

ITEM NUMBER: 5d

22/00408/FUL	Change of use from Class E to Hot food Takeaway (Sui- Generis)	
Site Address:	A Class Tailoring Ltd, 15 Marlowes, Hemel Hempstead, Hertfordshire, HP1 1LA	
Applicant/Agent:	Mr F Haque	Mr Douglas Stanley
Case Officer:	Elsbeth Palmer	
Parish/Ward:	Hemel Hempstead (No Parish)	Hemel Hempstead Town
Referral to Committee:	Called in by Councillor Beauchamp	

1.0 Background

1.1 This item was considered at the Development Management Committee (DMC) meeting held on 26th May, 2022, and the original report can be found in full in Appendix C.

1.2 The application was deferred at DMC 26th May 2022 to allow the following:

- Consideration of whether the extractor flue can be erected without attaching to the roof of the flat above; and
- Provision of details of bin storage and waste disposal.

1.3 The agent has responded with the following information:

- Revised plans showing the proposed extractor flue attached to the rear face of the building thus avoiding going over the pitched roof of flat 15A.
- The storage of and collection of waste is overcome by positioning the wheelie bin internally with new doors opening onto the rear passage way. The bin can then be placed in the passage way on bin collection day.
- The oil, fat and associated waste will be processed through a grease catcher as shown in the attached brochure. The residue is then collected in containers and then disposed of by a commercial company for reprocessing. This method of disposal is an existing process employed by a previous business in Hemel Hempstead the applicant was the owner of for over 12 years.
- Waste water will be disposed of by means of the existing drains. The client notes the points made about the continual blockage of existing drains but argues that this should not reflect on his application as his disposal will be to current building regulation standards. Any existing problems should be addressed by the present businesses or authorities with the assistance of professional contractors.

2.0 Considerations

2.1 The amended flue location would have a positive impact on the host building and the character and appearance of the area compared to the previous proposals. This is because the amended proposals are not as high as that previously proposed.

2.2 The applicant has found an alternative position to attach the extractor flue which is located where the current air conditioning units are located. The flue end is located away from the roof dormer which serves a bedroom and away from the outdoor amenity area for the flat above.

2.3 It is noted that the neighbour at No.15a have raised concerns that the new location of the flue could give rise to noise and odour concerns. In response to this, it is firstly worth noting that

the flue will be located approximately 3.2 metres away from the bathroom window of the first floor flat. As a bathroom window this is not considered to be a 'lived in' room and therefore not a sensitive receptor. The Council's ECP team have assessed the details and specification of system provided and have concluded that they do, "*not have any concerns regarding the proposed extraction location/direction*". Furthermore, the neighbour will have mechanisms through Environmental Health legislation to make noise and odour complaints should they occur.

- 2.4 The applicant has found an alternative location for the bin and provided information on waste disposal. It is worth noting that the neighbour is content with the revised bin storage proposals. Officers are satisfied that this is an achievable solution, which will not affect the running of the business.
- 2.5 Overall, the proposal, with amendments as noted above, is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties. As such, the proposal accords with Policy CS12 and CS32 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Response to Neighbour Comments

- 2.6 Subsequent to the DMC of 26th May 2022, the residential unit above the site, 15A Marlowes, has provided further comments. They state they are pleased to see that the applicant's bins will now be stored within their property and not in the alleyway, that the extractor ducting will no longer run over the flat roof of the lounge and then extend up and over the principle roof of the property, and that that the late opening hours for this this business have remain amended from that previously quoted.
- 2.7 However, No.15a have maintained two objections:
- The positioning of the extractor ducting and vent very close to the bathroom window, which is the main source of rear ventilation into the property and could lead to unpleasant odours and potential smoke from cooking hot food, together with possible noise an extractor system.
 - Fire risk to flat above due to wooden flooring and there only being a single point of exit at the rear of No. 15.
- 2.8 The first point has been addressed above. The second point are more civil matters or related to Building Regulations.

