal includes a

more vulnerable use in Flood Zone 3a and relevant aspects of the proposal had not been considered at plan-making stage.

- 6.69 Paragraph 164 of the Framework states that to pass the Exception Test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.70 The FRA states that “Part (a) of the Exception Test is to be carried out by the Planning Consultant”, nevertheless the application contains no specific assessment to demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk. Whilst significant weight is attached to the benefits of additional housing, the sustainability benefits to the community are undermined through the absence of affordable housing and the lack of improvements to pedestrian, cycle and bus infrastructure in the vicinity of the site. Furthermore, as discussed below, the Environment Agency states that the proposal would increase the risk of flooding to the Lower High Street Area and the surrounding community. The proposal therefore does not pass the Exception Test in paragraph 164a) of the Framework.
- 6.71 The Environment Agency has objected to the proposal on the basis that the proposed flood compensation scheme does not demonstrate that it will be able to provide adequate flood storage to mitigate the proposed development. The scheme has not been shown to be hydraulically and hydrologically connected to the area of floodplain which will be lost as a result of the proposed development. As a result, the development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding to Lower High Street and the surrounding area. This is contrary to Paragraph 167 of the Framework, which states that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere”.
- 6.72 As discussed in the Environment Agency’s consultation response, the FRA contains inaccuracies in that it does not use most recent data. Furthermore, the FRA says throughout that ‘more vulnerable’ residential development would be located at first floor and above, which is not reflected by the proposed plans. Paragraph 167(b) of the Framework states proposals should demonstrate that “the development is appropriately flood resistant and

resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment”. Furthermore, it states that “safe access and escape routes are included where appropriate, as part of an agreed emergency plan”. The FRA contains few details to show that the development is designed to be flood resistant and resilient and no emergency plan has been submitted. It is not considered appropriate to address these matters through planning conditions. The proposal therefore fails to pass the Exception Test in paragraph 164b) of the Framework and is contrary to Policy NE9.4 of the Local Plan.

6.73 (i) Land contamination

The application site is within Source Protection Zone 1 and located upon a principal aquifer. The Environment Agency and Affinity Water object on the basis that inadequate information has been supplied to demonstrate that risks posed to ground water can be satisfactorily mitigated. Furthermore, no information has been submitted to show whether piled foundations would result in physical disturbance to the principal aquifer or whether the risks associated with this can be managed. The proposal is therefore contrary to Policies CC8.5 and NE9.4 of the Local Plan.

6.74 (j) Surface water and foul water drainage

The application has failed to adequately demonstrate the impact of the proposed development on surface water and foul water drainage infrastructure and so Thames Water have been unable to assess the proposal. Furthermore, the Lead Local Flood Authority has objected due to insufficient information within the submitted drainage strategy and drainage design. Given the large scale of the proposed development and the location of the site in a Source Protection Zone and area at risk of flooding, it is considered that this is a matter that should be addressed at planning application stage rather than through planning conditions. The proposal is therefore contrary to Policies IN10.2, NE9.1 and NE9.5 of the Local Plan. Amongst other things, these policies require proposals to demonstrate that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development.

6.75 (k) Telecommunications equipment

Some of the proposed flats would be very close to an existing telecommunications mast on Dalton Way. Advice was provided at pre-application stage that the size and proximity of the proposed building has the potential to affect the operation of the adjacent telecommunications equipment, which needs to be given consideration. The roof of the proposed

building could potentially be an appropriate alternative location should one be required. The Planning Statement comments that this matter is under review.

6.76 (l) Whether the proposal would provide significant public benefits which would not be achievable as part of a development restricted to base build height

The provision of 193 dwellings in an accessible location would make a significant contribution towards addressing the shortfall in housing and accord with the Council's spatial strategy to make effective use of sustainable transport modes. However, the benefits of additional housing would be limited by the absence of a policy compliant provision of affordable housing. The proposal would bring temporary economic benefit from the construction process, and the long-term economic benefit from the boost to local services from the new residents. There would also be benefits through additional soft landscaping, the removal of advertising hoardings and greater structure to the street scene. Nevertheless, the townscape benefits would be negated by the shortcomings set out in section (b) above. The provision of a pocket part is acknowledged, however this would be heavily overshadowed by the adjacent buildings, which would limit this benefit.

6.77 Policy QD6.5 sets out that proposal should clearly demonstrate significant public benefits that the development will provide, setting out why these would not be achievable as part of a development restricted to the base building height. The benefits set out above could be provided as part of a development restricted to base build height and, aside from increased housing numbers, it has not been clearly demonstrated what the additional benefits of a taller building are in this location.

