

Committee date	Tuesday 10 January 2023
Application reference	22/01213/FULM
Site address	495 Whippendell Road, Watford, Hertfordshire, WD18 7PN
Proposal	Demolition of 495-499 Whippendell Road and erection of a new 5 storey apartment block containing 19 flats [11 x 1 bed / 7 x 2 bed / 1 x 3bed] and 3 x 3 bed mews houses with associated external private amenity space. New access arrangement from Whippendell Road which will serve a central parking courtyard for 9 spaces including access to bin and cycle storage.
Applicant	Mr Munoz
Agent	Benchmark Architects
Type of application	Full Planning Permission
Reason for committee item	Major Application
Target decision date	20 January 2023
Statutory publicity	Watford Observer, Site Notice and Neighbour Letters
Case officer	Alice Reade alice.reamde@watford.gov.uk
Ward	Holywell

1. Recommendation

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

2. Site and surroundings

- 2.1 The site of 852sqm consists of 3 x two storey houses and rear gardens of Nos. 495, 497 and 499 Whippendell Road. These houses are to the south side of Whippendell Road. Adjacent to the west are the two storey houses of Nos. 104, 106, 108, 110 and 112 Sydney Road which back onto the western boundary of the site. The rears of the two storey houses of Nos. 88, 90 and 93 Sydney Road back onto the southern (rear) boundary of the site. To the east of the site is the recently completed development of 81 flats, formerly 'Whippendell Marine', with a part 3 and part 4 storey building facing Whippendell Road behind which is a 3 storey building fronting Sydney Road (Planning permission ref 18/00269/FULM).
- 2.2 The application site is located in the Holywell Ward. Whippendell Road is predominantly residential featuring predominant 2 storey houses with some flatted redevelopments of 3 and 4 storeys. There are parking restrictions, including Residential Controlled Parking Zones along the roads within the

vicinity of the site. The site is not within a conservation area and there are no listed or locally listed buildings within or adjoining the site.

3. Summary of the proposal

3.1 Proposal

3.2 The application proposes demolition of the 3 houses on the site and redevelopment for 22 dwellings within 2 buildings. The proposed 5 storey building facing Whippendell Road is proposed to consist of 19 flats. Behind the 5 storey building is proposed a group of 3 x 3 storey 'mews' houses. The dwellings proposed are as follows:

Dwelling Size	Number proposed
1 bed	11
2 bed	7
3 bed flat	1
3 bed house	3
TOTAL	22

3.3 The development includes a vehicle access via an undercroft to the 5 storey building leading to an area of hardstanding in the centre of the site with 6 car parking spaces. Each of the 3 'mews' houses is proposed with 1 car parking space within an undercroft area to each house.

3.4 Each flat is proposed with a private terrace or balcony. The 3 'mews' houses are proposed with 2 balconies each. No communal amenity areas are proposed.

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 fails to demonstrate high quality design in respect of its layout, height, façades, materiality and place making. At part 4 and part 5 storeys, the proposed development would fail to relate to the heights within the Whippendell Road context which is characterised by 2 storey houses and the adjacent 3 – 4 storey Whippendell Marine development. With a

condensed approach to the proposed 4 floors, the horizontal lines of the building would fail to align or relate to the adjacent building. The siting of the detached 'mews' building to the south of the site would be an isolated and cramped addition. The use of grey brick and the front projecting balconies would be further incongruous to the context. The undercoft access, the overhang of the 5 storey building and the lack of high quality landscaping would create a poor quality place within the development. The development therefore fails to accord with Policies QD6.1, QD6.2, QD6.3 and QD6.4 of the Local Plan and paragraphs 126 and 130 of the NPPF.