Conditions

- 2.9 Based on the amended plans it is recommended that condition 7 be removed (as the wheelie bin is now to be located inside the building) and condition 8 be amended to reflect the updated plans.

7. **Notwithstanding the details shown on the approved plans the location of the wheelie bin to the rear of the approved use does not form part of this proposal. The bin is not located within the red line and is on land belonging to the owner of the flat above 15A Marlowes.**

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

8. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

Site Location Plan DRG No 24/21 SHT 1

**Amended Existing/Proposed Ground Floor 24/21/SHT2 REV C
 Amended Existing/Proposed Elevations 24/21/SHT3 REV D
 Existing/Proposed Elevations 24/21/SHT 4 REV E
 Proposed Ground Floor Plan with ducting superimposed 24/21 SHT 5**

Specifications:

**Activated Carbon Filters - Absolair
 Cleanpak CP4 Bag Filter - Jasun Envirocare PLC
 Woods Fan Catalogue - JM Aerofoil**

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

3.0 CONCLUSION

- 3.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its scale, siting and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or street scene.
- 3.2 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent is required for these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition on the formal planning permission requiring submission and approval of a scheme for the storage and collection of waste prior to commencement of the proposed use.
- 3.3 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.
- 3.4 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

4.0 RECOMMENDATION

That planning permission be granted, subject to the conditions outlined in the original report (DMC 26th May, 2022) with amendments as outlined in paragraph 2.5.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	6.9.22 Following conversation regarding the above please be aware that Environmental Health would not have any concerns regarding the proposed extraction location/direction.

	<p>The distance from nearby receptors, with filters and mitigation outlined is not of concern and the outlet position, direction and location appears to be the most sensible given 'lived in room' receptors surrounding the business (living rooms, bedrooms etc).</p> <p>I am aware that concerns have been made by an objector around potential fumes encroaching on their bathroom and so forth but these are not shared by my team when assessing proactively, based on the details and specification of system provided.</p> <p>If residents are impacted, they have the right to make an odour complaint with our team, however the nature of the business is relatively low risk in terms of odour nuisance, when compared to other food premises (Turkish, Lebanese, Indian cuisine etc) who may cook over wood or coals compared to grill/gas.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
<p>15A Marlowes Hemel Hempstead Hertfordshire HP1 1LA</p>	<p>28.7.22</p> <p>I own the flat at 15a Marlowe's and I am very concerned about the application at 15 Marlowes and have the following concerns; I access my property at the rear of 15 Marlowe's, which is located above no.15. There is only space for my bin outside of my front door. However, I am pleased to see that on the most recent plans that the applicant's bins will now be stored within their property and not in the alley way, as this is the only point of access into my home and is not suitable for storing waste bins outside of my front door.</p> <p>The most recent plans indicate that the extractor ducting will no longer run over my flat roof of my lounge and then extend up and over the principle roof of the property, which is good news. However, the latest plans show the extractor ducting and vent is now positioned very close to my bathroom window, which is the main source of rear ventilation into my property and could lead to unpleasant odours and potential smoke from cooking hot food, together with possible noise an extractor system. I find this very concerning and would like to understand how the applicant would counter these issues.</p> <p>I am also very concerned that this application could result in a fire risk to my home, due to the wooden floor boards that exist between the applicant's business and my property, should a hot food establishment be permitted.</p> <p>Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety?</p> <p>Finally, I am pleased to hear that the late opening hours for this this business have remain amended from that previously quoted, as I was very worried about the potential disturbance from noise due to people</p>

	visiting the establishment late at night.
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APPENDIX C: Development Management Committee report for 26th May, 2022

