

<b>Committee date</b>	Tuesday 16 May 2023
<b>Application reference</b>	22/01226/FULM – Wellstones Car Park Watford
<b>Site address</b>	WD17 2AF
<b>Proposal</b>	Redevelopment of the existing car park and construction of a part 5, part 6, part 7, part 8 storey building comprising 89 self-contained flats (Class C) and a flexible non-residential unit at ground floor, associated roof top plant, private and communal amenity space, landscaping, refuse storage, cycle and car parking.
<b>Applicant</b>	Telereal Securitised GP Limited
<b>Agent</b>	Newsteer Real Estate Advisers
<b>Type of application</b>	Full Planning Permission
<b>Reason for committee item</b>	Major Application
<b>Target decision date</b>	17 May 2023
<b>Statutory publicity</b>	Watford Observer, Site Notice and Neighbour Letters
<b>Case officer</b>	Chris Osgathorp <a href="mailto:chris.osgathorp@watford.gov.uk">chris.osgathorp@watford.gov.uk</a>
<b>Ward</b>	Central

## 1. Recommendation

1.1 That planning permission be refused as set out in section 8 of this report.

## 2. Site and surroundings

- 2.1 The site of around 0.25 hectare contains surface car parking formerly associated to the adjacent Telephone Exchange. The Telephone Exchange is a substantial 5 storey building located to the north-west of the site. To the north-east is Wellstones, which has recently constructed and approved residential development along it. This includes three developments at Nos. 46-50, 52A-56 and 60 High Street, which have buildings of 7 to 8 storeys fronting Wellstones.
- 2.2 To the south-east of the application site is an additional area of surface car parking and a further small service road to the rear of properties in Market Street. The site borders Exchange Road (part of the town centre ring road) to the south-west. Also to the south west, on the opposite side of Exchange Road, is the Grade I listed Holy Rood Church. As well as the Church, there are other designated and non-designated heritage assets in the wider vicinity of the site, including Grade II listed Holy Rood House, former Holy Rood Roman Catholic School, and former Convent of St Vincent, which are all near to the Church. No 58 High Street is Grade II listed, and Nos. 44-54 and 62-70 High Street are locally listed. The application site is not within a conservation area.

2.3 The site is within the Town Centre Strategic Development Area (Strategic Policy CDA2.2) of the Watford Local Plan 2021-2038. The site is allocated for mixed use development under site MU14 with an indicative yield of 40 dwellings.

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

#### **3.1 Proposal**

3.2 The application proposes redevelopment of the existing car park and construction of a part 5, part 6, part 7, part 8 storey building comprising 89 self-contained flats (Class C) and a flexible non-residential unit at ground floor, associated roof top plant, private and communal amenity space, landscaping, refuse storage, cycle and car parking.

3.3 The proposal is designed with a podium, which would hide bin storage, back of house services and 3no. disabled parking spaces at ground floor. Vehicular access to the parking spaces would be from Wellstones. A communal outdoor amenity space would be provided above the podium at first floor, and there would also be roof terraces at fifth and seventh floors.

3.4 The proposed commercial space would front Exchange Road and would be serviced from Wellstones. Highway safety improvements would be made in Wellstones, including new/improved pedestrian footways and a raised table.

3.5 A pedestrian route would be provided to the north of the building, which would link Exchange Road to Wellstones. There would also be a new signalised Toucan crossing in Exchange Road and a parallel crossing in Marlborough Road. The scheme provides for public realm improvements, including new landscaping and tree-planting.

#### **3.6 Conclusion**

3.7 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.

3.8 The proposal would provide a residential-led mixed use development including a commercial unit on the ground floor, which accords with Allocation MU14 of the Local Plan and is therefore acceptable in principle. As the proposed development would be located to the rear of the High Street

and would not exceed 8 storeys in height, it is not classed as a 'taller building' and so Policy QD6.5 of the Local Plan is not engaged.

- 3.9 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. In this context, the provision of 89 residential units in an accessible town centre location would contribute positively towards the supply of housing in the Borough. Strategic Policy HO3.1 states that residential development should provide a mix of homes including size, tenure and specialist adaptations to support people with different needs to ensure good quality homes are provided for all, both now and in the future. It is acknowledged that 9 units (10%) would be built to be wheelchair adaptable (M4(3) of Building Regulations) – in excess of the minimum provision of 4% specified in Policy HO3.10.
- 3.10 The applicant has submitted a Financial Viability Appraisal with the application, which sets out that it is not viable for the development to provide any affordable housing. This has been reviewed by the Council's viability consultant, Aspinall Verdi (AV), who have found that even with a 100% market scheme, there would be a deficit of £7,428,061 against Benchmark Land Value. Nevertheless, whilst not at a policy compliant level, the applicant has subsequently made a 10% affordable housing offer (on habitable rooms) – including 6no. 1-bed social rented units and 3no. 2-bed shared ownership units. Having regard to the amount and type of the proposed dwellings, the benefits of the additional housing are afforded moderate weight.
- 3.11 The height and scale of the proposed development would be commensurate with buildings in its context, and it would provide an appropriate transition to smaller scale buildings in Market Street. The varied height, massing, materials and façade treatment of the proposed development would provide a high architectural quality. In this respect, it is noted that the Place Shaping Panel comments that the architecture of the scheme is well-considered, high quality and has very effective massing. Officers agree with this assessment and note the importance of the use of a high quality palette of materials.
- 3.12 The proposal would provide benefits in terms of new public realm and landscaping, including new trees and native planting. This would enhance biodiversity at the site, as required by Policies NE9.1 and NE9.8 of the Local Plan.
- 3.13 New infrastructure in Wellstones and a signalised Toucan crossing in Exchange Road would be beneficial to the pedestrian/cycling connectivity and movement network in the surroundings and contribute to reducing the

severance caused by the ring road. The scheme would make an acceptable contribution towards the improvements of pedestrian, cycling and bus infrastructure.

- 3.14 The submitted Sustainability Statement indicates a 64% improvement in carbon emissions over Part L Building Regulations (2021) and a 52% energy saving. Carbon reductions would be achieved through the provision of an air source heat pump and photovoltaic panels, which would be installed on the roof. Furthermore, the energy consumption of the development would be minimised through various measures including high performance building fabric with upgraded 'U' values and energy efficient fittings and controls. The sustainability performance of the proposed development beyond Local Plan Policy CC8.3 weighs in favour of the proposal.
- 3.15 There would be temporary economic benefit from the construction process, and long-term economic benefit from the boost to local services from the new residents. Additional economic benefits would be delivered through the new commercial space.
- 3.16 As discussed in the report, the proposal would cause less than substantial harm to the setting of the Grade I Holy Rood Catholic Church and the 3 associated Grade II listed buildings within this complex. Great weight is given to conservation of the listed buildings, in accordance with Paragraph 193 of the Framework. Having regard to the balancing exercise required by paragraph 202 of the Framework, it is considered that the public benefits of the proposal would not outweigh the identified harm – as discussed in the 'heritage' section of the report. Furthermore, the submitted Daylight & Sunlight Assessment shows that the proposal would cause a substantial loss of daylight to a considerable number of surrounding properties – particularly at The Clock House. There would also be a considerable loss of outlook to these dwellings. Given the importance that Paragraph 130 of the Framework places on the need to create places with a high standard of amenity for existing and future users, this is an adverse impact that attracts significant weight.
- 3.17 Having regard to the above considerations, it is considered that the benefits of the proposal are outweighed by the less than substantial harm to the setting of heritage assets – including a Grade I listed building – and the significant adverse impacts on neighbouring residential properties. The proposal therefore conflicts with the development plan as a whole.
- 3.18 Paragraph 11d)i of the Framework says that where the policies which are most important for determining the application are out of date, planning permission should be granted unless "the application of policies in this

Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. In this case, the application of Framework policies relating to designated heritage assets provides a clear reason for refusing the proposal and therefore the so called tilted balance in paragraph 11d)ii is not engaged.