- 3.8 The proposed 22 dwellings of the development would fail to create high quality living environments. Eleven of the dwellings (50%) would fail meet the Nationally Described Space Standard. Twenty of the dwellings (91%) are single aspect with 14 dwellings being single aspect north facing (64% of the development). The development has not achieved designs that would create dwellings with high quality amenity in respect of matters including light, outlook, privacy, overheating, private amenity space and communal amenity space. The proposed development would fail to achieve high quality living conditions for future occupiers and would not accord with Policies QD6.4, HO3.10 or HO3.11 of the Local Plan nor comply with paragraphs 126 and 130 of the NPPF.
- 3.9 The height, massing, siting and layout of the development would also give rise to significant adverse impacts to neighbouring properties in respect of loss of light, loss of outlook, harm to privacy and sense of overbearing impact, contrary to the guidance of section 7.3 of the Residential Design Guide and paragraph 130 of the NPPF.
- 3.10 The development also fails to include a strategy for the management of surface water as required by Policy NE9.5 of the Local Plan. With a significant lack of soft landscaping, it also fails to demonstrate a net gain in biodiversity as required by Policy NE9.8 of the Local Plan.
- 3.11 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 layout, height, massing, detailing and quality of accommodation. Furthermore, the massing and siting of the proposal would not provide an appropriate relationship and transition to the surrounding context and would adversely affect neighbours.
- 3.12 In respect of national policy, the NPPF states that high quality, beautiful and sustainable buildings is fundamental to planning (paragraph 126) and that

development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (paragraph 132). It is also noted that the applicants have not sought to engage the Council or local community prior to application as is sought by paragraph 132 of the NPPF.

- 3.12 It is acknowledged that the proposed development would make efficient use of previously development land with the provision of 22 dwellings, a net increase of 19 on this site, and so would make a contribution towards addressing the shortfall in housing in Watford. However, the benefits of additional housing would be limited by the absence of any affordable housing, the insufficient provision of family sized houses and the poor quality of the homes provided. The limited benefit would be significantly outweighed by the adverse impacts of the development. In respect of Paragraph 11 d) of the NPPF the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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 can demonstrate a 5 year housing supply but 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 The site has no planning history and pre-application advice has not been sought for this development.

6. Main considerations

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

- (a) Principle of the proposed development
- (b) Layout, scale and design
- (c) Housing mix
- (d) Residential quality
- (e) Affordable housing
- (f) Impacts to neighbouring properties
- (g) Access, parking and transport matters
- (h) Environmental matters

6.2 (a) Principle of the proposed development

Strategic Policy HO3.1 of the Local Plan seeks for residential development where it contributes positively towards meeting local housing needs and achieving sustainable development. It is further noted that although the site is not allocated for residential development, it is in a residential location with access to transport and local services. The principle of high quality new homes is therefore supported in principle.

6.3 (b) Layout, Scale and design

Chapter 12 of the NPPF sets out national policy for achieving well-designed places and key design qualities are set out in paragraph 130. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

6.4 Strategic Policy QD6.1 seeks to deliver high quality design across the borough. The application site is not within a Core Development Area as identified in the Local Plan but is within an 'Established Area'. Within such areas, Policy QD6.1 states that the degree of change will be more limited than in the Core Development Areas but is expected to result in a gentle uplift in the density of the area. Development proposals in these areas should be led by the existing characteristics of the local area and will reinforce and where appropriate enhance the character of the local area.

6.5 Policy QD6.2 gives more detailed design principles for new development including sustainable design, character and identity, built form, active frontages, connectivity and views. Policy QD6.3 seeks safe, accessible,

inclusive and attractive public realm. Policy QD6.4 builds on these policies and gives detailed design guidance on how these design principles can be achieved.

6.6 Figure 6.1 of the Local Plan identifies the Base Building Height outside of Core Development Areas as being 4 storeys. The proposed development of up to 5 storeys would be above this height and is therefore classified as a taller building. The Local Plan states that where a proposed building would exceed the base building height for the area, this will need to be clearly justified and will be subject to detailed consideration under the criteria set out within the Building Height Policy.