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

- 2.1 It is recommended that the application be **GRANTED**
- 2.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its modest scale, and siting to the rear of the row of buildings and its sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or streetscene.
- 2.3 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent would be required for the proposed works.
- 2.4 Despite concerns being raised regarding noise from machinery, disturbance caused by late night use, waste and odours the proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition limiting operating hours and a pre-commencement condition on the formal planning permission requiring a scheme for the storage and collection of waste generated by the development to be submitted to and approved in writing by the Local Planning Authority. The extraction system and flue are industry standard and will be appropriately muffled and prevent any unreasonable odours or smoke from being created.
- 2.5 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.
- 2.6 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

3. SITE DESCRIPTION

- 3.1 The site lies on the eastern side of The Marlowes opposite West Herts College (Dacorum Campus). The site comprises a two and a half storey mid-terrace building with a shop use at ground floor (previously "A Class Tailoring") with a residential unit above.
- 3.2 The site is part of a row of similar uses with Class E and Sui Generis uses at ground floor with residential use above.

3.3 Many of the residential units have amenity space to the rear of the building on an elevated platform at first floor level. The site backs onto "Iveagh" a flat development with a car park area between the two developments.

3.4 The site is located within the town centre of Hemel Hempstead.

4. PROPOSAL

4.1 Planning permission is sought for the change of use of the existing building at ground floor level from Class E (shop use) to a Hot Food takeaway (sui generis use). In order to facilitate this change of use, the application also proposes the installation of an extractor flue pipe.

Background

4.2 A previous application for a change of use from Class E to Hot Food Takeaway (Sui Generis) 21/04451/FUL was submitted on 3rd December 2021 and withdrawn due to insufficient information being received in relation to noise / odour control and on the proposed opening hours.

4.3 The following information has now been submitted:

- Activated Carbon Filters – Absolair – for odour and smoke particulate abatement.
- Cleanpak CP4 Bag Filter - Jasun Envirocare PLC – for fumes.
- Woods Fan Catalogue - JM Aerofoil – information on internal extractor unit.
- Proposed opening hours.

4.4 The Environmental Health Officer is now satisfied that sufficient information has been provided.

Member Call In

Reason for Call in provided by Councillor Beauchamp

"The resident lives at 15a Marlowes, which is located directly above the proposed change of use location. He is very concerned that the planned extractor flu would run over his roof and could therefore damage the integrity of this structure. The resident is also very concerned with regard to the fire risk to his property, from having a hot food takeaway business situated directly below his home, together with the noise from the proposed late night opening hours that would continue up to 1.00 am. There are also concerns as to where food and general waste would be stored for the new business, as the plans indicate that this would be placed directly in front of his front door, which is the only point of access and exit from his property."

These issues have been addressed in the Impact on Residential Amenity and Response to Neighbour Comments sections.

5. PLANNING HISTORY

Planning Applications

21/04451/FUL - Change of use from Class E to Hot food Takeaway SUI Generis.
Withdrawn - 25th January 2022

4/01172/90/FUL - Second floor rear extension
Refused - 11th October 1990

4/01701/89/FUL - New shopfront
Granted - 15th December 1989

6. CONSTRAINTS

Smoke Control Order
Parking Standards: New Zone 1
EA Source Protection Zone: 1
EA Source Protection Zone: 3
EA Source Protection Zone: 2

Town: Hemel Hempstead

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (2021)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS32 – Air, Soil and Water Quality

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)
Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity;
The impact on residential amenity; and
The impact on highway safety and car parking.

Principle of Development

- 9.2 The site falls within the Town Centre of Hemel Hempstead, wherein Policies CS1 and CS4 of the Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) states that Hemel Hempstead will be the main centre for development and change. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) encourages a mix of uses in town centres with catering establishments amongst others being encouraged, provided it is compatible with its surroundings.
- 9.3 The proposed development is considered to be acceptable in principle, according with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

Quality of Design / Impact on Visual Amenity

- 9.4 Para 130 of the NPPF (2021) states that planning decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character. Furthermore, Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.
- 9.5 The application proposes the change of use of the ground floor of the existing building from Class E (shop use) to a Hot Food takeaway (sui generis use). The only external alterations proposed to the existing building relate to the installation of a new extractor flue pipe and the insertion of new signage.