#### **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 21/01748/PREAP6 - Planning Performance Agreement in relation to the redevelopment of the car park to provide a mixed - use scheme including 130 no new residential dwellings and ground floor flexible non – residential floorspace.
- 5.2 The scheme has been subject of 4 Advice Notes from officers. The last Advice Note was issued on 25 August 2022. During the course of pre-application discussions, changes have been made to height, massing, footprint and layout to respond to officers’ comments regarding townscape effects, impacts on neighbouring properties and quality of accommodation, amongst other things. Furthermore, the scheme has been considered by the Place Shaping Panel on 12 April 2022, and there was a further Chair’s Review on 11 October 2022. The Place Shaping Panel Report and Chair’s Review are shown in Appendix 2 and 3 respectively.
- 5.3 The Chair’s Review comments are summarised as follows:
- The panel welcomes the updated proposals, and the progress made since the previous review in April 2022. The changes are positive and to be commended.
  - The adjustments made to the scheme’s massing are very effective, and the development now sits comfortably in its context.
  - The scheme has the potential to create a high-quality medium-rise development, and to provide a good example of high-density design at a human scale.
  - The panel appreciates the way that the changes to the scheme’s overall footprint have led to the development of a successful courtyard typology, creating a more generous public realm.

- The adoption of a revised residential typology, the introduction of deck access and the increase in dual aspect residential units are welcomed by the panel.
- The work to improve the ground floor, including reducing the provision of residential units at that level, is a positive change.
- The panel is pleased to see the focus on landscaping and the public realm, internal courtyards and roof gardens.
- The panel highlights the importance of ensuring that the quality of the public realm and landscaping evident in the proposal is retained in the built scheme, and that the architecture is delivered with rigour and detail.
- Advice provided regarding the detailing of metal railings and ensuring privacy in bedrooms overlooking decks.
- The Panel questioned the use of cladding in the rear elevation of Block D at the top. It was felt that its proportions overemphasises the top of the building and should be looked at.
- The Panel questioned whether the horizontal emphasis of the ground floor level is appropriate. It feels that this approach creates an impression of a horizontal 'wafer' with a building above, and suggests further consideration of the way the buildings meet the ground.
- The panel conclude that they are happy to support the scheme.

N.B. The applicant submitted amended plans on 3<sup>rd</sup> February 2023 to make minor revisions to the scheme in response to the above advice. This includes the provision of railings adjacent to the bedroom windows facing the decks in order to provide a defensible space. Furthermore, the materiality and detailing of the ground floor has been changed to remove the 'wafer' appearance referred to above and improve the way the building meets the ground. Other minor changes to bin and servicing arrangements have been made.

## **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) The design quality of the proposed development and its effect of the proposal on the character and appearance of the area;
- (c) The effect of the proposed development on the setting of designated heritage assets;

- (d) Whether acceptable living conditions for future occupiers would be provided;
- (e) The effect of the proposed development on the living conditions of the occupiers of neighbouring properties;
- (f) Housing mix and affordable housing provision;
- (g) Access, parking and highway matters;
- (h) Sustainability; and,
- (i) Biodiversity.

## 6.2 (a) Principle of residential development

The application site is located in the Town Centre Strategic Development Area (the Town Centre SDA). Policy CDA2.2 of the Local Plan sets out strategic objectives for the wider area and states that proposals will be supported where good design contributes positively towards creating a vibrant town centre, focused on people, healthy lifestyles and quality of life. The policy provides a set of criteria that proposals should make provision for and contribute towards.

## 6.3 At a site-specific level, the application site forms Allocation MU14 of the Local Plan, which identifies the site as suitable for residential led, mixed-use development including C3 residential and one or more of the uses defined with the following Use Classes: E(a), E(c), E(d), E(e), E(f) commercial floorspace and F2(b) meeting places for community use are possible on the ground floor to maintain an active frontage. It states that development proposals should:

- a) Support the wider objectives of the Town Centre SDA.
- b) Future development at MU14 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. However, due to the significance of the heritage assets which form the Holy Rood complex (Grade I church and Grade II ancillary buildings) the building height, scale and massing

of any new proposals on the Exchange Road frontage should have regard to the heights, scale and massing of the Holy Rood Complex;

e) Be accompanied by a Noise Assessment and provide appropriate mitigation for noise associated with the road network adjacent to the site;

f) Take account of the potential risk of contamination on site; and

g) Be accompanied by a parking survey to avoid any significant adverse impacts on parking in the area.

6.4 Figure 6.3 of the Local Plan identifies the Base Building Height in the Town Centre SDA as being up to 5 storeys on the High Street, stepping up to 8 storeys to the rear. The proposed development would be located to the rear of the High Street and its height would not exceed 8 storeys. As such, the proposal is not classed as a 'taller building' and so Policy QD6.5 of the Local Plan is not engaged.

6.5 The proposal would provide a residential-led mixed use development including a commercial unit on the ground floor, which accords with Allocation MU14 and is therefore acceptable in principle. The main issues set out in the report draw upon the above matters identified in the Local Plan.

6.6 (b) Character and appearance

The provision of a podium enables active frontages on 3 sides facing Exchange Road, the new pedestrian route to the north and Wellstones. The Exchange Road elevation would be read as 3 inter-connected buildings rising from a 5 storey dual-pitched element to the rear of buildings in Market Street up to an 8 storey part on the corner towards the Telephone Exchange.

6.7 The lower pitched roof element would respond to the finer grain terraced buildings in Market Street and would provide an appropriate transition in scale to the existing 3 storey building on the corner of Market Street and Exchange Road. The metal-clad pitched roof is considered to be an attractive contemporary feature that would respond to the pitched roof form of Holy Rood Church and the nearby terrace in Market Street. The tallest part would be towards the north of the site, which would sit comfortably in relation to the adjacent Telephone Exchange building and mark the new pedestrian route to the north. This would aid legibility and wayfinding.

6.8 Varied height, massing, materials and façade treatment on the Exchange Road elevation would provide a richness in architectural quality. It would be read as 3 inter-connected buildings, which would help to break down the massing of the proposed development. The elevation would be well articulated through a



grid-pattern framing, recessed window panels, recessed balconies and brick detailing. The metal-clad pitched roof on the lower section would add to the scheme's architectural interest. This has been the subject of pre-application negotiations, which has resulted in a significant reduction in massing and refinements in elevational detailing. In this respect, it is noted that the Place Shaping Panel comments that the architecture of the scheme is well-considered, high quality and has very effective massing. Officers agree with this assessment and note the importance of the use of a high quality palette of materials.

- 6.9 The siting of the proposed building has been set back further from Exchange Road following pre-application advice from the Place Shaping Panel. This provides a more sympathetic building line in Exchange Road having regard to the scale of the proposed building and enables greater protection for the development from the busy road. The public realm would provide comfortable circulation space for pedestrians, and the landscape strategy makes provision for new native planting, including trees, as well as new paving, which has the potential to create a high quality public realm and is supported by comments of the Place Shaping Panel.
- 6.10 Regarding the northern elevation of the proposed building, this has been set back further from the site boundary following pre-application discussions, which enables a wider and more comfortable pedestrian route linking Exchange Road to Wellstones. In relation to the boundary treatment of the ground floor outdoor spaces of the residential units, the comments from the Place Shaping Panel are noted. It is important that the treatment here provides as much activity and surveillance of the pedestrian route as possible. It is now proposed that this would comprise low-level hedging to delineate the outdoor amenity space and allow inter-visibility. Full details of this treatment could be secured through a landscaping condition. Furthermore, the widened pedestrian route allows for greater tree planting and under-storey planting, which contributes to the attractiveness of the public realm. As such, the proposal would have an appropriate relationship to the northern boundary and provides for an attractive public realm.
- 6.11 In respect of the scale of the northern elevation, this would step down in height from Exchange Road to Wellstones, where it would be a maximum of 6 storeys. In common with the above assessment, the northern elevation features a rich palette of materials and acceptable massing and detailing.
- 6.12 Following pre-application advice from officers and the Place Shaping Panel, the proposed building has been set back further from Wellstones, which

allows for a more effective public realm, including planting, and circulation space for pedestrians. In this respect, it is considered that the proposal has an appropriate siting in relation to Wellstones. Furthermore, the scale of the proposed building would be commensurate with the recently constructed 7/8 storey buildings on the opposite side of Wellstones.