6.7 Policy QD6.5, Building Height, 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.

- 6.8 The development proposes to replace the existing 3 houses facing Whippendell Road with a 5 storey building. The submitted Design and Access Statement (DAS) seeks to assert that the design approach has been to respond to the adjacent buildings at the former Whippendell Marine development. The 3 and 4 storey building of this approved development is a building of notable mass and scale which replicates that of the former industrial building it replaced and creates significant articulation in the streetscene which is otherwise predominantly 2 storey housing. Together with Rembrandt House to the east and the former Sun Printers site to the west, also both former industrial sites, it forms a focal building within the streetscene. The proposed 5 storey development would be an ungainly and discordant addition to this streetscene and particularly adjacent to this recent new building. The two elements of height of the proposed building would exceed that of the adjacent development and would fail to relate to the adjacent building or the surrounding context, contrary to Policies QD6.2, QD6.4 and QD6.5(a) and (d). The heights of the proposed development would appear to step up uncomfortably in the streetscene and ignore opportunities to create a transition between heights in the context.
- 6.9 In addition to the higher roof top levels, by virtue of the arrangement of the 4 floors, the horizontal lines of the proposed development would not align or relate to the 3 floor and 4 floor levels of the adjacent development or the 2 storeys of nearby houses. In comparison to the adjacent development and houses, the arrangement of the 4 main floors and lack of generosity to the ground floor height, this façade and fenestration arrangement would appear as cramped and discordant, again contrary to Policy QD6.4.
- 6.10 The materiality of the context is predominantly red and yellow stock brick. The grey toned bricks proposed would not relate to the strong character of this context, contrary to Policy QD6.4(d). The front projecting balconies of the building would be incongruous to the streetscene and add to the dominance of the building in Whippendell Road. The west side flank of the 5 storey building, with no fenestration to the 4 storey wall, would be jarring and unattractive in the streetscene.
- 6.11 In respect of layout, the development consists predominantly of single aspect dwellings with 20 of the 22 dwellings being single aspect and 14 being single aspect north facing. This is not justified in design terms and is contrary to Policy QD6.4(f). The two dwellings at ground floor facing Whippendell Road would fail to include their own front door entrances as sought by Policy QD6.4 (e). The site layout includes an undercroft access within the 5 storey building leading to car parking and the entrances to the 3 'mews' houses at the rear of

the site. This layout would create a dark and uninviting entrance to the 3 houses. The centre of the site would be dominated by car parking, contrary to Policy QD6.5(i), and, together with the bin and cycle storage, this area would have poor activity. The overhang of the 5 storey building over this space would add to its cramped and unpleasant environment.

- 6.12 The 3 storey building at the south of the site would itself be of a form and layout that fails to relate to the context. As well as having a poor layout for access, the position of this building as back land development, would have no street frontage and would be wholly isolated within the site. The south, east and west elevations all abut neighbouring boundaries with a minimum distance of only 9m to the rear of the 5 storey building. This siting would appear as extremely cramped within the site. The three boundary elevations cannot contain windows in order to avoid overlooking, however, the blank 3 storey walls to 3 elevations would all be highly visible in the rear context and would add to the discordant and isolated appearance of the building.
- 6.13 Due to the expansive nature of the footprint of the proposed development, the site would offer very little soft landscaping. The only soft landscaping proposed is to the frontage onto Whippendell Road with an area of 11m wide by 2m depth shown to contain soft landscaping and 2 trees. This is an ungenerous area of landscaping and is unlikely to thrive due to its north facing position, the overshadow from the proposed 5 storey building and the distance of the proposed trees to the building and front projecting balconies. The lack of meaningful landscaping for the development would fail to create an attractive development and is contrary to Policies QD6.4 and NE9.1.
- 6.14 For the above reasons, the proposed development would be a discordant, dominant and ungainly addition to the site and context and would fail to provide an attractive and well functioning new place. The proposed development fails to achieve outstanding design quality in terms of its height, massing, detailing, layout, siting and relationship to the surrounding context. The proposal would not contribute positively towards the character of the area and would conflict with Policies QD6.1, QD6.2, QD6.3, QD6.4 and QD6.5 of the Local Plan and paragraphs 126, 130, 132 and 134 of the NPPF.
- 6.15 (c) Housing Mix
Policy HO3.2 of the Local Plan requires at least 20% of new homes as family sized (3+bed) in order to seek an appropriate mix of dwelling sizes to meet local need and in order to help contribute towards a balanced community. The development proposes 4 x 3 bed dwellings representing 18% of the development. It is however considered that as this only a marginal shortfall,