6.78 (m) Whether the proposal would provide significant sustainability benefits

Whilst the submitted Energy Statement indicates a 60% reduction in carbon emissions over Part L, it states that gas boilers would be used in the development. The use of fossil fuels would undermine the sustainability credentials of the scheme and the Local Plan's objectives for the borough to become carbon neutral. Furthermore, the absence of passive ventilation strategies and design measures to minimise the risks of overheating weakens the proposal's sustainability. It is acknowledged that the accessible location of the development and the car-lite parking provision provides opportunities for the use of sustainable modes of transport. Nevertheless, the application fails to make necessary improvements to pedestrian, cycle and bus infrastructure

in the surroundings. As such, the proposal would not provide significant sustainability benefits sought by Policy QD6.5 of the Local Plan.

7. Consultation responses received

7.1 Consultees

Consultee	Comment Summary	Officer response
Highway Authority	Objection. Refer to paragraphs 6.57 – 6.63 of the report.	Noted.
Environment Agency	Objection. Refer to paragraphs 6.71-6.73 of the report.	Noted.
Affinity Water	Objection. Refer to paragraph 6.73 of the report.	Noted.
Hertfordshire County Council Lead Local Flood Authority.	Objection. Refer to paragraph 6.74 of the report.	Noted.
Environmental Health	Objection. Refer to paragraphs 6.32-6.33 of the report.	Noted.
Thames Water	Insufficient information to demonstrate the impact of the proposed development on surface water and foul water drainage infrastructure.	Noted.
Housing	<p>Significant need for social rented units. Absence of affordable housing is disappointing. Viability review should be scrutinised.</p> <p>Regarding the subsequent offer of 90 affordable rented units at a discounted rent of 66.4% of market value, this would not be affordable for the</p>	Noted.

	majority of households on the housing register. 60% of the affordable housing should be social rented in accordance with the Local Plan.	
Arboricultural Officer	Objection on the basis of lack of Arboricultural Impact Assessment.	<p>The closest trees to the site are to the west in the adjacent retail park (which are not protected). These are separated from the site by a tarmac public footpath.</p> <p>Given the protection provided by the footpath, it is not considered that the proposal would harm the roots of the trees. Furthermore, no works would be required to the trees to accommodate the development. Consequently, it is not considered that a reason for refusal based on the absence of an Arboricultural Impact Assessment could be justified.</p>
Hertfordshire County Council Infrastructure & Growth Unit	No objection.	Noted.
Hertfordshire County Council Minerals & Waste	A Site Waste Management Plan should be submitted.	This could be secured through the imposition of a planning condition.
Waste & Recycling Service	No objection.	Noted.
Hertfordshire County Council Lead Local Flood Authority	No response.	Noted.

Contaminated Land Officer	Suggested standard contaminated land condition and a condition to require the submission of a Construction Management Plan.	Noted.
Health & Safety Executive	No objection.	Noted.

7.2 Interested parties

Letters were sent to 106 properties in the surrounding area. A notice was posted outside the site on 15 July 2022 and a notice was published in the Watford Observer on 15 July 2022. 17 letters of objection and 3 representations were received. The main comments are summarised below, the full letters are available to view online:

Objection comment	Officer comments
<p>The development is not in keeping with the local architecture, substantially higher and will ruin the aesthetic of Lower High Street.</p> <p>Far too large in scale for the area. Not in keeping with the lower rise, locally listed buildings in the vicinity.</p> <p>Massing and scaling of the buildings would be overbearing and completely out of character with the current and historic, low-rise nature of Lower High Street. Six or seven storeys rising sheer from the pavement is overpowering and out of scale.</p> <p>Overwhelming in comparison to the surrounding buildings and will dwarf the Locally Listed buildings in Local Board Road.</p> <p>The proposals bears no resemblance to the Locally Listed Georgian buildings or the Victorian design of the Locally listed buildings on Local Board Road.</p>	<p>This is considered in paragraphs 6.7 – 6.18 of the report.</p>

<p>The development does not seem to adhere to the current building line on Lower High Street, Dalton Way or in the case of Block E, both the building line of Lower High Street and the building line of Local Board Road – particularly in respect of the set back Locally Listed building that shares the development’s boundary, 1A Local Board Road.</p>	
<p>No. 251 Lower High Street will be massively impacted by a reduction in natural light from this excessive sized block. This piece of land is too small for the number of flats that might be built.</p>	<p>This is considered in paragraphs 6.44-6.49 of the report.</p>
<p>Buildings up to 8 storeys will have an impact on light for the residents and users of Local Board Road. In addition, going up to 8 storeys, with balconies and the 4 storeys of Block E, will have an impact on the privacy for the users and residents of Local Board Road.</p>	<p>These matters are considered in the ‘living conditions of neighbouring properties’ section of the report.</p>
<p>If the development goes ahead the number of cars approaching the Lower High Street/Dalton Way junction from the ring road will significantly increase and add to existing congestion.</p> <p>The likelihood of a build up of traffic within the site, wishing to turn right will represent a danger to residents and also increase air pollution close to the site buildings.</p> <p>Residents and visitors will feel encouraged to make the (illegal) left turn from Dalton Way to Lower High Street, rather than drive the correct route to get to the site parking. The scheme should be amended to make the vehicular access from Dalton Way rather than Lower High Street.</p>	<p>The Transport Assessment demonstrates that the proposal would result in a reduction in trip generation compared to the existing use.</p> <p>The number of vehicle movements from the site would be low during the AM and PM peak periods and so there would be unlikely to be a build up of traffic within the site.</p> <p>Enforcement of traffic regulations is a police matter.</p>

