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| PART A | |
| Report of: Head of Development Management | |
| Date of committee: | 6th September 2017 |
| Site address: | 83-85, High Street |
| Reference Number: | 17/01030/FULM |
| Description of Development: | Extension at first and second floors to create additional retail floorspace (Class A1) |
| Applicant: | Sports Direct Limited |
| Date Received: | 24th July 2017 |
| 13 week date (major): | 18th September 2017 |
| Ward: | Central |

1.0 Site and surroundings

- 1.1 The site is located on the north-eastern side of High Street directly opposite St Mary's Square and St Mary's Conservation Area. It is a 3 storey building which links into the Intu Centre and was formerly occupied by BHS. It is within the Primary Shopping Area of the town centre.

2.0 Proposed development

- 2.1 To erect extensions at first and second floor level to create an additional 1,432m² of retail floorspace (Class A1). At first floor level, the extension will create 231m² of floorspace and will largely comprise the infilling of a flat roof area along the north-western side of the building. At second floor level, an additional 1,192m² will be created. This will involve extending the existing floorspace (812m²) sited at the rear of the building across the full extent of the building up to the existing High Street façade.
- 2.2 The proposal also involves the subdivision of the existing floorspace although this does not require planning permission. This will create 4 self-contained units at ground floor level, 2 with access from High Street and 2 with access from the internal mall of the Intu Centre. At first and second floor levels, a single unit will be created with access directly from the internal mall of the Intu Centre at first floor level and internal stairs/escalators to second floor level. This unit will be occupied by the applicant.

3.0 Relevant planning history

3.1 There is no planning history of relevance to the current application.

4.0 Planning policies

Development plan

4.1 In accordance with s.38 of the Planning and Compulsory Purchase Act 2004, the Development Plan for Watford comprises:

- (a) *Watford Local Plan Core Strategy 2006-31;*
- (b) the continuing “saved” policies of the *Watford District Plan 2000;*
- (c) the *Hertfordshire Waste Core Strategy and Development Management Policies Document 2011-2026;* and
- (d) the *Hertfordshire Minerals Local Plan Review 2002-2016.*

4.2 The *Watford Local Plan Part 2: Publication Version* was published in July 2016. This has been subject to 3 rounds of public consultation – Nov-Dec 2013, Dec 2014-Feb 2015 and Dec 2015-Feb 2016. It contains development management policies and site allocations. The emerging policies and site allocations in this document can be given limited weight at this time.

4.3 National Planning Policy Framework

The National Planning Policy Framework sets out the Government’s planning policies for England. The following provisions are relevant to the determination of this application, and must be taken into account as a material planning consideration:

Achieving sustainable development

The presumption in favour of sustainable development

Core planning principles

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Decision taking

5.0 Consultations

5.1 Neighbour consultations

Letters were sent to 24 surrounding properties. No representations have been received.

5.2 **Statutory publicity**

The application was publicised by site notice posted on 1st August 2017 and by advertisement in the Watford Observer published on 4th August 2017. The site notice period and the newspaper advertisement period expired on 25th August 2017.

5.3 **Technical consultations**

No technical consultations were necessary in respect of this application.

6.0 **Appraisal**

6.1 **Main issues**

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

- (a) Principle of development.
- (b) Design and character of the area.
- (c) Impact of adjoining properties.

6.2 (a) Principle of development

The site is located within Special Policy Area 1: Town Centre and the Primary Shopping Area within the Core Strategy. Policies SS1 and SPA1 identify the town centre and the Primary Shopping Area in particular as the focus for new retail floorspace to meet forecast demand for retail floorspace and maintain the town's competitive position as a regional centre. As such, the proposal accords with these objectives and policies in creating an additional 1,432m² of retail floorspace.

- 6.2.1 Emerging Policy TLC3 of the Local Plan Part 2 seeks to ensure at least 60% of shop units within the Primary Shopping Frontage remain in retail use. Emerging Policy TLC4 seeks to ensure that at least 90% of units within the Intu Centre remain in retail use. In this case, the proposal will not result in the loss of any retail floorspace or units as the additional floorspace created is for retail use and the existing retail floorspace at ground floor level is to be sub-divided into 4 retail units. Any change of use of these units will need to be the subject of a separate planning application.

6.3 (b) Design and character of the area

The front elevation is to be retained as existing in the current application. Although a change to the design and appearance is intended by the applicant, this is to be the subject of a separate planning application. At second floor level, the front elevation is a false façade with no floorspace behind it, only the flat roof of the first floor. As such, the second floor extension will be hidden behind this façade and will not be visible from the High Street.