New Extractor Flue Pipe

- 9.6 The proposed extractor flue pipe is of a reasonable scale and has been sympathetically positioned to the rear of the existing building to ensure that it does not appear a visually prominent addition to the building and wider street scene. There are other extractor flue pipes along this rear view of the row of buildings of similar scale and height. Many are silver in colour and do not blend in with the buildings they are attached to. It is considered that a black matt finish to the proposed Flue Pipe will allow it to blend in more with the surrounding materials and make it less visually prominent along the rear view of this row of buildings.
- 9.7 The flue is to be attached to the roof of the flat above the site and concern has been raised regarding structural damage to this roof. This concern has been addressed in the section covering response to neighbour comments.
- 9.8 It is considered that this addition would be acceptable in design/visual amenity terms and in terms of its impact on the character and appearance of the existing building and the street scene. The proposal therefore accords with Policies CS11 and CS12 of the Core Strategy (2013), and the NPPF (2021).

Impact on Residential Amenity

- 9.9 The NPPF (2021) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.
- 9.10 Given the nature of the development and scale/positioning of the new extractor flue, it is not considered that the resultant building would appear visually intrusive or result in a significant loss of light or privacy to neighbouring properties.

- 9.11 The site is however, surrounded by built form, including residential dwellings above the commercial uses along this side of Marlowes. Taking this into account, and given the nature of the development, concerns were, however, raised that the proposal could cause significant disturbance to neighbouring properties, by way of generating harmful levels of noise both from the extractor and ventilation units, waste and offensive odours.
- Noise disturbance was also raised as a concern particularly at night from people coming and going by car or on foot. This has been covered in the section on Operating Hours.
- 9.12 The Environmental Health Officer has advised that the entire system and plant is being installed onto anti-vibration mountings, the noise most commonly associated with extraction units is a low end 'rumble' which is caused by the motor and initial ducting work vibrating against the fixture points, for example a wall or ceiling, which then amplifies the sound, the use of the anti-vibration mounting system as set out in the extraction system drawings will isolate this issue and therefore mitigate this phenomenon. There is no evidence that the noise from this use would be any more intrusive than the existing levels caused by the similar food premises in the immediate vicinity – therefore no noise conditions are suggested.
- 9.13 The Environmental Health Officer has raised no objection to the proposed extraction system and flue. The equipment is industry standard.
- 9.14 The Environmental Health Team have however confirmed that additional details are required, detailing the storage and collection of waste likely to be generated by the development.
- 9.15 The Environmental Health Team have confirmed that the current application can be determined, subject to three conditions being attached to the formal planning permission, one of which requires the Applicant to submit a scheme for the storage and collection of waste to the Local Planning Authority for approval prior to the commencement of the development.
- 9.16 The conditions set out by the Environmental Health Team are considered to meet the relevant tests, in particular, being both reasonable and necessary to ensure that the proposal would not cause significant disturbance to surrounding properties. The Applicant has agreed to the above pre-commencement condition being attached to the formal planning permission.
- 9.17 Given the above assessment, the proposal is considered to be acceptable in terms of its impact on the residential amenity of neighbouring properties. As such, the proposal accords with Policy CS12 and CS32 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2021).

Impact on Highway Safety and Parking

- 9.18 The NPPF (2021), Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020) and Saved Policy 58 of the Local Plan (2004) all seek to ensure that new development provides safe and sufficient parking provision for current and future occupiers.
- 9.19 With regards to parking, the application site would not provide any off-street car parking provision for users of the Hot Food Take Away shop. Given that the Parking Standards Supplementary Planning Document (2020) states that buildings of sui generis (formerly A5 uses) should if located in Accessibility Zone 1 be assessed on an individual case basis the following analysis is made.