and as 20% of the 22 units would equate to 4.4 units, this is not an unreasonable mix for the scheme.

6.16 (d) Residential Quality

Policy HO3.10 and section 7.3.6 of the Residential Design Guide (RDG) require all new homes to meet or exceed the minimum Gross Internal Areas for new dwellings in accordance with the Nationally Described Space Standard (NDSS). This standard requires that a single bedroom has a minimum floor area of 7.5sqm and a double/twin bedroom a minimum floor area of 11.5sqm. The proposed dwellings, their size and compliance with the NDSS are as follows:

Dwelling Size and type	Number proposed	Minimum size requirement	Proposed size	Comply?
1 bed 2 person flat	11	50sqm	38sqm	No
2 bed 3 person	6	61sqm	61sqm	Yes
2 bed 4 person	1	70sqm	70sqm	Yes
3 bed 4 person flat	1	86sqm	86sqm	Yes
3 bed 4 person house over 3 floors	3	90sqm	93sqm	Yes
TOTAL	22			

6.17 The 11 proposed 1 bed dwellings are all proposed at 38sqm and all annotated as studio dwellings. These dwellings would, however, all contain a double bedroom of 11.5sqm and are shown with a double bed. These are therefore considered as 1 bed 2 person dwellings for which the minimum size requirement is 50sqm. These 11 dwellings at 38sqm would be substantially below the minimum size requirement and fail to comply with the NDSS.

6.18 Policy QD6.4 also sets out design principles for high quality and functional spaces and homes. This includes that new residential buildings should be designed to provide internal and external spaces that support the health and wellbeing of all those who use and experience them. Of key importance is that developments should create a high proportion of dual aspect units to create quality internal spaces, able to receive good light and air ventilation and, where possible, avoid using a single aspect form.

6.19 Of the proposed development, only the 2 flats at the top floor would include dual aspect representing only 9% of the development. All other dwellings, namely the 17 other flats and 3 houses would be single aspect only. The southern elevation of the 5 storey building would include 6 south facing single

aspect flats with no details provided in respect of solar gain and overheating. The 3 houses and 11 other flats would all be single aspect north facing dwellings. The 11 north facing flats are also sub-standard in size and would have a poor quality of amenity for future occupiers. The 3 north facing houses would have a minimum distance of only 9m to the 5 storey building of the development and all windows of the houses would have their light and outlook significantly restricted and would again be poor in their amenity. This close distance would also create excessive overlooking and extremely poor levels of privacy between the north facing houses and the south facing flats of the development.

- 6.20 Policy H03.11 sets out the requirements for private amenity space for new dwellings. All 19 flats would include a private amenity space in the form of a balcony or terrace, however, 6 of these (for the 2 bed flats) would fail to meet the minimum size of 6sqm for a balcony to a 2 bed dwelling. The 11 one bedroom flats would have a sufficient size balcony or terrace, however, these would all be north facing with no direct sunlight. The three 3 bed 'mews' houses each have 2 balconies with a 6.5sqm balcony at 1st floor from the lounge and a 5sqm balcony at 2nd floor from a single bedroom. This amenity area of 11.5sqm would not, however, meet the minimum size requirement of 25sqm for a 3 bed dwelling. The balconies would also all be north facing at a minimum of 9m distance to the 5 storey building and would have poor light, outlook and privacy.
- 6.21 It is acknowledged that the application is accompanied by a Sunlight and Daylight Assessment, however, this considers only the sunlight and daylight impact of the development to neighbouring properties and does not consider the proposed dwellings or their amenity areas.
- 6.22 Policy H03.11 also states that residential development comprising 10 or more flats should provide shared private outdoor amenity space that is high quality and accessible to all residents unless it would not be possible or appropriate to do so. The proposed development fails to include communal amenity space which could be achievable on this site and would be required to support the amenity of the family sized dwellings.
- 6.23 Policy H03.10 also states that all new housing will be designed and built to comply with accessibility standard M4(2) of the Building Regulations unless they are built to comply with M4(3). For developments of 10 or more homes, at least 4% of the dwellings will be built to be wheelchair adaptable. The planning statement asserts that these requirements are achieved, however, this is not detailed on the submitted plans.