<p>Watford Borough Council's Infrastructure Delivery Plan identifies the junction for potential safety improvements (Safety Scheme 2: Waterfields Way/Lower High Street). It states there will be a 'Revised junction layout to improve visibility of signals and all road users (including the relocated signals and traffic islands, and improved signage and road markings)'.</p> <p>Monies should be secured as part of the development under a Section 278 to carry out these improvements, importantly the total lack of connectivity east/west between Waterfields Way and Dalton Way means an unsafe unregulated crossing in Lower High Street beyond the current guard rails.</p> <p>This development gives the opportunity to secure pedestrian and cycling improvements and so far the developer has not proposed that. This was raised with them twice and not included in their Public Consultation report.</p>	<p>This is considered in paragraphs 6.57 – 6.58 of the report.</p>
<p>In heavy downpours, the Lower High Street floods and excess water running on to the Glyn Hopkin site.</p> <p>The proposal does not alleviate the area's tendency to flash flood.</p>	<p>This is considered in paragraph 6.74 of the report.</p>
<p>Whilst the Flood Risk Assessment explains how the ground floor level has been raised to protect residents, there is no information as to how all residents may be offered a dry means of escape to safety in the event of a flood. Other than a reference at paragraph 4.2.3 which states that a Flood Evacuation Management Plan will be required.</p> <p>Some matters may be made the subject of planning conditions. Other matters which go to the heart of the proposal have to be addressed before planning permission is</p>	<p>This is considered in paragraph 6.72 of the report.</p>

<p>given. And this includes designing how all residents can have a dry means of escape from their homes given the depth of flood water forecast by the applicant's consultants may be from 0.49 to 0.75m deep. This is a matter which needs resolving before the grant of permission as advised by the NPPF and Planning Practice Guidance.</p>	
<p>Block E is being built over the start and access to the foul water and sewage run that serves Local Board Road, Pump House and beyond. It is also over one of Watford's main storm drains. There is no reference to the intention to build over in any of the application documents.</p>	<p>This is a matter that would need to be agreed by Thames Water.</p>
<p>There is no information to show how 193 extra dwellings will be able to share the Victorian sewage system in this part of Watford with the existing properties.</p>	<p>This is considered in paragraph 6.74 of the report.</p>
<p>The Acoustic Assessment takes no account of the 'agent of change' paragraph 187 of the National Planning Policy Framework. The 5 locations at which noise measurements were taken do not include taking measurements on the mutual boundary with 5 and 6 Local Board Road.</p> <p>The rearmost part of these buildings include a flat floored performance area for music etc as licenced by the Council, and a scenery workshop/store which operates on occasions 7 days a week up to 2359 hours depending on the needs of the forthcoming production. Also, the rear car park is used occasionally to host outdoor events besides car parking up to 2359 each day.</p> <p>The trustees look to the Council to ensure that the provisions of NPPF para 187 are taken into account. Further evidence is needed to assess the noise generation from the Pump House from midday to 2359 each</p>	<p>This is considered in paragraph 6.35 of the report.</p>

<p>day, and what attenuation needs to be built into the development.</p>	
<p>The Pump House theatre will be the nearest cultural provider and is at capacity. It will be for the Council to determine if this additional impact means a contribution should be made to the Pump House to part fund the recently given planning permission, or funding should be provided from the Community Infrastructure Levy for this strategic facility.</p>	<p>Noted.</p>
<p>Inadequate parking provision would place further pressure on an already heavily congested part of the town.</p>	<p>This is considered in paragraphs 6.54-6.56 of the report.</p>
<p>Strain on local resources. Schools and GP practices being particularly affected.</p>	<p>The development is liable for Community Infrastructure Levy contributions, which would go towards the provision or improvement of local infrastructure.</p>
<p>Noise and pollution that the proposal would cause.</p>	<p>The proposed residential use would not cause a material increase in noise compared to the existing use.</p> <p>The submitted Air Quality Assessment shows that the proposal would not cause a material increase in pollution compared to the existing use.</p>
<p>Disturbance during construction works.</p>	<p>A condition could be imposed on any grant of planning permission to require the submission of a Construction Environmental Management Plan for approval.</p> <p>Whilst this could not completely prevent disturbance, the plan should include measures to mitigate the impacts as far as possible</p>

	– for example, by limiting hours of construction, measures to limit dust etc.
The proposal does not include any affordable housing.	Noted.

