

<b>Committee date</b>	Wednesday, 2 September 2020
<b>Application reference</b>	20/00510/FULM - Brightwell Court, Brightwell Road,
<b>Site address</b>	Watford, WD18 0HP
<b>Proposal</b>	Erection of four storey building comprising 13 dwellings (11 x 2 bed 4 person and 2 x 3 bed 3 person) with associated ancillary spaces, shared amenity space, car and cycle parking.
<b>Applicant</b>	Watford Community Housing
<b>Agent</b>	Rock Townsend
<b>Type of Application</b>	Full Planning Permission
<b>Reason for committee Item</b>	Major Application
<b>Target decision date</b>	Thursday 3 September 2020
<b>Statutory publicity</b>	Watford Observer, Neighbour Letters and Site Notice
<b>Case officer</b>	Andrew Clarke, andrew.clarke@watford.gov.uk
<b>Ward</b>	Vicarage

## 1. Recommendation

- 1.1 That planning permission be granted subject to conditions, as set out in section 8 of this report.

## 2. Site and surroundings

- 2.1 The site is owned by Watford Borough Council and managed by Watford Community Housing. A three storey building which dates from the 1960's occupies the site. The existing building is comprised of nineteen studio flats and one x one bedroom warden's flat. To the rear of the building is hardstanding, four garages and an electricity substation. Prior approval has been granted to demolish the building and the garages.
- 2.2 The site is located 0.8 miles from Watford Town Centre at the junction of Brightwell Road and Hagden Lane. It is approximately rectangular in shape and 0.1 hectares in size. The site adjoins residential dwelling houses on Benskin Road, Brightwell Road and Hagden Lane. Harwoods recreation ground can be accessed from the opposite side of Hagden Lane.
- 2.3 The surroundings in Benskin Road, Brightwell Road and Hagden Lane are comprised of residential terraces with a Victorian character. Kelmcott Crescent to the west is typified by semi-detached houses of an early twentieth century design.

- 2.4 The site is not within a conservation area, contains no listed buildings and is not close to any listed buildings. The site is not subject to any specific planning designations. The site falls within the Environment Agency's flood zone 1, the zone with the lowest chance of flooding. The site is within a controlled parking zone.

### **3. Summary of the proposal**

#### **3.1 Proposal**

- 3.2 Planning permission is sought for the erection of a four storey building comprising thirteen dwellings with associated ancillary spaces, shared amenity space, car and cycle parking.
- 3.3 All thirteen dwellings would be affordable social rented homes and have two bedrooms. Eleven dwellings would suit occupancy by four persons, with two dwellings suiting occupancy by three persons. The three ground floor dwellings would have independent level access from Brightwell Road.
- 3.4 Internal refuse and cycle facilities are included at ground level. The land surrounding the building would be landscaped and four parking spaces would be provided utilising the existing access from Hagden Lane. The electricity substation would remain and access to it would be unchanged.

#### **3.5 Conclusion**

- 3.6 The proposed development provides thirteen high quality social rented residential units, in a contemporary building which is considered to respect the character and appearance of the area, without having any unacceptable impact on the living conditions of neighbouring properties in accordance with the policies and guidance specified above.

### **4. Relevant policies**

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

### **5. Relevant site history/background information**

- 5.1 Prior approval was granted for the demolition of the existing building and the four garages on 11<sup>th</sup> June 2020. Planning Application reference: 20/00508/DEM.

## 6. Main considerations

- 6.1 The main issues to be considered in the determination of these applications are:

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

- 6.2 (a) Principle of the use

Brightwell Court has been used as supported housing for older people for the majority of its existence. In recent years it has been used as temporary accommodation. The layout of Brightwell Court does not suit the modern day requirements of either of these uses, with other developments within the surrounding area being more suitable. The redevelopment of this site which has residential use to provide thirteen high quality permanent social rented dwellings for households on Watford Borough Council's housing register, fulfilling a different social need is considered acceptable in principle.

- 6.3 (b) Scale, design and layout

The layout has evolved following an assessment of the context and a review of the site constraints and opportunities. The proposed building would be "L" shaped with building lines which are parallel with, albeit set back from the established building lines.

- 6.4 The building would be four storeys in height at the junction of Brightwell Road and Hagden Lane, stepping down to three storeys closer to the neighbouring two storey dwelling houses. This stepping would create a successful transition to the neighbouring two storey dwelling houses. At four storeys the building would be one storey taller than the existing 1960's building.