- 6.13 The lower block on Wellstones would have a clearly defined bottom, middle and top. At ground floor, the elevation would have an active frontage provided by full-height windows. The middle section would have buff brickwork and includes recessed large vertically proportioned windows with metal guard railing to provide a Juliet style balcony. There would be verticality to the proportions of the elevation, which would be facilitated by the provision of part-recessed balconies. The top floor would be defined by a vertically-clad finish that would be set behind a stone coping. The Place Shaping Panel has questioned the use of cladding as they suggest that its proportions overemphasise the top of the building. Nevertheless, officers consider that the elevation provides a well-proportioned and high quality appearance. The taller element houses the stair core and the elevational detailing provides as much brick detailing as possible
- 6.14 For the above reasons, the proposed development would provide high quality design and would maintain the character and appearance of the surrounding area. The proposal therefore accords with Policies QD6.1, QD6.2 and QD6.4 of the Local Plan.
- 6.15 C) The effect of the proposal on Heritage Assets

In considering proposals for planning permission, the statutory 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.

- 6.16 The nearest listed building to the application site is the Grade I Holy Rood Catholic Church. There are 3 other listed buildings within this complex sited between Exchange Road, Market Street and Percy Road, which are all Grade II listed. This comprises Holy Rood House, former Holy Rood Roman Catholic School and former Convent of St Vincent. The applicant's Heritage Statement treats these designated heritage assets as a group for the purposes of the assessment. Having regard to the close grouping of the buildings and their historical associations, officers see no reason to take a different view.

- 6.17 The Heritage Impact Assessment carried out as part of the new Local Plan preparation<sup>1</sup> notes that the Grade I Holy Rood Catholic Church dates from 1889-1900 by architect John Francis Bentley. The building is constructed of flint and stone and is described in the official listing as an outstanding late Gothic revival church. Internally, the building comprises an elaborate and complete set of fittings by Bentley, which is noted within the listing description as unequalled by his work found elsewhere. The significance of the heritage asset is derived from the building's special architectural and historic interest as a late nineteenth century urban church.
- 6.18 Historic interest is drawn from being established as a Catholic church, illustrating the increase of Catholicism in Watford during this period. Special interest is also derived from the building's association with John Francis Bentley as a notable Victorian architect for his ecclesiastical work, particularly works carried out to Westminster Cathedral. Architectural interest is found through the late Gothic style, having an ornate and decorative exterior that demonstrates high quality design and craftsmanship.
- 6.19 The Grade II listed Holy Rood House was established in circa 1890 as a presbytery of Holy Rood Church. Also designed by John Francis Bentley, the two storey building is faced with flint and roughcast to the front elevation. It has a plain tile roof and two truncated brick stacks with a stone band. The significance of the heritage asset is derived from the building's special architectural and historic interest as a late nineteenth century urban presbytery. Historic interest is drawn from the building's associations with John Francis Bentley. Architectural interest is found through the simple architectural features demonstrating high quality design and craftsmanship.
- 6.20 The Grade II listed Former Holy Rood Roman Catholic School was established in 1893 by John Francis Bentley but altered in 1898 and later. The modest one storey school building is faced with flint and constructed of brick, with a plain tile roof. Part of the building was converted into flats in the 1980's, after Holy Rood primary school moved to Greenbank Road. The significance of the heritage asset is derived from the building's special architectural and historic interest as a late nineteenth century Catholic school. The building's association with John Francis Bentley contributes to this interest. Architectural interest is found through the late Gothic style, having an ornate and decorative exterior that demonstrates high quality design and craftsmanship.

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<sup>1</sup> MU14 Land at the Car Park Wellstones Heritage Impact Assessment dated November 2021 Issue 2 carried out by Place Services.

- 6.21 The Grade II listed Former Convent of St Vincent was established in 1890-92. The convent was built for an order of Dominican nuns who had had a convent and girls' orphanage in Watford since 1883. The Dominicans moved from the convent in 1935 and the building was used by the Former Holy Rood Roman Catholic School. After the school relocated during the 1980s, it was then converted to residential use. The significance of the heritage asset is derived from the building's special architectural and historic interest as a late nineteenth century Catholic convent. There is historic interest from the building's original use as a convent, illustrating the increase in Catholicism in Watford during the later nineteenth century, as well as from the changing uses, illustrating the changing needs of the community. Architectural interest is found through the neo-late seventeenth century style and architectural features such as the ornate doorway, although alterations made to the building since being residential, such as uPVC windows, has a negative impact on this.
- 6.22 The group of designated buildings are bound by Percy Road to the west, Market Street to the south and Exchange Road to the east. Exchange Road is a busy ring road, beyond which lie late twentieth century buildings and Watford town centre. Historic mapping shows that the Church would have been situated between nineteenth century terraces fronting Market Street. The establishment of a major trunk road has somewhat severed the appreciation of the Church's connection to the development, which once surrounded it, having been established to serve the local population. The Church is now experienced along a heavily trafficked road. Furthermore, Holy Rood House once fronted a predominantly residential road, however the establishment of a trunk road has resulted in the house now facing and being experienced along a heavily trafficked road. To the north-west of the Church and group of buildings is Percy Road, which comprises a row of nineteenth century terraced housing.
- 6.23 Views of the Church are notable when travelling north and south along Exchange Road, from the east and west along Market Street, and from the west along Percy Road. Due to the tower element, some more long-distanced views of the Church are possible. As the group of buildings are bound by roads, short range views of the group are accessible from all sides.
- 6.24 The buildings and Church have group value, which greatly contributes to their significance. This is through their historic and functional associations with one another, as well as being appreciated as a group. Important views of the group are appreciated along Percy Road, which comprises late nineteenth century terraces with the group of heritage assets terminating the view.