- 9.20 The proposal would not involve any changes to the existing site access or adjacent public highway. Whilst the proposal would intensify the use of the site, based on its town centre location with regular bus routes along the Marlowes and the fact that many people would arrive on foot due to the college across the road and many businesses being located nearby the proposal would be unlikely to have a significant impact on the safety and operation of the surrounding highway network.
- 9.21 The proposal is therefore acceptable on parking/highway safety grounds, in accordance with Policies CS8 and CS12 of the Dacorum Borough Core Strategy (2013), the Parking Standards Supplementary Planning Document (2020), Saved Policy 58 of the Local Plan (2004) and the NPPF (2021).

Other Material Planning Considerations

Waste Management

- 9.22 This matter has been raised as a concern by a local resident so has been addressed in the section relating to impact on amenity.

Operating Hours

- 9.23 The applicant has proposed that the Hot Food Take Away be open the following hours:
Monday to Friday 11am till midnight
Saturday 11am till Sunday 1am
Sunday and Bank Holidays 11am till 1am next day
- 9.24 Similar Hot Food Take Aways granted planning permission along this row of shops have their operating hours conditioned to be:

“The premises shall not be open for customers before 8 am or after 11.30 pm on Mondays to Saturdays or before 11 am or after 11 pm on Sundays, Bank Holidays and Public Holidays.”
- 9.25 Based on the units above the hot food takeaways being for residential accommodation it is considered necessary to limit opening hours in line with others nearby, to ensure that there is no loss of amenity for those residents.

Response to Neighbour Comments

- 9.26 The following objections were received from the owner of the residential unit above the site 15A Marlowes:
- Possible that the commercial waste bins will block their entrance to their front door;
 - Noise due to the late opening hours of the proposed use;
 - Smells entering their living accommodation;
 - Drains to the rear of the buildings regularly fill up with food waste (from the existing take away businesses along this stretch of the Marlowe's), resulting in flooding to the alleyway affecting the access to their flat;
 - Damage and potential leaks to 15A Marlowes as the extractor ducting will run over the flat roof of the lounge and then extend up and over the principle roof of the property;
 - Fire risk to flat above due to wooden flooring and there only being a single point of exit at the rear of No. 15; and
 - Construction work could adversely impact upon the integrity of 15A Marlowes.

- 9.27 These points have been addressed above other than the last three points which are more civil matters or related to Building Regulations.

Community Infrastructure Levy (CIL)

- 9.28 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is CIL liable.

10. CONCLUSION

- 10.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). The proposed development would not involve significant alterations to the external appearance of the existing building, with the only addition being the installation of an extractor flue. Given its scale, siting and sympathetic matt black external finish, it is not considered that the proposal would detract from the character and appearance of the existing building or street scene.
- 10.2 Whilst the application plans indicate new signage, the proposed plans are indicative only, given that formal advertisement consent is required for these works. The proposed development is not considered to have any adverse impacts on the residential amenity of neighbouring properties, subject to the inclusion of a condition on the formal planning permission requiring submission and approval of a scheme for the storage and collection of waste prior to commencement of the proposed use.
- 10.3 Whilst generating increased trips, it is not considered that the proposal would have any adverse impacts on the safety and operation of the surrounding highway network.
- 10.4 Given everything considered above, the proposal accords with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12, CS29 and CS32 of the Dacorum Borough Core Strategy (2013), Saved Policies 57-58 and Saved Appendices 3, 5 and 7 of the Local Plan (2004) and the Parking Standards Supplementary Planning Document (2020).

11. RECOMMENDATION

- 11.1 That planning permission be granted.

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2. The duct "extractor flue" shown on the approved plans will be finished with a matt black appearance.**

Reason: To make sure that the appearance of the development is suitable and that it does not detract from the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. The premises shall not be open for customers outside the following hours:

8 am to 11.30 pm on Mondays to Saturdays; and
11 am to 11 pm on Sundays, Bank Holidays and Public Holidays.