8. Recommendation

That planning permission be refused for the following reasons:

1. The proposed development fails to achieve outstanding design quality in terms of its massing, detailing, siting and relationship to the surrounding context. In these respects, the proposal would not contribute positively towards the character of the area and therefore it conflicts with Policy QD6.5 of the Watford Local Plan 2021-2038.
2. The internal layout of the proposed development includes a significant proportion of single-aspect units with double-banked corridors, which restricts opportunities for passive ventilation and good levels of light and outlook. The layout fails to achieve outstanding design quality in terms of daylight, sunlight, privacy, noise mitigation and design measures to mitigate solar gain and overheating. The single-aspect ground floor units facing Dalton Way would be particularly oppressive for future occupiers. The layout would not provide high quality living conditions for future occupiers and is therefore contrary to Policies QD6.4, QD6.5 and CC8.3 of the Watford Local Plan 2021-2038.
3. The application fails to demonstrate to the satisfaction of the Local Planning Authority that the proposed development cannot viably provide affordable housing in accordance with the provision and tenure mix set out in Policy HO3.3 of the Watford Local Plan 2021-2038.
4. The proposed development would not provide an appropriate transition in scale and siting to the neighbouring residential properties adjacent to the site. In this regard, it would cause an unacceptable loss of daylight and sunlight to No. 251 Lower High Street and a significant loss of privacy to residential properties in Local Board Road. It therefore conflicts with Policies QD6.5(g) and CDA2.3(d) of the Watford Local Plan 2021-2038 and guidance contained in paragraphs 7.3.10 – 7.3.20 of the Watford Residential Design Guide.

5. The application provides insufficient information regarding improvements to pedestrian, cycling and bus infrastructure. In the absence of clear designs of works being undertaken on the footway which borders the site, cycleways including the National Cycle Network Route 6, or of a Section 106 Agreement to secure improvements, the proposal fails to meet the objectives in the Watford Local Plan 2021-2038 to encourage a modal shift and greener travel patterns. Moreover, the significant increase in pedestrian and cycle journeys arising from the proposed development and the absence of necessary new infrastructure to support those journeys would cause unacceptable risk to highway, footway and cycleway safety and operation. The proposed development is therefore contrary to Policies CDA2.3, SS1.1, ST11.1, ST11.3, ST11.6 and IN10.3 of the Watford Local Plan 2021-2038.
6. The siting of Block E adjoining Local Board Road would represent an unacceptable safety risk to users of the public highway and footway networks. The adjoining pavement, at around 0.5m wide, is very narrow and the siting of the proposed building hard against the highway boundary would make this an unsuitable route for all pedestrians. The doors serving the bin store and residential entrance swing outwards across the adjoining highway, which would cause unacceptable risks to highway users. There is also potential for bins to be stored on the pavement on collection day, which, due to the narrowness of the pavement, would cause obstruction on the pavement to the detriment of the safety of highway users. The proposed development is therefore contrary to Policies SS1.1, ST11.3 and ST11.6 of the Watford Local Plan 2021-2038.
7. The proposed flood compensation scheme contained within the submitted Flood Risk Assessment (the FRA) fails to demonstrate that it will be able to provide adequate flood storage to mitigate the proposed development. The development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding to Lower High Street and the surrounding area. The Environment Agency has therefore objected to the scheme. Furthermore, the application contains insufficient information to demonstrate compliance with parts (a) and (b) of the Exception Test in paragraph 164 of the National Planning Policy Framework and there are inconsistencies between the FRA and the proposed plans. The proposal is therefore contrary to Policy NE9.4 of the Watford Local Plan 2021-2038 and Chapter 14 of the National Planning Policy Framework.

8. The application site is within Source Protection Zone 1 and located upon a principal aquifer. The Environment Agency and Affinity Water object on the basis that inadequate information has been supplied to demonstrate that risks posed to ground water can be satisfactorily mitigated. Furthermore, no information has been submitted to show whether piled foundations would result in physical disturbance to the principal aquifer or whether the risks associated with this can be managed. The proposal is therefore contrary to Policies CC8.5 and NE9.4 of the Watford Local Plan 2021-2038.
9. The application fails to demonstrate the impact of the proposed development on surface water and foul water drainage infrastructure. Furthermore, the Lead Local Flood Authority has objected due to insufficient information within the submitted drainage strategy and drainage design. The proposal is therefore contrary to Policies CC8.5, IN10.2, NE9.1, NE9.4 and NE9.5 of the Watford Local Plan 2021-2038. Amongst other things, these policies require proposals to demonstrate that there is, or will be, sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development, and incorporate well-designed Sustainable Drainage Systems that are appropriately integrated into the scheme.