- 6.25 The application site is located to the east of the group. There is no known historic or functional relationship between any of the buildings and the site. Due to the close-proximity, there is inter-visibility between the assets and the site. The group of heritage assets are visible in views towards the site along Exchange Road and the eastern end of Marlborough Road. As a car park bound by brick walls, the site makes a minor negative contribution to the significance of the listed buildings. This is due to the materials and hardstanding not being reflective or in keeping with the group's character or appearance.
- 6.26 As discussed in section (b) of the report, the architecture of the proposed development would deliver high quality design. It would replace a surface car park, which has a minor negative impact on the setting of the listed buildings and would provide improved streetscape structure. Viewpoints 4, 5 and 6 in the applicant's Heritage Statement show that whilst the proposed development would be a noticeable feature in views from the south-east in Exchange Road, it would be screened to some extent by existing multi-storey buildings on the eastern side of Exchange Road. Furthermore, it would not unduly compete with or draw attention away from the Church tower or the associated listed buildings. This is corroborated by images in Appendix 1 taken from the Council's 3D model.
- 6.27 Nevertheless, in views from the north-west in Exchange Road – particularly around the junction with Marlborough Road – the proposed development, due to its height and scale, would appear dominant and imposing in relation to the group of listed buildings and visually compete with Grade I Listed Church tower.
- 6.28 Furthermore, the eastern end of Percy Road would see a considerable change as the proposed development would rise well above the presbytery and school buildings. Whilst it is acknowledged that the proposed building is well-designed, having regard to viewpoint 3 in the Heritage Statement and the 3D model images shown in Appendix 1, it is considered that its scale would appear very dominant and introduce significant built form in the backdrop of an important view of the group of listed buildings, which would visually compete with the listed buildings – including the Grade I Church. These impacts would cause less than substantial harm to the significance of the listed buildings, which is considered to be moderate in the scale of less than substantial harm.
- 6.29 Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.30 The proposal would make efficient use of land and the provision of 89 dwellings would contribute towards the supply of housing in the Borough. It is acknowledged that 9 units (10%) would be built to be wheelchair adaptable (M4(3) of Building Regulations) – in excess of the minimum provision of 4% specified in Policy HO3.10. Furthermore, whilst the applicant’s Financial Viability Appraisal sets out that it is not viable for the development to provide any affordable housing, an offer of 10% affordable housing (on habitable rooms) has been made. Having regard to the amount and type of the proposed dwellings, the benefits of the additional housing are afforded moderate weight.
- 6.31 In terms of environmental benefits, the architecture of the proposed building is well-designed and would replace an unsightly surface car park with active frontages at ground floor (including new commercial space) and new public realm, including tree planting. The biodiversity of the site would also be enhanced through the replacement of hard-surfaces with planting.
- 6.32 The new infrastructure in Wellstones and new signalised Toucan crossing in Exchange Road would be beneficial to pedestrian/cycling connectivity and movement network in the surroundings and contribute to reducing the severance caused by the ring road.
- 6.33 The proposal would bring temporary economic benefit from the construction process, and some long-term economic benefit from the boost to local services from the new residents. Additional economic benefits would be delivered through the additional commercial space.
- 6.34 Great weight is given to conservation of the listed buildings, in accordance with Paragraph 193 of the Framework. In this case, having regard to the aforementioned impacts to the setting of designated heritage assets – including an important Grade I listed building – it is considered that the public benefits of the proposal as set out above would not outweigh the less than substantial harm to the significance of the listed buildings. The proposal therefore conflicts with Policies HE7.1 and HE7.2 of the Local Plan and Chapter 16 of the Framework.
- 6.35 (d) Living conditions of future occupiers

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 tall ceiling heights ranging from 2.6m to 3.5m, which exceed the minimum of at least 2.4m in the NDSS. This would make the accommodation feel more spacious and reduce the risks of overheating.

- 6.36 The proposed layout would provide 71 dual aspect units (80% of total units) and 18 single aspect units (20%). This is considered to meet the objectives in Policy QD6.4(f) of the Local Plan, which states that new building design should include a high proportion of dual aspect units to create quality internal spaces, able to receive good light and air ventilation. It is particularly pertinent that the units would be genuine dual aspect flats as they would generally have windows to the front and rear elevations. This layout maximises opportunities for cross ventilation and good levels of outlook, daylight and sunlight.
- 6.37 A Daylight & Sunlight Assessment has been submitted, which has been carried out in accordance with the methodology in the widely recognised BRE Guidance<sup>2</sup>. This appraises the level of daylight to the habitable rooms using the illuminance (SDA) method as set out in Appendix A of the Daylight & Sunlight Assessment. The BRE Guidance gives illuminance recommendations of 100 lux for bedrooms, 150 lux for living rooms and 200 lux for kitchens. In multi-purpose rooms, such as living/kitchen/dining rooms (LKD), the target value for living rooms can be used if the kitchens are not treated as habitable spaces, as this may avoid small separate kitchens in a design. It is recommended that at least 50% of a room should exceed the recommended lux for 50% of the total daylight hours in a year.
- 6.38 The results in the Daylight & Sunlight Assessment show that 166 of the 213 rooms (78%) would comply with the BRE Guidance on daylight, which includes 55 of the 90 LKDs (61%) and 111 of the 123 bedrooms (90%). Where rooms do not meet the BRE Guidance, this is mainly due to balconies/rear decked access located above windows or the windows sitting within a stepped recess in the elevation.
- 6.39 A balanced judgement is required in relation to daylighting because the private balconies contribute to the amenities available for future occupiers, and the raised rear decks enable the provision of dual-aspect units. It is also noted that the open-plan living space provides a layout that meets modern requirements, however the larger space makes it more difficult for daylight to fully penetrate the floor area. A compartmentalised layout would make it easier to meet the BRE Guidance due to smaller rooms, however this type of layout with, for example, small, segregated kitchens is not preferred. The

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<sup>2</sup> Building Research Establishment 'Site Layout for Daylight and Sunlight: A Guide to Good Practice 2022.

Daylight & Sunlight Assessment shows that the relevant LKDs would have the main living area closest to the window, which would provide good daylighting, with the kitchens positioned in the gloomiest area to the rear and likely to be artificially lit.

- 6.40 The BRE Guidance says that a dwelling will appear reasonably sunlit provided that: at least one main window wall faces within 90 degrees of due south, and; a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March. Site layout design should aim to maximise the number of dwellings that meet these recommendations.
- 6.41 The Daylight and Sunlight report shows that there are 100 rooms in the scheme (including 40 LKDs and 60 bedrooms) that are served by a window orientated within 90 degrees of due south. 85 of these windows (85%) would receive at least 1.5 hours of sunlight on 21 March, which includes all 40 LKDs served by a window orientated within 90 degrees of due south. Having regard to the town centre location of the site with multi-storey buildings in the vicinity, these sunlight results are considered to be acceptable.
- 6.42 The BRE Guidance recommends that for an external amenity area to appear adequately sunlight throughout the year, at least half the amenity area should receive at least 2 hours of direct sunlight on 21 March. The Daylight and Sunlight Assessment shows that the 3 external amenity areas (courtyard and 2 roof terraces) would receive at least 2 hours of direct sunlight to between 95% and 99% of the amenity space, which exceeds the BRE Guidance of 50%.
- 6.43 The proposed external amenity spaces consist of a 315sqm courtyard above the podium, a 169sqm roof terrace at fifth floor and a 256sqm roof terrace at seventh floor. This would include informal play features for children. Furthermore, all flats would be served by private balconies which all exceed 1.5m in width and depth, in accordance with Policy HO3.11 of the Local Plan. Some of the recessed balconies on the Exchange Road elevation would be slightly below the minimum area for private outdoor amenity provision. Nevertheless, the balconies would be high quality given their recessed position, and the courtyard and roof terraces would provide suitable additional shared outdoor space. The outdoor amenity provision is therefore acceptable.
- 6.44 For the above reasons, whilst a proportion of the habitable rooms would have daylight levels that would not meet the BRE Guidance, it is considered that the layout of the development, including a significant proportion of genuine dual aspect units, sizeable shared outdoor amenity spaces and private balconies to each flat, would provide a good standard of amenity for future occupiers. In



this regard, the proposal meets the objectives in Policies QD6.4, HO3.10 and HO3.11 of the Local Plan.

6.45 (e) the effect of the proposal on neighbouring occupiers

The BRE Guidance says that diffuse daylighting of an 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 No Sky Line test]. The 0.8 figure effectively means a reduction in daylight of 20% or more. The Daylight and Sunlight Assessment has used modelling in accordance with the BRE methodology to calculate the impact of the proposed development on adjacent properties. The results are discussed below.

6.46 *The Clock House and 60 High Street:*

The Clock House and 60 High Street are blocks of flats of 7 and 8 storeys respectively, on the northern side of Wellstones. The Clock House is directly opposite the application site, whereas No. 60 is offset slightly. The open nature of the existing surface car park provides the neighbouring flats with high levels of daylight in the town centre location. The Daylight and Sunlight Assessment shows that existing VSC for The Clock House ranges from 31.02% to 35.60% at first floor and 35.35% to 38.65% at sixth floor, which is very high given that the maximum that can possibly be achieved is 40%. The existing VSC at 60 High Street is less due to the provision of projecting balconies, however without balconies it has similar values.

