

**4/02153/16/FUL - INSTALLATION OF AIR CONDITIONING UNIT.
26A BENNETTS GATE, HEMEL HEMPSTEAD, HP3 8EW.
APPLICANT: MR HUSSAIN.**

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

No. 26A Bennetts Gate is a ground floor barbers unit within the long established Council owned 3 storey Bennettsgate Local Centre. The Centre features ground floor retail/ commercial units with residential units above.

The proposed air conditioning unit is necessary to operate the barbers. The proposal is visually compatible with the shopping precinct. Based upon the Council's Environmental Health Unit's advice there will be no harm to the residential amenity of the adjoining flats/ maisonettes and the other commercial units in terms of noise from the proposed unit. The proposal thus accords with Core Strategy Policy CS12.

Site Description

Bennettsgate is a long established Local Shopping Centre. This three storey development features street level retail/ commercial units with dwellings above at first and second floors.

The ground floor no. 26 A barbers unit is located within the central part of the precinct at a right angle to its main elongated main south west - north east terrace. It adjoins the arched first and second floor link connecting the southern and northern parts providing a wide paved footpath within the void below. There is a first floor residential unit with a balcony immediately above the footpath void with a further unit at second floor level which extend above no. 26 A.

No. 26 A's north west flank wall abuts the footpath. This wall features a blocked up door opening and window and notice board. Boots Chemists is positioned at right angles to no. 26 A with residential units at first and second floors.

Proposal

This is for the installation of a 1.2 m high air conditioning unit for no. 26A. It will be attached to its north western flank wall at 2.36m above the footpath level immediately on top of the notice board and below the base of the over sailing first floor flat and its balcony.

The applicant has confirmed:

1.The premises system is not sufficient for the purpose they are being used for.

2.For winter time, two 3kW thermo convector heaters and two 2FT 0.12kW tube heaters have been installed. However, these do not heat the premises enough due to

lack of insulation to the building and are also causing a build up of mould and damp in places. The premises had a full redecoration only two years ago including new plaster boards and plaster. This will now have to be touched up again in the places affected.

3. In the summer, there are two 16 inch fans and the door open. However, the fans occasionally do blow out warm air due to the premises facing the sun during most of the day. The big glass windows at the front create a green house effect. Blinds have been put up but this does not help block the heat but the direct sun light. This causes an uncomfortable environment to work in. The proposed unit will give out cold cool air which will circulate within the premises.

4. The premises do not have a consistent temperature that allows the staff to work in a comfortable environment throughout the day. This also affects customers who are either waiting or getting their hair cut and becoming very uncomfortable.

Recent Site Planning History

The proposal was subject to pre application advice.

Referral to Committee

The application is referred to the Development Control Committee as the site is owned by the Council.

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Core Strategy

Policies CS1, CS10, CS11, CS12, CS13, CS16, CS29 and CS32

Dacorum Borough Local Plan

Saved Policies 13, 43 and 48

Saved Appendix 3

Supplementary Planning Guidance

Environmental Guidelines

Advice Note on Achieving Sustainable Development through Sustainability Statements

Summary of Representations

Building Control

Comments awaited. At pre application stage it was advised that the unit is outside the remit of Building Regulations.

Town Centres

Comments awaited.

Noise and Pollution

Comments awaited.

Note : The final pre application advice confirmed:

Notice is hereby given that the Environmental Health Department has now reviewed the additional information submitted on 21st June 2016.

The 20th June letter from the applicant with the attached Noise Criteria Curves data for the proposed air conditioning unit (NC 35 curve cooling and NC 39 curve heating) has provided the additional detailed information that NP required to make an assessment. NP accept that the proposed air conditioning unit is quiet and taking into account the daytime hours of operation NP consider that it is unlikely to have an adverse effect on the existing nearby residents.

The additional information provided has addressed NP's concerns and no further information in respect of noise reports is required.

NP recommend that the proposed air conditioning unit be approved.

(The original advice was :

Notice is hereby given that the Environmental Health Department is concerned that noise from the proposed air conditioning unit has the potential to affect the residential amenity of nearby residents.

In particular, i) the stated sound pressure level in the technical data sheet of 65 dBA in the cooling phase, ii) the location within a concrete walk through and potential for reverberation noise, iii) vibration isolation mounting will be necessary to prevent sound transmission via concrete to residents above and iv) proximity of nearby residents.

Until noise has been assessed and appropriate noise mitigation measures agreed EHD would not like to see this application approved. Submission of a noise survey will be necessary (see recommendation below). The applicant can find an appropriately experienced noise consultant via www.association-of-noise-consultants.co.uk. EHD would be grateful if this information could be passed on to the applicant.

1 Prior to the commencement of the development the developer shall carry out a noise survey following the guidelines set out by BS4142: 2014. This survey shall take into account all proposed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No plant shall be installed and operated at the site until the noise survey has been approved by the LPA.

Reason: to protect the residential amenities of existing residents).

Food Health & Safety

Comments awaited.

Response to Neighbour Notification

None to date.

Considerations

The main issues are:

- The principle.
- The visual implications.
- The effect upon the residential amenity of the locality.

Policy and Principle

Bennettsgate Local Centre is subject to Dacorum Core Strategy Policy CS16 (Shops and Commerce) and saved Dacorum Borough Local Plan Policy 43 (Shopping Areas in Local Centres).

Part 13 of Dacorum Core Strategy explains the importance of the retail sector as part of the local economy.

Under the Borough's established Retail Hierarchy its identified Local Centres play a complementary role in meeting the overall retail needs of Dacorum. Their focus is providing services and facilities to serve their local communities. The availability of such accessible shops and services is vital and the Council will support their provision and retention where it can. Paragraph 13.4 confirms that development proposals in local centres should where possible aim to add to the range , variety and choice of shopping uses, improve the shopping environment, refurbish and reuse existing buildings.

In this context Dacorum Core Strategy Policy CS16 (Shops and Commerce) expects that local centres will be strengthened by encouraging appropriate retail development and retaining sufficient existing shops.

The barbers forms an important part of the vibrant Bennettsgate Local Centre. The proposed air conditioning unit is necessary to enable its ongoing use. There are no objections to upgrading of the essential operational needs of the barbers.

The proposed location of the unit was chosen following consideration of various options by the Applicant and Estates Department before the pre application stage.

Visual Implications

There will be a compatible relationship with the immediate precinct environment.

Impact upon the Residential Amenity

This is with regard to the expectations of Core Strategy Policies 12 and 32 and the saved DBLP Appendix 3.

Based upon the Environmental Health Unit's pre application further advice there will be no harm to the surrounding residential units.

Other Material Considerations

Due to its position the unit will not affect the pedestrian use of this part of the precinct. A protective cage could be installed if the unit is subject to vandalism.

Conclusions

Subject to the imposition of conditions there are no objections.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 1 **The development hereby permitted shall be begun 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 air conditioning unit hereby permitted shall be only operated when no. 26 A is open to customers .**

Reason: In the interests of the residential amenity of the locality in accordance with Policies CS12 and C32 of Dacorum Core Strategy.

- 3 **The development hereby permitted shall be carried out in accordance with the following plans subject to the requirements of the other conditions of this planning permission:**

**Site Location Plan
Elevations : Existing and Proposed
Noise Criteria Curves**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

ARTICLE 35 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-

application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.