- 6.24 The proposed 22 dwellings of the development would fail to create high quality living environments for future residents. Eleven of the dwellings (50%) would fail meet the Nationally Described Space Standard. Twenty of the dwellings (91%) are single aspect with 14 dwellings being single aspect north facing (64% of the development). The development has not achieved designs that would create dwellings with high quality amenity in respect of matters including light, outlook, privacy, overheating, private amenity space and communal amenity space. The proposed development would fail to achieve high quality living conditions for future occupiers and would not accord with Policies QD6.4, QD6.4, HO3.10 or HO3.11 of the Local Plan. The poor quality amenity of proposed dwellings would also not constitute outstanding design as required by Policy QD6.5 of the Local Plan to support the taller building proposed.
- 6.25 (e) Affordable housing
Policy HO3.3 of the Local Plan requires a 35% provision of affordable housing. This provision should have a tenure mix of which includes 60% social rent.
- 6.26 A financial viability appraisal (FVA) was submitted with the application, which seeks to assert that the proposal cannot viably provide affordable housing in accordance with the provision and tenure mix set out in Policy HO3.3. This has been independently reviewed by consultants on behalf of the Council. Although some adjustments were recommended, the review has concluded that the development is unable to viably include affordable housing. Specifically, this finds that with the policy compliant provision of affordable housing, the proposed development has a deficit of £1,515,000 against a benchmark land value of £1,440,000. The development also remains unviable with no affordable units having a deficit £573,000 below the benchmark land value of £1,440,000 for a 100% market scheme. Nonetheless, should the Council be considering granting planning permission, a late stage review of viability would be secured to consider actual build costs and sale values.
- 6.27 As such, it has 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.
- 6.28 (f) Impacts to neighbouring properties
Paragraph 130 of the NPPF sets out principles for well-designed development including that developments are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The Residential Design Guide sets out guidance for appropriate relationships for new development with existing dwellings. As a building proposed above the base building height of the area, Policy QD6.5(g)

also states that proposals should be designed to avoid harmful impacts on daylight, sunlight, wind conditions, overheating and microclimate. The impact to the nearest affected dwellings is considered as follows.

6.29 *Nos. 104, 106, 108, 110 and 112 Sydney Road*

These properties back onto the western boundary of the application site. The east facing rear gardens of these houses have a depth of approximately 14m with the proposed development located approximately 0.25m from the common boundary.

6.30 The proposed 5 storey building would be sited immediately to the rear of Nos. 108, 110 and 120 with a wall of 11.5m height adjacent to the boundary. The 5 storey building would also span the full width, or nearly the full width, of the rear gardens of these properties. The height and width of the side wall would be visually dominant and overbearing to these homes and gardens and particularly to Nos. 108, 110 and 112. Similarly, the 3 storey building immediately to the rear of No. 104 would be particularly overbearing to this house and garden.

6.31 The application is accompanied by a Sunlight and Daylight Assessment undertaken to consider the impact of the development to the neighbouring properties utilising the BRE Guidance. This finds the following:

- No. 108 - 2 of the 7 rear windows tested would be affected below the guidance for Vertical Sky Component
- No. 110 - 3 of the 7 rear windows tested would be affected below the guidance for Vertical Sky Component and 1 window would be below the guidance for Daylight Distribution
- No. 112 - 3 of the 5 rear windows tested would be affected below the guidance for Vertical Sky Component.