6.47 The assessment shows that as a result of the proposed development, 34 of the 49 (69%) neighbouring windows at The Clock House would not comply with the VSC test. The affected windows would be mainly at first to fourth floors (3 windows at fourth floor comply, but all the others do not). Furthermore, the No Sky Line (NSL) test shows that 27 of the 49 rooms (55%) would not meet the BRE Guidance (the affected rooms are mainly at first, second and third floors). A summary of the VSC results is shown in the table below, which is taken from paragraph 6.5.4 of the Daylight and Sunlight Assessment. This shows that VSC to first floor windows would be reduced to as low as 12.91% - 18.51%. Moreover, the Daylight & Sunlight assessment shows that there would be reductions in VSC of 40% or more to 22 windows at The Clock House (including losses of up to 60%). The proposal would therefore cause a substantial reduction in daylight resulting in gloomy lighting in neighbouring habitable rooms. Having regard to the BRE Guidance, due to the

significant number of windows affected and the substantial loss of light, the proposal would cause a major adverse impact.

Floor	Existing Conditions		Proposed Conditions	
	Minimum VSC	Maximum VSC	Minimum VSC	Maximum VSC
First	31.02%	35.60%	12.91%	18.51%
Second	31.46%	36.49%	15.83%	21.61%
Third	33.21%	37.41%	18.14%	25.23%
Fourth	33.39%	37.95%	22.53%	29.16%
Fifth	34.93%	38.50%	25.79%	32.55%
Sixth	35.35%	38.65%	31.38%	34.41%

6.48 In respect of 60 High Street, the results show that 6 of the 28 (21%) windows assessed would not meet the VSC test. These windows include living room windows at first to fourth floors and one bedroom at each of the first and second floors. In accordance with BRE Guidance<sup>3</sup>, a further test was made without balconies at 60 High Street in place (because the presence of projecting balconies can distort daylight reductions). The assessment without balconies shows that each of the LKDs on the third floor upwards would retain at least 27% VSC. A second floor LKD window would be slightly below 27%. This shows that the presence of projecting balconies is the main contributor for the relative reduction in daylight. The results are summarised below (taken from paragraph 6.6.4 of the Daylight and Sunlight Assessment):

Floor / Room	Including Balconies		Without Balconies	
	Existing VSC	Proposed VSC	Existing VSC	Proposed VSC
First / LKD	20.31%	8.34%	36.53%	23.33%
Second / LKD	21.20%	10.43%	37.50%	26.20%
Third / LKD	21.93%	13.22%	38.28%	29.40%
Fourth / LKD	22.76%	16.60%	38.72%	32.56%
Fifth / LKD	22.62%	18.70%	39.03%	35.11%
Sixth / LKD	23.25%	20.76%	39.34%	36.85%
Seventh / LKD	39.50%	38.41%	39.50%	38.41%

<sup>3</sup> See Appendix A page 2 of the Daylight and Sunlight Assessment

- 6.49 The substantial reduction in daylight to flats within The Clock House is a material consideration, nevertheless it is a matter of planning judgement as to whether this deterioration would be acceptable in the circumstances of the case, including contextual considerations. The application site is in a dense town centre location with predominantly mid-rise buildings in the immediate vicinity, and is allocated in the Local Plan for new development. Furthermore, given the open nature of the existing car park, it is inevitable that proposals would lead to some reductions in daylight to neighbouring properties. The question therefore, is whether the levels of daylight that would be maintained would be contextually appropriate having regard to the town centre location of the site and other considerations.
- 6.50 In this regard, the BRE Guidance notes that the tests should be applied flexibly, and it should also be considered whether the existing building [the neighbouring property] is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light. This is on the basis that new development should not be unacceptably prejudiced by unreasonable light demands from an existing building.
- 6.51 Appendix F of the BRE Guidance states *“To ensure that new development matches the height and proportions of existing buildings, the VSC, daylight distribution and APSH targets for these windows could be set to those for a mirror image building of the same height and size, an equal distance away on the other side of the boundary”*. However, paragraph F6 of the BRE Guidance highlights that the ‘mirror-image’ approach needs to be applied sensibly and flexibly. For example, where a long established dwelling has windows on or very close to the boundary, it would be inappropriate to block them up and remove all or nearly all their light.
- 6.52 The Daylight and Sunlight Assessment provides an analysis using a mirror-image of The Clock House and 60 High Street. The mirror-image assessment shows that all of the windows at first, second, third and fourth floors of the Clock House would receive a higher level of VSC with the proposed scheme in place than they would if a mirror-image of the Clock House and 60 High Street were constructed. The fifth and sixth floor windows of the proposed scheme would also have VSC results in accordance with BRE Guidance. Moreover, the NSL results perform better with the proposed scheme rather than the mirror image. Regarding 60 High Street, the mirror-image assessment shows that all windows rooms would have higher levels of VSC and NSL than they would if a mirror-image of The Clock House and 60 High Street were constructed.

- 6.53 Whilst due regard has been given to the mirror image modelling, this does not alter that a considerable number of neighbouring windows at The Clock House would experience substantial reductions in daylight, which would make the main living areas of the predominantly single-aspect flats gloomy. This would have a significant impact on the living conditions of the occupiers of neighbouring properties which would harm their wellbeing. It is accepted that the BRE Guidance should be applied flexibly and there may need to be some compromises for daylight in town centre locations. As such, it is acknowledged that it would not be appropriate to require the BRE ideal target of 27% VSC to be achieved for every neighbouring window. With that being said, the VSC and NSL results in the Daylight Assessment are considered to be unacceptably poor.
- 6.54 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.
- 6.55 The Daylight and Sunlight Assessment shows that all 49 windows at The Clock House would comply with the APSH test and 98% would accord with the guidance for winter sunlight. The only non-conforming window serves a first floor living room and would receive 4% APSH – only slightly below the 5% recommendation. At 60 High Street, the APSH results show that 25 of the 28 windows (89%) would comply with the BRE Guidance for annual sunlight, and all 28 would comply with the guidance for winter sunlight. The 3 non-conforming living room windows would receive 16%, 20% and 24% APSH, compared to the recommended 25%. Analysis without balconies shows that each window would meet the BRE Guidance, which shows that the balconies cause disproportionate reductions in sunlight. The sunlight results are therefore acceptable.
- 6.56 In respect of outlook, it is a well-established planning principle that there is no right to a view over third party land. However, proposals should ensure that they do not appear overbearing or cause an unacceptable sense of enclosure to neighbouring properties. Distances of between 10.5m to 19m would be maintained between the new development and The Clock House and 60 High Street. Having regard to the scale of the proposed development and the modest separation, it is considered that the proposal would cause an

unacceptable sense of enclosure and loss of outlook to neighbouring properties in The Clock House.

6.57 The degree of privacy maintained to the neighbouring properties would be acceptable in this town centre context.

6.58 2 – 20 Market Street:

These are 2 and 3 storey terraced properties to the south-east of the application site, which predominantly comprise upper floor flats above ground floor commercial units. The Daylight and Sunlight Assessment notes that 12 Market Street includes a ground floor flat to the rear of the building.

6.59 The Daylight and Sunlight Assessment shows that 39 of the 46 windows (85%) would meet the VSC test. The non-conforming windows would be at Nos. 12, 14 and 20 Market Street. Of the 7 windows that do not meet the VSC test, 4 would retain at least 0.7 times the existing VSC – slightly below the 0.8 guidance value. The remaining 3 windows serve two bedrooms at 20 Market Street, one of which is served by a second window that meets the BRE Guidance. The NSL results show that 26 of the 28 rooms assessed (93%) would meet the BRE Guidance. This level of conformity is considered to be acceptable in the town centre context.

6.60 The windows to the rear of these properties face north-west. In accordance with the BRE Guidance, as they do not face within 90 degrees of due south, the sunlight impact of the development on these windows does not need to be assessed.

6.61 The proposed development would not cause a significant loss of privacy or outlook to these neighbouring properties due to the separation that would be maintained.

6.62 24 – 26 Market Street:

This is a 3 storey building located on the corner of Market Street and Exchange Road, which has flats at first and second floor and commercial at ground floor. There are bedroom windows in the north-western elevation that face the application site.