Reason: To protect the residential amenities of the locality in accordance with to Policy CS12 of the Dacorum Borough Core Strategy (2013) and Paragraph 130 (f) of the National Planning Policy Framework (2021).

4. Prior to the commencement of the use hereby approved a scheme for the storage and collection of waste (including a suitable location for the wheelie bin located to the rear of the approved use) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

5. Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

6. Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage.

Reason: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2021).

7. Notwithstanding the details shown on the approved plans the location of the wheelie bin to the rear of the approved use does not form part of this proposal. The bin is not located within the red line and is on land belonging to the owner of the flat above 15A Marlowes.

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

8. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

**Site Location Plan DRG No 24/21 SHT 1
Amended Existing/Proposed Ground Floor 24/21/SHT2 REV A
Amended Existing/Proposed Elevations 24/21/SHT3 REV A
Amended Proposed Ground Floor Plan NVGE/HH01 REV A
Existing/Proposed Elevations 24/21/SHT 4**

**Specifications:
 Activated Carbon Filters - Absolair
 Cleanpak CP4 Bag Filter - Jasun Envirocare PLC
 Woods Fan Catalogue - JM Aerofoil**

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

Informatives:

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
2. The applicant is reminded that the premises must be registered with Environmental Health at least 28 days before opening. It is a legal offence to operate as a food premises without this registration. Further information regarding food safety and hygiene can be obtained by contacting ecp@dacorum.gov.uk or by telephone on 01442 228000.

www.hse.gov.uk/business/must-do.htm contains information on starting a new business and the requirements under certain Health & Safety regulations

3. The public litter bin may not be used to dispose of waste generated by customers during their use of the external area and should not be included in the above referenced scheme.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Environmental And Community Protection (DBC)	<p>11.5.22 The applicants have now provided specifications pertaining to the filtration systems in place and the extraction system to be installed.</p> <p>The use of CP4 Filter bags (used in industries such as vehicle spraying etc. to mitigate fumes) and Carbon filters (used to absorb pollutants and odours from the air) in addition to a conical diffuser at the top of the chimney stack will prevent any unreasonable odours or smoke from being created.</p> <p>The specification outlined in the application is industry standard for a business of this type operating in a town centre environment. As such should have no more an impact on nearby residential properties in terms of noise, odour or smoke than any of the similar businesses in the immediate vicinity based on the detail now provided.</p> <p>28.3.22 There was nothing in the application to suggest that noise would be any more intrusive than the existing levels caused by the similar food premises in the immediate vicinity, therefore no noise conditions were suggested.</p> <p>There is an objection to the above scheme which raises a lot of queries</p>

- I wondered if you may be able to respond to his concerns below:

"I own the flat at 15a Marlowe's and I am very concerned about the application 22/00408/FUL and have the following concerns;

I access my property at the rear of 15 Marlowe's, which is located above no.15. Therefore where will the applicant's commercial bins be located, as the narrow alleyway is the only point of access into my home and not suitable for storing waste bins outside of my front door, which would therefore block the entrance to my home.

Conditions requested as part of Pollution Team Feedback:

1 - Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.

The plans indicate that the extractor ducting will run over my flat roof of my lounge and then extend up and over the principle roof of the property, which could result in damage and subsequent leaks to this roof affecting my home immediately below.

Building Regs?

I am also concerned about the smells coming into my living accommodation. Due to the number of takeaway businesses along this stretch of the Marlowe's the drains regularly fill with food waste, resulting in flooding to the alleyway affecting the access to my flat, how does the applicant plan to ensure that their waste does not increase this problem?

Conditions requested as part of Pollution Team Feedback:

2 - Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.

3 - Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage

My home has not previously had a takeaway food establishment beneath it, I am therefore very concerned that this application could result in a fire risk to my home, due to the wooden flooring that exist between the applicant's business and my property. Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety?