6.32 It is noted that the sunlight and daylight report analysis seeks to assert that the shortfalls below guidance are 'marginal', however, the change in light levels and the impacts to the outlook and quality of space to these homes and gardens is considered to be notable and significant by virtue of the height, distance and massing of the development.

6.33 In respect of privacy, the west facing side windows of the top floor flats and their roof top amenity areas would be positioned at a minimum distance of 3.3m and 1.3m respectively to western side boundary. These would therefore also create new and unacceptable overlooking to the homes and gardens at Nos. 104-112 Sydney Road. Although the proposed balconies on the north of the 3 storey building and south of the 4 storey block would include a

boundary screen to the west, there would be positions on the balconies that would allow for direct views down to the homes and gardens of Nos. 104, 106 and 106 and would also create unreasonable new overlooking to these neighbours.

6.34 *Nos. 88, 90 and 92 Sydney Road*

The rear gardens of Nos. 88, 90 and 92 Sydney Road back onto the rear boundary of the application site from the south. The proposed 3 storey building of the development would be located along the rear boundary of the gardens to these properties. By virtue of the height, position and massing of this building, its southern wall it would be visually overbearing and dominant to the homes and rear gardens of Nos. 88, 90 and 92. It is noted that being to the north of these properties, the development would not create overshadowing, however, the overbearing impact would be notable.

6.35 The proposed 3 storey building includes a 1st floor landing window to each of the 3 houses proposed. Even subject to a condition to secure these windows as obscurely glazed and non-opening, the height and position of these windows, immediately to the boundary of these gardens, would be of poor design and create an increased sense of overlooking.

6.36 For the above reasons, the proposal would cause an unacceptable loss of amenity to neighbouring properties and would conflict with paragraph 130 of the NPPF, Policy QD6.5(g) of the Local Plan and the Residential Design Guide.

6.37 (g) Access, parking and transport matters

Strategic Policy SS1.1 and Policy ST11.4 of the Local Plan state 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.

6.38 Policy ST11.5 sets out an approach to maximum parking standards pursuant to objectives for a modal shift in transport. The maximum standards as set out in Appendix E of the Local Plan state that in this area, a development of 22 dwellings should not exceed the provision of 22 car parking spaces. The proposed development includes a total of 9 car parking spaces consisting of 3 for the 3 houses, 5 for the flats, including one disabled space, and one visitor space. This would be within the maximum parking standards of Appendix E. It is also noted that the development includes disabled and visitor parking as required by Policy ST11.5 and EV charging could be secured by condition.

6.39 Policy ST11.5 states that a Transport Statement or Transport Assessment is required to support planning applications for all developments that will

impact upon the transport network, in accordance with Hertfordshire County Council thresholds. The application is accompanied by a Transport Assessment which finds no adverse highway concerns. Specifically this finds that the on-site parking arrangements for 9 cars have suitable access, egress and turning for a large car and that the trip generation for the development would have a negligible impact on the surrounding highway. The development includes cycle storage facilities to promote sustainable transport. The Highway Authority has raised no objection to the development subject to conditions.

6.40 The proposed parking provision of 9 spaces for the 22 dwellings is supported in respect of securing 'car-lite' development in sustainable locations and where on-street parking can be controlled by resident permit parking. This can therefore be supported in principle for this site as the surrounding roads are subject to a Controlled Parking Order and the residents of the proposed development could be subject to an exemption to prevent future residents from entitlement to permits and to ensure that the development would not give rise to additional on road parking demand. A planning obligation in the form of a Section 106 agreement is required to secure this exemption. As no agreement has been secured for this application, this is a matter that merits a reason for refusal, however, this could be overcome with an appropriate agreement in place.