6.63 The Daylight and Sunlight Assessment shows that there would be reductions in VSC to 4 of the 5 bedroom windows and reduction in NSL in 2 of the 3 rooms, which go beyond the recommendations in the BRE Guidance. However, the BRE Guidance highlights that daylighting to bedrooms is less important than main living spaces, and the windows would still retain 24.29% to 26.75% VSC. These are considered to be reasonable values for bedrooms in

a town centre location. In accordance with BRE Guidance, sunlight does not need to be assessed because the windows are north-west facing.

6.64 In common with the other properties in Market Street, it is not considered that the proposal would cause an unacceptable loss of outlook or privacy to the neighbouring occupiers.

6.65 Holy Rood Church, Rectory and Parish Centre:

All of the windows and rooms in the Church would accord with the BRE Guidance for VSC and NSL. Sunlight does not need to be assessed because the neighbouring windows are north-east facing.

6.66 The Daylight and Sunlight Assessment shows that 6 of the 13 windows assessed at the Rectory would not meet the target values in the VSC test. Nevertheless, 5 of these windows would still have a VSC of at least 20, which is considered to be acceptable given that these are non-residential windows. One window (serving a first floor room in the rearmost section of the Rectory) would have a VSC of 13.96 and result in a 33% reduction in NSL. There would therefore be a noticeable reduction in daylight to this room as it would be directly opposite the proposed development on the other side of Exchange Road. However, because this room is in non-residential use and is the only room that would experience in significant reductions in both VSC and NSL, the results are considered to be acceptable.

6.67 There would be reductions in VSC in 4 windows serving a single room in the Parish Centre that would not meet the BRE Guidance target values. However, the windows would still maintain VSC of 21 – 24, and the NSL results for the rooms would meet the BRE Guidance. Having regard to the non-residential purposes, these results are acceptable.

6.68 Holyrood Court and St Vincent Cottages:

The proposed development would maintain a sizeable distance from these properties. The Daylight and Sunlight Assessment shows that all neighbouring windows and rooms would accord with the BRE Guidance values for VSC and NSL. Furthermore, all of the neighbouring windows within 90 degrees of due south would meet the BRE Guidance for annual and winter sunlight.

6.69 Conclusion on living conditions:

For the above reasons, the proposed development would cause significant harm to the living conditions of the occupiers of The Clock House in respect of loss of daylight and outlook. The proposal therefore conflicts with Policy CC8.5

of the Local Plan which states that development should be designed to protect the amenity of adjacent uses and their occupants.

6.70 (f) Housing mix and affordable housing provision

The application shows that 66% of the proposed units would be 1-bed/studio; 29% 2-bed; and 4% 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.

6.71 The Planning Statement and plans set out that 9 units (10%) would be built to be wheelchair adaptable and comply with M4(3) of the Building Regulations – which exceeds the minimum provision of 4% specified in Policy HO3.10 of the Local Plan. This could be secured by condition.

6.72 In respect of dementia friendly design, it is considered that the residential entrances are defined and legible, and the maximum limit of 8 flats per core would make the layout easier to navigate. The 9 M4(3) units are significantly larger than the minimum internal space standard, which provides more comfortable accommodation. This includes large built-in storage units, open-plan layouts (to avoid internal corridors and compartmentalisation) and private amenity space for each flat. Furthermore, the units would have direct access to the outdoor courtyard via the internal cores, which would be a clearly defined space with good natural surveillance from adjoining windows. Consequently, it is considered that the layout meets the design principles set out in figure 3.3 of the Local Plan.

6.73 The applicant has submitted a Financial Viability Appraisal with the application, which sets out that it is not viable for the development to provide any affordable housing. This has been reviewed by the Council's viability consultant, Aspinall Verdi (AV), and a costs analysis has also been provided.

6.74 AV advise some adjustments to inputs, including: a reduction of developer's profit on residential from 20% to 18%; change in commercial yield from 7 to 6.5%; and a reduction in construction costs from £298psf to £281psf. Despite these adjustments, AV find that the scheme would have a deficit of £10,784,628 with a policy-compliant level of affordable housing against a benchmark land value (BLV) of £1,100,000. Even with no affordable housing, the scheme would have a deficit of £7,428,061 against BLV. Sensitivity testing

shows that there would need to be both a 25% increase in sales values and a 25% decrease in construction costs for the development to become viable. Nevertheless, the applicant has made an affordable housing offer, as set out in the table below:

Unit No.	Tenure	Floor	Unit Type	Size (sq. m)	Hab Rooms	Core	% Affordable
001	Social Rent	Ground	1B 2P	51	2	A	3%
002	Social Rent	Ground	1B 2P (WA)	65	2	A	
003	Social Rent	Ground	1B 2P (WA)	65	2	B	
101	Social Rent	1st	Studio	42	2	A	3%
102	Social Rent	1st	1B 2P	51	2	A	
103	Social Rent	1st	Studio	42	2	A	
104	Shared Ownership	1st	2B 3P	65	3	A	4%
105	Shared Ownership	1st	2B 3P	65	3	A	
106	Shared Ownership	1st	2B 3P	65	3	A	
<b>TOTAL</b>				<b>511</b>	<b>21</b>		<b>10%</b>

6.75 Whilst the affordable housing offer is acknowledged, the Housing team has raised concerns that from experience registered providers would be unlikely to be interested in the proposed studios. Furthermore, the use of shared cores for the market and affordable units may limit the interest from registered providers. Officers sought confirmation from the applicant that they have contacted registered providers who have indicated that the units meet their requirements and would be interested in acquiring the units. However, no evidence has been provided. Having regard to the lack of engagement with registered providers and the applicant's request for a s106 clause that *"the developer will use reasonable endeavours to dispose of the affordable housing at a viable level. If there is shown to be no demand then a financial contribution can be made in lieu"*, there is a risk that on-site affordable provision would not be delivered.



6.76 (g) Access, parking and highway matters

The application site currently comprises a surface pay & display car park, providing 99 car parking spaces. Table 3.8 of the applicant's Transport Statement sets out the public car parks within the Town Centre, including the hours of operation and number of spaces available. This shows that there are 4972 parking spaces, of which 4777 are open 24 hours. A loss of 99 parking spaces would result in a reduction of around 2% car park capacity in the Town Centre, which is considered to be a negligible decrease. Consequently, the proposal would not have a significant impact on the facilities provided in the Town Centre or have a material impact on the local road network. The Highway Authority has raised no objection on these grounds.

- 6.77 The Local Plan identifies site allocations for new development in order to meet the growth needs of the Borough and make the most of sustainable locations close to shops, services and passenger transport facilities. The application site forms one of these allocations (allocation MU14) having regard to its highly accessible Town Centre location. Whilst the reduction in car parking spaces is acknowledged, this is a minor decrease in the Town Centre, which is well served by public car parks and sustainable transport modes, including bus and rail services, with routes to/from a significant range of destinations.
- 6.78 Representations have been made referring to the relatively cheap pricing of the existing car park, however there is no certainty that this would remain in perpetuity and it is not sufficient grounds to withhold planning permission for development in a sustainable location which contributes towards meeting the growth needs of the Borough. The loss of the existing car park is therefore acceptable.
- 6.79 Policy ST11.3 of the Local Plan states, amongst other things, that major developments should maximise opportunities for sustainable transport. It sets out that development should at a minimum be car-lite, and car-free should also be considered. Furthermore, development should support the delivery of high quality cycle and walking routes across the Town Centre, linking to key destinations. Development should contribute to reducing the severance caused by the ring road. Paragraph 11.56 of the Local Plan highlights that car parking for development in the Core Development Area will be severely restricted and this will be enforced via Section 106 agreements. This is to minimise congestion by discouraging vehicles where there are excellent public transport options available.