Refer to Fire Service?

	<p><i>Finally I believe the construction work involved converting this change of use into a takeaway business could adversely impact the integrity of my home, how will the applicant ensure this does not happen? Building Regs?</i></p> <p><i>Finally, due to the late opening hours for this this business up to 1.0 am, I am very worried about the potential disturbance from noise due to people visiting the establishment late at night."</i></p> <p>Relatively standard opening hours for a town centre takeaway, Planning may wish to restrict these in line with similar local businesses if they generally close earlier?</p>
<p>Environmental And Community Protection (DBC)</p>	<p>Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.</p> <p>24.3.22</p> <p>Further to consultation on the above application, based on existing issues and complaints around drainage and sewage being emitted from/by/to the existing businesses in the vicinity, please find the below conditions to be considered:</p> <p>1 - Prior to the commencement of the use(s) hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and retained at all times thereafter.</p> <p>Informative: the public litter bin may not be used to dispose of waste generated by customers during their use of the external area and should not be included in the above referenced scheme</p> <p>2 - Waste water generated by the premises shall always be disposed of into appropriate drainage and sewage systems on the premises.</p> <p>3 - Oil, fat and associated waste products are to be disposed of using appropriate licensed methods, records of these waste contracts and transfers are to be kept and made available to the Council upon request. Under no circumstance are said materials to be disposed of into local street/highway drainage.</p> <p>REASON: In the interests of safeguarding residential amenity in accordance with Appendix 3 of the Dacorum Borough Local Plan (2004), Policy CS12 of the Dacorum Borough Core Strategy (2013) and the relevant sections of the NPPF (2019).</p>

	<p>Food business Informative.</p> <p>Should consent be given the applicant is reminded that the premises must be registered with Environmental Health at least 28 days before opening. It is a legal offence to operate as a food premises without this registration. Further information regarding food safety and hygiene can be obtained by contacting ecp@dacorum.gov.uk or by telephone on 01442 228000.</p> <p>www.hse.gov.uk/business/must-do.htm contains information on starting a new business and the requirements under certain Health & Safety regulations</p>
Environmental And Community Protection (DBC)	Having reviewed the application submission and the ECP Team records I am able to confirm that there is no objection on the grounds of land contamination. Also, there is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
9	1	0	1	0

Neighbour Responses

Address	Comments
15A Marlowes Hemel Hempstead Hertfordshire HP1 1LA	<p>I own the flat at 15a Marlowes and I am very concerned about the application 22/00408/FUL and have the following concerns; I access my property at the rear of 15 Marlowe's, which is located above no.15. Therefore where will the applicant's commercial bins be located, as the narrow alleyway is the only point of access into my home and not suitable for storing waste bins outside of my front door, which would therefore block the entrance to my home.</p> <p>The plans indicate that the extractor ducting will run over my flat roof of my lounge and then extend up and over the principle roof of the property, which could result in damage and subsequent leaks to this roof affecting my home immediately below.</p> <p>I am also concerned about the smells coming into my living accommodation. Due to the number of takeaway businesses along this stretch of the Marlowe's the drains regularly fill with food waste, resulting in flooding to the alleyway affecting the access to my flat, how does the applicant plan to ensure that their waste does not increase this problem?</p>

	<p>My home has not previously had a takeaway food establishment beneath it, I am therefore very concerned that this application could result in a fire risk to my home, due to the wooden flooring that exist between the applicant's business and my property. Also I only have a single point of exit at the rear of no. 15. How would the applicant plan to mitigate this potential fire risk to my safety? Finally I believe the construction work involved converting this change of use into a takeaway business could adversely impact the integrity of my home, how will the applicant ensure this does not happen?</p> <p>Finally, due to the late opening hours for this this business up to 1.0 am, I am very worried about the potential disturbance from noise due to people visiting the establishment late at night.</p>
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