6.41 (h) Environmental matters

Energy and Sustainability strategy

Strategic Policy CC8.1 states that the Council will support proposals that help combat climate change and new development will need to demonstrate how it contributes positively towards this. Policy CC8.3 seeks to minimise the impact of new housing on the environment through energy and water efficiency measures. This includes a 19% improvement in carbon emissions over the target emission rate in the Building Regulations 2013 and a standard of 110 litres of water use per person per day.

6.42 The application is accompanied by an Energy Strategy Report detailing proposals for use of Air Source Heat Pumps (ASHP) and PV panels for energy generation, a strategy for energy efficient design and a strategy for water efficiency that would ensure compliance with Policies CC8.1 and CC8.3.

6.43 *Biodiversity Net Gain*

The Environment Act proposes to mandate the requirement for biodiversity net gain in legislation, through changes made to the Town and Country Planning Act 1990. The Bill proposes to achieve a threshold 10% gain in biodiversity and this is likely to become law in 2023. Policy NE9.8 also seeks

for 10% biodiversity net gain to be measured through an appropriate Defra Biodiversity Metric.

6.44 There is no quantified information in the application submission and the planning statement asserts that a soft landscaping scheme could be secured by condition. As previously discussed, the proposed opportunities for soft landscaping within the site are significantly restricted by the extensive footprint and hardstanding of the development. The development includes only one area for soft landscaping being a strip at the front of the development to Whippendell Road with 2 trees of unspecified species or size. It is noted that the existing site has substantial hard standing and it does not include trees, however, there is an area of approximately 110sqm as planted/green rear garden. The proposed development would therefore see a loss of approximately 80% soft landscaping across the site. No information has been provided in respect of the quality of the proposed landscaping nor how this will improve the biodiversity of the site, particularly with the substantial loss of soft landscaping area. The development has therefore failed to demonstrate compliance with Policy NE9.8.

6.45 *Flooding and surface water drainage*

The site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding.

6.46 Policy NE9.5 of the Local Plan states that proposals should incorporate well-designed Sustainable Drainage Systems that are appropriately integrated into the scheme, aim to achieve greenfield run-off rates, manage surface water and improve resilience will be supported. The application is not accompanied by any detail in respect of a strategy for surface water drainage stating in the Planning Statement that this could be secured by condition. This does not demonstrate that a strategy or system of surface water management has formed an integral part of the design in the scheme. Due to the extensive footprint of the development and areas of hardstanding this is of particular concern.

6.47 *Ground water and Contamination*

The development site is located within an Environment Agency defined groundwater Source Protection Zone 2 (SPZII) corresponding to an outer protection zone for public ground water. The application is accompanied by a Contamination Assessment Report which found an absence of elevated contaminants at the site and concluded that remediation for contamination was not required. Neither the Environment Agency nor the Council's Environmental Protection Officer made comments in response to the consultation.

7. Consultation responses received

7.1 Consultees

Consultee	Comment Summary	Officer response
Highway Authority	No objection subject to conditions.	Noted
Environment Agency	No response	
Hertfordshire County Council Lead Local Flood Authority	No response due to lack of resources.	No drainage strategy has submitted with the application.
WBC Environmental Health	No response	
Thames Water	Insufficient information to demonstrate the impact of the proposed development on surface water and foul water drainage infrastructure.	Noted
Housing	Development should include 8 affordable units with 5 social rent and 3 of other tenures. Noted that this is subject to viability appraisal however lack of affordable housing is not supported.	Noted that this is subject to a viability assessment as discussed in the report and would be subject to a late stage review should the Council be looking to grant planning permission.
Hertfordshire County Council Minerals & Waste	A Site Waste Management Plan should be submitted.	This could be secured through the imposition of a planning condition.
WBC Waste & Recycling Service	Bin requirements of 3x 1100l refuse, 3 x 1100l recycling and 3 x 140l food. Swept path analysis for vehicles on site should be submitted.	Noted that on site bin storage is included. The Transport assessment states that bin vehicles are not intended to enter site.