- 6.5 A landscaped communal garden and parking for four vehicles would be provided to the rear of the building. The existing vehicular entrance from Hagden Lane would be retained. Access to the electricity substation would not change.

- 6.6 Externally the building would have a contemporary appearance with the massing broken up into distinct blocks which use three different types of brick (grey, buff and light buff). The fenestrations appear balanced with recessed panels, cornices, solider brick courses at each level and deep window reveals which add quality and texture to the elevations. The three ground floor dwellings facing Brightwell Road have private street entrances which creates an active street frontage to the building at ground floor level. All other dwellings would be accessed via the communal main entrance on Hagden Lane, up the stairs and along open terraces to the rear of the building.
- 6.7 Cycle and Refuse stores have been provided internally at ground floor, adjacent to the main entrance. These stores meet the council's standards. A condition ensures these are available for use prior to occupation.
- 6.8 Appropriate external materials, design details, hard and soft landscaping will be secured by condition.
- 6.9 (c) Quality of residential accommodation  
Of the thirteen dwelling proposed eleven dwellings would suit occupancy by four persons, with two dwellings suiting occupancy by three persons. All dwellings would meet minimum space standards, and have a suitable layout. All of the dwellings would be at least dual aspect.
- 6.10 Watford's Residential Design Guide states that communal open space provided for the exclusive use of occupants of the development may be acceptable as long as its location, size and shape enable it to be enjoyed by the occupants. The communal garden would have benches, a tree and a variety of planting details of which will be secured by condition. At 225 square metres the communal rear garden is considered adequate for 13 dwellings. In addition to this provision, the ground floor units have further private amenity in the form of front gardens.
- 6.11 (d) Affordable housing provision  
Policy HS3 of the Core Strategy requires a 35% provision of affordable housing for all major developments, with this provision having a tenure split of 65% affordable rent, 20% social rent and 15% shared ownership.
- 6.12 This development would provide 100% social rented units providing a much needed resource for the households on the Council's housing register who are seeking housing assistance as they are homeless or living in inadequate housing, and who cannot find suitable and affordable housing on the private

market. The application is supported by Watford Borough Council's Housing service.

6.13 (e) Impact on amenity of adjoining residential properties

The applicant has provided daylight / sunlight information within the design and access statement. Visualisations depict sun paths and shadows at different times and dates throughout the year. Given the orientation of the site, the vast majority of the shadows would be cast over the rear communal amenity space. The additional height of the building would not give rise to any significant loss of daylight or sunlight to any of the adjoining properties on Benskin Road, Brightwell Road or Hagden Lane because it is only at the corner of the building.

6.14 Number 92 Brightwell Road, unlike the adjoining terrace has its front door to the side of the house facing the flank wall of the existing building. Adjacent to this to this front door, at ground floor level is a window. The outlook from this window would not change as the flank wall of the proposal is in the same position as the existing building.

6.15 Apart from the aforementioned window in 92 Brightwell Road, the proposed development would not cross the 45 degree line taken on plan view or the 25 degree line taken on elevational view from any neighbouring window on Benskin Road, Brightwell Road and Hagden Lane. The separation distances between the upper windows of the dwellings on Benskin Road and the north facing rear elevation of the building is 35 metres. The distance from the same rear elevation to the curtilage of the site is 20 metres. The prosed development would comply with the Daylight, Sunlight and Privacy guidance outlined in section 7.3 of Watford's Residential Design Guide.

6.16 The proposed side facing windows in units 7 and 11 which look out onto the flank wall of 92 Brightwell Road are stated to be obscure glazed. Given their position on the curtilage of the site this is considered appropriate. A condition is added to ensure these two windows are obscure glazed.

6.17 Overall, it is considered the proposed building will have no undue impacts in relation to daylight, outlook and privacy to the surrounding residential area.

6.18 (f) Transport, parking and servicing

The site is 0.9 mile walking distance from Watford High Street Overground Station and 1.4 miles from Watford Junction Station. Bus Stops adjacent to the site provide frequent services to Watford and the surrounding areas.