6.3.1 The eastern elevation of the building abuts the adjoining building at 91-95, High Street (occupied by Marks and Spencer). The second floor extension will project above and abut the flat roof of this building, which contains extensive plant and equipment. The flank elevation, which is to be finished in grey rainscreen cladding, will not be visible from the High Street or wider public realm.

6.3.2 The western elevation abuts a fire escape alleyway that separates the building from nos. 77-79, High Street. This is a 3 storey building with retail units at ground floor and office and educational training use on the upper floors. The first and second floor extensions will abut the alleyway and will also be finished in grey rainscreen cladding. As the entrance to the alleyway is bridged by the upper floors of the building, the extensions will not be visible from the High Street or wider public realm.

6.4 (c) Impact of adjoining properties

The proposed second floor extension will abut the flat roof of the building at 91-95, High Street. This flat roof contains extensive plant and equipment with no windows in the adjoining flank walls. As such, the proposal will have no impact on this property.

6.4.1 Along the western elevation of the building, the first and second floor extensions will abut the fire escape alleyway with the flank elevation of the building at 77-79, High Street sited on the opposite side of the alleyway. This elevation of no. 77-79, High Street contains 11 windows at both first and second floor level facing the alleyway and the application site. These windows benefit from a level of natural light and outlook over the roof of the application building although, on a site visit, a number of the windows were observed to contain obscured glass and others were covered by blinds.

6.4.2 At present, the application building is single storey (5m high) where it abuts the alleyway and steps back at first floor level by 6.5-9.5m (to a height of 8.3m). The proposed extensions will increase the height of the building abutting the alleyway to 12m. This will result in a significant loss of natural light and outlook to all of these windows, particularly those at first floor level. The harm this will cause needs to be judged against the use of the upper floors these windows serve. In this case, the upper floors have permitted use for offices (Class B1a) and educational training (Class D1). Neither use requires natural light or outlook although this is obviously desirable. As the windows rely on their light and outlook from across the application site, they have no right to this under planning legislation but would have to establish a private right to light under other legislation. As such, it is not considered that the harm to the upper floors of no. 77-79, High Street would

outweigh the benefits of the additional retail floorspace created by the proposal.

7.0 Community Infrastructure Levy and Planning Obligations

7.1 Community Infrastructure Levy (CIL)

The Council introduced the Community Infrastructure Levy (CIL) with effect from 1 April 2015. The CIL charge covers a wide range of infrastructure as set out in the Council's Regulation 123 list, including highways and transport improvements, education provision, youth facilities, childcare facilities, children's play space, adult care services, open space and sports facilities. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted.

The CIL charge applicable to the proposed development is £55m² (Class A1-A5 development within the Primary Shopping Area). This will generate a payment of £78,760 based upon the net increase in floorspace.

7.2 S.106 planning obligation

Since the introduction of the Community Infrastructure Levy, s.106 planning obligations can only be used to secure affordable housing provision and other site specific requirements, such as the removal of entitlement to parking permits in Controlled Parking Zones and the provision of fire hydrants. In this case, there is no requirement for a planning obligation.

8.0 Conclusion

- 8.1 There is no objection in principle to the proposal which will provide new retail floorspace within the Primary Shopping Area of the town centre, in accordance with the objectives and policies of the adopted Core Strategy. This is welcomed. The scale and location of the proposed extensions will have no adverse impact on the High Street or wider area. The proposed extensions will have a significant harmful impact on the flank windows of the adjoining office building at 77-79, High Street, however, having regard to the office use, it is considered that the harm caused is outweighed by the benefits of providing new retail floorspace on the application site.

9.0 Human Rights implications

- 9.1 The Local Planning Authority is justified in interfering with the applicant's human rights in order to alleviate any adverse effect on adjoining properties and their occupiers and on general public amenity. With regard to any infringement of third

party human rights, these are not considered to be of such a nature and degree as to override the human rights of the applicant and therefore warrant refusal of planning permission.

10.0 Recommendation

That planning permission be granted subject to the following conditions:

1. 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. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

CPS16-119- 009B, 010B, 011B, 012B, 017C

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, the new floorspace shall only be used for purposes within Use Classes A1 of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other purpose.

Reason: To accord with Policies SS1 and SPA1 of the Watford Local Plan Core Strategy 2006-31.

Drawing numbers

CPS16-119-001A, 009B, 010B, 011B, 012B, 017C, 022B, 023B, 024A, 025A

Case Officer: Paul Baxter

Email: paul.baxter@watford.gov.uk

Tel: 01923 278284