WBC Contaminated Land Officer	No response.	
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7.2 Interested parties

Letters were sent to 34 properties in the surrounding area. A site notice was posted outside the site on 21 October 2022 and a notice was published in the Watford Observer on 28 October 2022. Ten representations have been received with 9 in objection and 1 a general representation. The main comments are summarised below, the full letters are available to view online:

Objection comment	Officer comments
Principle of development in the area is supported to regenerate the area.	Noted
The area is being overdeveloped with too many flats.	National and local planning policy require new homes to be built in sustainable locations to meet increasing housing needs.
The 5 storey height is not appropriate and development should be 3 and 4 storeys to match the adjacent building.	Noted and discussed in the report.
The development would create loss of light and overlooking to neighbours.	Officers have concluded that the proposed development would create harmful impacts to the light, outlook and privacy of neighbours.
9 car parking spaces for 22 dwellings is not sufficient.	The parking provision is within maximum standards and on street parking can be restricted by legal agreement.
The new flats have no gardens.	Balconies can be sufficient for new homes.
New traffic junction to Whippendell Road will impact an already busy road.	The access arrangements are detailed in the plans and Transport Assessment. These have been reviewed by the Highway Authority who have not objected to the proposals.
There are insufficient local resources to support more development.	National and Local Planning Policy seek for new housing developments in sustainable locations. The

	development would be liable to pay the Community Infrastructure Levy.
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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 height, massing, detailing, layout, siting and relationship to the surrounding context. The proposal would not contribute positively towards the character and appearance of the area and would conflict with Policies QD6.1, QD6.2, QD6.3, QD6.4 and QD6.5 of the Watford Local Plan 2021-2038 and paragraphs 126, 130, 132 and 134 of the NPPF.
2. The proposed development would fail to provide high quality residential accommodation. The layout of the development is not conducive to high quality accommodation by virtue of the high proportion of single aspect dwellings (91%), the high proportion of single aspect north facing dwellings (63%), the undercroft access to the three houses and the lack of communal amenity areas. Eleven of the dwellings (50%) would fail meet the Nationally Described Space Standard. Dwellings would experience poor quality amenity in respect of matters including access, size, light, outlook, privacy, overheating, private amenity space and communal amenity space. As such the development fails to provide high quality design for future users, contrary to paragraph 130 of the NPPF, Policies HO3.10, HO3.11, QD6.4 and QD6.5 of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.
3. By virtue of the height, massing, siting and layout of the development, it would give rise to unacceptable harm to the amenities of the neighbouring occupiers including Nos. 104, 106, 108, 110 and 112 Sydney Road to the west of the site and Nos. 88, 90 and 92 Sydney Road to the south of the site. The proposed development would adversely affect the residential amenities of the neighbouring occupiers, contrary to paragraph 130 of the NPPF, Policy QD6.5(g) of the Watford Local Plan 2021-2038 and section 7.3 of the Watford Residential Design Guide 2016.
4. The application fails to demonstrate that the development would allow for adequate surface water drainage within the site so as to prevent surface water impacts on and around the site. No detail has been provided in respect of how surface water would be managed and impacts mitigated. The application is therefore contrary to Policies NE9.1 and NE9.5 of the Watford Local Plan 2021-2038.

5. The proposed development would result in a loss of approximately 80% soft landscaping across the site. No information has been provided in respect of the type, species or maturity of the proposed landscaping or any information in respect of how this will improve the biodiversity of the site, particularly with the substantial loss of soft landscaping area. The development has therefore failed to demonstrate compliance with Policy NE9.8 of the Watford Local Plan 2021-2038.

6. A legal undertaking has not been completed to secure financial contributions towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to restrict the entitlement of the proposed dwellings to parking permits for the controlled parking zones in the vicinity of the site. Without such an undertaking in place, the development would result in additional on-street parking in an already congested area contrary to Policies ST11.1 and ST11.5 of the Watford Local Plan 2021-2038.