- 6.19 The site is within a controlled parking zone. In accordance with Policies T22 and T24 of the Watford District Plan occupants of the development will not be entitled to residential parking permits. This is also the case for the existing building.
- 6.20 The development contains a 20 square metre internal cycle store adjacent to the main entrance. This store would have 7 'Sheffield Stands' which could accommodate 14 bicycles which complies with policy T10 of the Watford District Plan.
- 6.21 The development also provides a 20 square metre internal refuse store adjacent to the vehicle entrance to the site. The refuse store is sufficient in size. Internalising the cycle and refuse stores is a positive feature, providing good, sheltered facilities which would not add clutter or introduce unfavourable odour to the communal amenity space.
- 6.22 (g) Environmental considerations
- i) Land contamination
- A preliminary investigation for land contamination has been submitted with the application. Watford's Environmental Health Officer has suggested the imposition of a condition requiring a scheme which deals with any contamination risk to be submitted to and approved prior to development.
- 6.23 ii) Surface water drainage
- The development site is located within Zone 1 on the Environment Agency's Indicative Flood Map with little or no risk of flooding from fluvial sources. The Flood Risk Management team at Herts County Council (LLFA) have been consulted twice on this proposal and have objected on both occasions. It is considered appropriate to seek resolution of this matter by condition
- 6.24 iii) Biodiversity
- There are no trees on the existing site. There is a hornbeam tree adjacent to the site on Brightwell Road. The roots and crown of this tree extend into the site, restricting potential development. Watford's Arboricultural Officer has agreed that the loss of this tree is considered acceptable to facilitate development, subject to the developer making a financial contribution towards the Watford's Bough Council's tree planting scheme. This would ensure no overall net loss of trees.
- 6.25 The plans depict an additional five trees within the site, two of which would be adjacent to Brightwell Road. These trees would vary in species and size with details being secured by condition.

No protected species or habitats were found on site.

## 7 Consultation responses received

### 7.1 Statutory consultees and other organisations

Name of Statutory Consultee / Other Organisation	Comment
Hertfordshire County Council (Growth & Infrastructure)	Responded. No comment.
Hertfordshire County Council (Highways Authority)	Suggested conditions for revised access details and completion of works prior to occupation. Informatives also proposed to ensure free flow of highways.
Hertfordshire County Council (Lead Local Flood Authority)	Sought additional information as to surface water drainage. Revised information sent, awaiting response. Condition added to resolve this matter.
Hertfordshire Constabulary Crime Prevention Design Service	Satisfied with the proposals.
Thames Water	Proposed a condition on piling.

### 7.2 Internal Consultees

Name of Internal Consultee	Comment
Arboricultural Officer	No objection subject to replacement trees and a condition for soft landscaping.
Environmental Health	Requested construction management plan and noise survey. Proposed condition for potential contamination.
Urban Design and Conservation	Satisfied following minor revisions to the design.
Housing	The Housing Service supports this application.
Waste and Recycling	Refuse requirements noted.

### 7.3 Interested Parties

Letters were sent to 46 properties in the surrounding area. 6 Responses were received. These comprised 5 objections and 1 neutral comment. The main comments are summarised below, the full letters are available to view online:

Comments	Officer response
Design / Height	The proposed building would have a high quality contemporary appearance finished in brick which assimilates with the surrounding area. The four storey height, stepping down to three storeys is considered acceptable.
Daylight / Sunlight	The officer considers that the information in relation to daylight / sunlight in the design and access statement is sufficient and that the additional loss of light relative to the existing building is not significant.
Privacy / Outlook	The separation distances significantly exceed the minimum separation distances outlined in the Residential Design Guide. The design of the building from the rear is acceptable.
Overdevelopment	The proposal would reduce the number of dwellings on site by 7. The massing is larger, though the proposal would not be considered an overdevelopment of the site.
Parking	Residents would not be eligible for parking permits within the controlled parking zone.

## 8 Recommendation

### Section 106 Heads of Terms

- i) To secure all 13 residential units as Affordable Housing.
- ii) To secure a financial payment to the Council of £2,000 towards the variation of the Borough of Watford (Watford Central Area and West Watford Area) (Controlled Parking Zones) (Consolidation) Order 2010 to exclude the site from the controlled parking zone, thereby preventing residents' parking permits being issued to this site.
- iii) To secure a financial payment to Watford Borough Council of £2,000 for the removal and replacement of trees.