- 6.80 Having regard to the sustainable transport objectives in the Local Plan and the highly accessible location of the application site, the parking provision of 3 disabled parking spaces is acceptable. These spaces would be served by active electric vehicle charging infrastructure, in accordance with Policy ST11.5 of the Local Plan. The parking spaces would be accessed from Wellstones, and acceptable visibility splays and turning would be provided. The proposed internal cycle stores would deliver long-term storage space for 132 cycles, and visitor provision of 6 Sheffield stands (12 spaces) would be provided in the public realm. This accords with the standards in Appendix D of the Local Plan.
- 6.81 The application site is within a Controlled Parking Zone and so the removal of parking permit entitlement for future occupiers could be secured through a Section 106 Agreement. This would minimise potential for overspill parking in surrounding roads.
- 6.82 Due to the restrained level of on-site parking, the vehicle trip generation from the development would be limited. This is highlighted by the Transport Statement which shows that in comparison to the existing car park, there would be a reduction of 23 vehicle trips during the morning peak and 56 trips during evening peak as a result of the proposed development. Therefore, as a result of the restrained on-site parking availability, the proposal would result in a reduction in traffic and congestion and so would cause no harm to the operation of the local highway network.
- 6.83 Refuse and recycling stores would be provided in the podium adjacent to the disabled parking spaces. The Transport Assessment sets out that on collection day, bins would be wheeled from the stores by on-site facilities management to a temporary collection point adjacent to the Wellstones frontage. This would be within a carry distance of 25 metres, which is acceptable. From here, waste collection operatives would wheel bins to the refuse vehicle in Wellstones for emptying and returned to the collection point. On-site facilities management would then wheel the bins back to the stores. The Highway Authority notes that the collection point would not block any vehicle/pedestrian route and has raised no objection to the servicing/waste management strategy. Regarding deliveries, the applicant sets out that internal post boxes and delivery lockers would be provided for residents. A full Servicing and Delivery Strategy could be secured by planning condition.
- 6.84 Wellstones comprises a one-way route from Exchange Road at the Telephone Exchange through to Market Street. The road is single-carriageway and subject of a 30mph speed limit. Double-yellow lines are painted on both sides of the road, with the exception being marked taxi bays. Whilst there are some

footways, including opposite at The Clockhouse, this is generally quite fragmented and therefore does not provide a good pedestrian environment.

- 6.85 As part of the proposed highway safety improvements, a new pedestrian footway would be constructed to the rear of Nos. 44 to 54 High Street and there would also be a new raised table in the carriageway adjacent to the site. The new footway would provide a designated pedestrian route in Wellstones from the application site to the existing footway between Nos. 2-4 The Parade & No. 38a High Street – which leads to the High Street. The existing footway towards the junction with Market Street would also be widened and lengthened to improve pedestrian accessibility. Furthermore, the extent of set back of the proposed building from Wellstones would facilitate the provision of a pedestrian footpath and landscaping immediately to the front of the site facing Wellstones, which would provide sufficient protection for pedestrians from the road.
- 6.86 The Highway Authority is satisfied with the improvements in Wellstones, which should be secured through a Section 106 Agreement. The Highway Authority has also requested that the speed limit in Wellstones should be reduced to 20mph, however vehicle speeds are likely to be low given the narrowness of the carriageway and the existing road bends. This matter could be addressed outside the planning application process through a CIL infrastructure project.
- 6.87 In addition to the above, the existing footpaths in Exchange Road and Market Street would be accessible from all of the proposed residential entrances, which would provide a wide and legible pedestrian route to the Town Centre and other destinations. This is made possible through the new pedestrian footway to the north of the proposed building, which would link Exchange Road and Wellstones. The footway would be a minimum of 3.5m wide, which would be wide enough to comfortably accommodate pedestrians.
- 6.88 A new signalised Toucan crossing is proposed in Exchange Road adjacent to the junction with Marlborough Road and the new pedestrian footway. This would improve the pedestrian/cycling connectivity and movement network in the surroundings and contribute to reducing the severance caused by the ring road. In this regard, the improved connectivity of surrounding residential areas to the Town Centre meets the objectives in Policy ST11.3 of the Local Plan. The proposed crossing is supported by the Highway Authority and should be secured through a Section 106 Agreement.

- 6.89 For the above reasons, the transport impacts of the proposed development are acceptable. The proposal therefore accords with Policies ST11.1, ST11.3, ST11.4, ST11.5 and ST11.6 of the Local Plan.
- 6.90 (h) Sustainability
- Policy CC8.1 of the Local Plan 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 Part L Buildings Regulations 2013, and compliance with the optional standard of 110 litres of water use per person per day, as set out in The Building Regulations (2010) Approved Document G Requirement G2 and Regulation 36.
- 6.91 The submitted Energy and Sustainability Statement indicates a 64% improvement in carbon emissions over Part L Building Regulations (2021) and a 52% energy saving. This significantly exceeds the target set out in Policy CC8.3 of the Local Plan and is therefore acceptable. Carbon reductions would be achieved through the provision of an air source heat pump and photovoltaic panels, which would be installed on the roof. Furthermore, the energy consumption of the development would be minimised through various measures including high performance building fabric with upgraded 'U' values and energy efficient fittings and controls. It is also noted that the scheme would be fully electric and not include gas boilers – this meets the objectives in the Local Plan to reduce carbon emissions. The high sustainability performance of the proposed development beyond Local Plan requirements weighs in favour of the proposal and should be secured through a planning condition.
- 6.92 The Sustainability Statement comments that the fit-out works will provide for sanitary fittings which will be water efficient through measures such as dual flush toilets and low flow taps. A planning condition should be imposed to require the proposed development to meet the technical standard for water efficiency of 110 litres per person, per day.
- 6.93 The application site is within Flood Zone 1 (low risk of flooding) and is not identified in the South West Hertfordshire Level 1 Strategic Flood Risk Assessment as being in an area at high risk of groundwater flooding. The submitted Flood Risk Statement and Surface Water Management Report Revision B dated January 2023 (the Flood Report) sets out that the proposed sustainable drainage features include an underground storage tank, water

butts and green roofs. Discharge into the Thames Water surface water sewer would be restricted to 2.3 l/s for all rainfall events up to and including the 1 in 100 year + 40% climate change event + 10% urban creep factor. The Lead Local Flood Authority (the LLFA) has no objection to the proposal subject to conditions.

6.94 (i) Biodiversity

Whilst there is some vegetation along the perimeter, the application site currently provides negligible biodiversity value as it predominantly consists of a hard-surfaced car park.

6.95 The proposed new soft landscaping and trees in the public realm, internal courtyard and roof terraces at 5<sup>th</sup> and 7<sup>th</sup> floors would provide an enhancement to biodiversity at the site. The Landscape & Biodiversity Strategy indicates that the planting would include a diverse and layered vegetation structure, including wildlife-friendly trees, shrubs, climbers, grasses and flower-rich perennials, such as those on the Royal Horticultural Society ‘Perfect for Pollinators’ list. The strategy also includes the installation of building-mounted sparrow, swift and bat boxes, along with artificial insect habitats. A detailed scheme could be secured through a planning condition.

**7. Consultation responses received**

**7.1 Internal Consultees**

<b>Consultee</b>	<b>Comment Summary</b>	<b>Officer response</b>
Environmental Health	No objection. Conditions requested regarding final design of noise attenuation/ventilation.	Noted.
Environmental Protection Officer	No objection. A condition is recommended to require the submission of a dust management plan. Furthermore, the standard land contamination condition is suggested.	The standard land contamination should be imposed.  There are legislative provisions within the Control of Pollution Act 1974 and the Environmental Protection Act 1990 to minimise the impact of dust during construction works. Therefore, it is

		not recommended that a planning condition should be imposed.
Housing	The viability assessment will need to be checked, tested and challenged.	Noted.
Waste & Recycling	The development will require 12 x 1100 litre refuse bins, 12 x 1100 litre recycling bins and 12 x 140 litre food waste bins.  Bins will be collected from Wellstones.	Noted.
Arboricultural Officer	No response.	
Economic Development Officer	No response.	