### Conditions

1. Three Years

The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## 2. Approved Drawings and Documents

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- BRI-XX-00-DR-A-00100 Revision: PL02
- BRI-XX-00-DR-A-00101 Revision: PL02
- BRI-XX-00-DR-A-00102 Revision: PL02
- BRI-00-XX-DR-A-00103 Revision: PL02
- BRI-XX-00-DR-A-00104 Revision: PL02
- BRI-XX-00-DR-A-00105 Revision: PL02
- BRI-XX-00-DR-A-00106 Revision: PL02
- BRI-XX-00-DR-A-00120 Revision: PL02
- BRI-XX-00-DR-A-00123 Revision: PL02
- BRI-XX-00-DR-A-00124 Revision: PL02
- BRI-XX-00-DR-A-00131 Revision: PL01
- Energy Statement by Waterstone Design. File ref: D2413/REPORTS. Dated: 18.05.2020.
- GroundandWater Desk Study Report. Report Reference: GWPR3648/DS/May 2020. Issue V1.01
- Preliminary Bat Roosting and Bird Nesting Assessment. Dated: April 2020
- Transport Statement by Transport Planning Associates. Dated: May 2020
- Tree Report and Survey. Report number: J 106. By: Johnathon Hazell.

Reason: For the avoidance of doubt and in the interests of proper planning.

## 3. Materials

No external facing materials shall be installed on any building of the development until full details and samples of all the materials to be used for the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the building and the character and appearance of the area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### 4. Hard Landscaping

No part of the development shall be occupied until a detailed hard landscaping scheme for the site, including site boundary treatments and external lighting has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details. The detailed scheme shall be based upon drawing reference: BRI-XX-00-DR-A-00106 Revision: PL02.

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### 5. Soft Landscaping

No part of the development shall be occupied until a detailed soft landscaping scheme for the site and a landscape management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be based upon drawing reference: BRI-XX-00-DR-A-00106 Revision: PL02. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the site and the wider area, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### 6. Internal Noise Levels

No development shall commence above ground level until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall take into account all noise sources including road traffic noise. The assessment shall include a mitigation scheme for each of the residential dwellings and shall include

the details and specifications of the sound reduction performance of all glazed and non-glazed elements of the building facades. No dwelling shall be occupied until the approved mitigation measures have been installed in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate noise mitigation measures are built into the development to ensure good indoor ambient noise levels are achieved in accordance with BS 8233:2014 for the future occupiers of the dwellings.

## 7. Piling

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.”

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

## 8. Contamination Scheme

Prior to the commencement of development (excluding demolition) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A site investigation scheme, based on the Desk Study Report prepared by Ground & Water Limited (Report ref. GWPR3648/DS/May 2020), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- ii) The site investigation results and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 9. Remediation Verification

Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 10. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the

requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### 11. Bin and Cycle Stores

No dwelling shall be occupied until the bin and cycle stores to serve the dwellings, as shown on the approved drawings, have been constructed and made available for use. These facilities shall be retained as approved at all times and shall be used for no other purpose.

Reason: To ensure that adequate facilities exist for residents of the proposed development, in accordance with Policies SE7 and T10 of the Watford District Plan 2000.

#### 12. Aerials and Satellite Dishes

No dwelling shall be occupied until details of a communal terrestrial television aerial(s) and satellite dish(es) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the building, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### 13. Communications Equipment

For the avoidance of doubt, no communications development permitted by Classes A, B or C of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be undertaken on any of the buildings hereby approved.

Reason: In the interests of the character and appearance of the buildings, in accordance with Policy UD1 of the Watford Local Plan Core Strategy 2006-31.

#### **14. Flat Roofs are not amenity space**

No part of the flat roof of the development hereby permitted shall be used as a terrace, balcony or other open amenity space.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031, and in accordance with the principles of good design that are set out in the Residential Design Guide.

#### **15. Obscure Glazing**

The north east side windows at first and second floor levels in the dwellings labelled 'Flat 7' and 'Flat 11' shall be installed and retained with obscure-glazing, and shall be non-opening other than in parts of the windows which are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To prevent overlooking and consequent loss of privacy to neighbouring premises pursuant to Policy UD1 (Delivering High Quality Design) of the Watford Local Plan (Core Strategy) 2006-2031 and the Residential Design Guide (Sept 2016).

#### **16. Surface Water Drainage Scheme**

No drainage works shall commence until the details of a surface water drainage scheme for the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policy SD2 of the Watford Local Plan Core Strategy and Chapter 14 of the National Planning Policy Framework.

#### **Informatics**

1. IN907 – Positive and proactive statement
2. IN909 – Street naming and numbering
3. IN910 – Building Regulations
4. IN911 – Party Wall Act
5. IN912 – Hours of Construction

6. IN913 – Community Infrastructure Levy Liability
7. IN914 – Section 106 Agreement/Undertaking
8. IN915 – Highway Works – HCC agreement required