## 7.2 External Consultees

<b>Consultee</b>	<b>Comment Summary</b>	<b>Officer response</b>
H.C.C. Highways	No objection, subject to conditions and s106 obligations.	Noted.
H.C.C Growth & Infrastructure	No comments to make.	Noted.
H.C.C Lead Local Flood Authority	Discharge into the surface water sewer restricted to 2.3 l/s for all rainfall events up to and including the 1 in 100 year + 40% climate change event + 10% urban creep factor is acceptable.	Noted.
H.C.C. Waste & Minerals	The applicant's intention to produce a Site Waste Management Plan is supported.	Noted.
H.C.C. Fire & Rescue Service	A condition to require the installation and provision of hydrants is necessary. This is to ensure that there are adequate	Noted.

	water supplies available for use in the event of an emergency.	
Environment Agency	Advised that the previous use contamination risk wasn't high enough to warrant comment.	Noted.
Affinity Water	No response.	
Thames Water	The scale of the development does not materially affect the sewer network.  No objection to surface water drainage.  The proposal is within 15m of a strategic sewer, therefore a condition relating to the submission of a piling method statement is required.	Noted.
Health & Safety Executive	The proposed development does not lie within the consultation distance of a major hazard or major accident pipeline.	Noted.
Hertfordshire Constabulary Crime Prevention Design Service	No response.	

### 7.3 Interested parties

Letters were sent to 179 properties in the surrounding area. A notice was posted outside the application site on 20 October 2022 and a notice was published in the Watford Observer on 28 October 2022.

61 letters of objection, 1 in support, and 1 representation have been received. The main comments are summarised below, the full letters are available to view online:

<b>Objection comment</b>	<b>Officer comments</b>
There seem to be too many high rise developments in Watford, and the area around Wellstones is becoming overdeveloped.	The effect of the proposal on the character and appearance of the area is considered in paragraphs 6.6-6.14 of the report.

<p>An additional high rise block of flats in Watford town centre represents a significant erosion to the skyline to Watford. Watford appears to have lost any integrity to the ambience of the area and an additional block will only add to this alienation of its residents.</p>	<p>It should be noted that the scheme does not exceed the Base Build Height in the Town Centre SDA.</p>
<p>There are already far too many redevelopment projects in Watford and this has not been supported by added amenities and infrastructure.</p> <p>No provision for additional amenities such as medical, dental or education facilities in the area which are intensely stretched at present.</p>	<p>The development is liable for Community Infrastructure Levy contributions, which would go towards the provision or improvement of local infrastructure.</p>
<p>The church is a listed building and the planned construction will have a detrimental effect on the listed building and its surroundings.</p>	<p>This is considered in paragraphs 6.15-6.34 of the report.</p>
<p>If a block of flats is built on the existing car park, there would not be enough parking for residents/visitors of the Clockhouse and other nearby destinations.</p> <p>The discontinuation of the car park will mean that the public will be further restricted in attending church. The church creates a sense of community within Watford and provides a public benefit. Their service and support is ever needed by the residents of Watford as we go through a cost of living crisis.</p>	<p>The loss of the existing car park is considered in paragraphs 6.76-6.78 of the report.</p>



<p>Removal of a low cost car park will add to the pressures on existing infrastructure.</p> <p>Residents cannot be expected to pay massive amounts in town and then have to walk through town late at night. This is very dangerous, especially for women.</p> <p>The existing car park should stay and be redesigned as it seems to be the centre for anti-social behaviour. Make it secure just like Gade car park so the only time you're able to get in is with a ticket.</p>	
<p>The proposal has a lack of parking, which would add to existing parking problems in Watford. 3 disabled bays is not sufficient.</p> <p>Where will people park their cars?</p>	<p>This is considered in paragraphs 6.80-6.81 of the report.</p>
<p>Loss of view from The Clockhouse.</p>	<p>This is considered in paragraph 6.56 of the report.</p>
<p>Loss of daylight and sunlight to The Clockhouse and other neighbouring buildings in Wellstones and Exchange Road.</p> <p>The proposal is too high and too close.</p>	<p>This is considered in paragraphs 6.45-6.69 of the report.</p>
<p>Loss of privacy to The Clockhouse and 60 High Street.</p>	<p>This is considered in paragraph 6.57 of the report.</p>

<p>Wellstones was never meant to be more than a service road. More flats here is going to cause a lot of issues with congestion, and the road was not very pedestrian safe to begin with – adding more cars, and more pedestrians is going to make it worse.</p> <p>There should be a proper pedestrian footpath in Wellstones to the High Street.</p> <p>Even if no car parking is allowed at the proposed development, how can Wellstones deal with the increase in deliveries, refuse collection and taxis. This will be even worse with a commercial area on the ground floor. A loading bay for the commercial units will increase traffic and noise, and is not compatible with a residential area.</p>	<p>This is considered in paragraphs 6.82-6.86 of the report.</p>
<p>Increase in congestion and traffic.</p>	<p>This is considered in paragraph 6.82 of the report.</p>
<p>Concerns regarding air pollution.</p>	<p>The submitted air quality assessment shows that annual mean and hourly mean concentrations of NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> across the site comply with national standards.</p> <p>Based on the proposed low number of car parking spaces and existing site use, the proposed development would lead to a net reduction of traffic flows associated with the site use. Operational phase exposure impact was predicted to be not significant.</p> <p>The Environmental Protection Officer has raised no objection.</p>

The proposal will add pressure to the existing sewerage, drainage and other utilities.	Thames Water has raised no objection to the impact of the proposal on sewerage infrastructure or surface water drainage.
Noise and disturbance from construction works.	There are powers in the Environmental Protection Act 1990, as amended, to enable the Council to investigate a statutory nuisance, including noise, which may include action to restrict the hours of noisy works. Further information is available on the Council's website <a href="https://www.watford.gov.uk/neighbour-complaints/reporting-nuisances/6">https://www.watford.gov.uk/neighbour-complaints/reporting-nuisances/6</a>  As such, this is not sufficient grounds to withhold planning permission.
The proposal would create additional issues with refuse and vermin.	The proposed servicing arrangements are considered to be acceptable. There is no substantive evidence that it would cause issues with refuse and vermin.
Is it possible to get clarification as to if there are any restrictions of the "flexible non-residential unit at ground floor". i.e. a 9 to 5 dry cleaners or estate agents is preferable to a 11am to 1am take away or a late night convenience store selling alcohol.	A condition is recommended to limit the commercial unit to Use Class E(a), E(c), E(d), E(e) and E(f), in accordance with Allocation MU14 in the Local Plan.  It is not considered that a condition to limit the hours of operation of these types of uses is necessary.

<b>Support comment</b>	<b>Officer comments</b>
There is a housing shortage so we should build on brownfield sites within the town. Eight stories does not seem excessive for the site and due to its location not all flats need residents parking.	Noted.

## **8. Recommendation**

That planning permission be refused for the reasons below:

- 1) The height and scale of the proposed development would appear dominant and visually compete with the Grade I listed Holy Rood Church and associated group of Grade II listed buildings in views at the eastern end of Percy Road and from the north-west in Exchange Road. This would cause less than substantial harm to the setting of the designated heritage assets which would outweigh the public benefits of the proposal. The proposal is therefore contrary to Policies HE7.1 and HE7.2 of the Watford Local Plan 2021-2038 and Chapter 16 of the National Planning Policy Framework.
  
- 2) The proposed development owing to its scale and siting would cause significant harm to the living conditions of the occupiers of The Clock House in respect of substantial loss of daylight and outlook. The proposal therefore conflicts with Policy CC8.5 of the Watford Local Plan 2021-2038 which states that development should be designed to protect the amenity of adjacent uses and their occupants. In this respect, the proposal is also contrary to paragraph 130 of the National Planning Policy Framework, which seeks to create places with a high standard of amenity for existing and future users.