

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01936/FP	Alterations to shopfront, removal of existing side elevation access doors and installation of No.17 AC condenser units to existing roof and elevations.	5 - 9 Commerce Way Letchworth Garden City Hertfordshire SG6 3DN

Submitted Plan Nos

2360 2360-BP 2360-01 2360-02

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
SECN12	Achieving well-designed places
SECN16	Conserve + enhance historic environment
HE1	Designated heritage assets
SP1	Sustainable development in North Herts
D4	Air quality
SECN14	Meeting climate change,coastal,flooding

2.0 **Site History**

2.1 24/01937/AD - Installation of No.3 fascia signs to existing front elevation. – **Concurrent Application.**

3.0 **Representations**

3.1 **Environmental Health (Noise) –**

“Given the location, existing plant in the area and the day time only use of the equipment, I am satisfied that the impact will be minimal. I recommend that a condition is used to restrict the hours of operation of the proposed plant in accordance with the detail in the application.”

3.2 **Letchworth Garden City Heritage Foundation** – No representation received.

3.3 **HCC Highways** – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site consists of units 5-9 Commerce Way of primary shopping frontages within the Letchworth Town Centre. The site is a terraced building, with retail usage on the ground and first floor and residential accommodation on the third and fourth floor. The site is located

within the Letchworth Conservation Area. The site is also subject to the Letchworth Garden City Article 4 Direction.

4.2 **Proposal**

- 4.2.1 Planning Permission is sought for removal of the side access doors and the installation of 17 No. air condition fan units to the side and rear elevation of the building following the removal of the existing rear elevation air conditioning units.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area and local Heritage Assets.
- The impact that the proposed development has on the living conditions of neighbouring properties.
- The impact that the proposed development has on the environment.

Design and Appearance:

- 4.3.2 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. This policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 4.3.3 The proposed air conditioning units would be sited on northern elevation facing towards 1 Commerce Way and on the rear elevation wall facing towards 14 East Cheap. As such, the units would only be visible from the parking and commercial loading court to the rear of the property, an area with limited public access. The air conditioning units would be in an elevated position on the walls and would therefore increase their prominence within the area, although the single storey flat roof would provide some screening for the units on the rear wall. In my view, due to the number of air conditioning units within this location in elevated positions, I do not find this proposal to be harmful to the character of the area or the building due to the commercial use of these buildings in the vicinity.
- 4.3.4 The supporting statement advises that the siting of the units, due to their limited use outside of operational hours and due to their regular maintenance, improving their visual amenity and noise impacts. Given the location, I consider that the units occasion a neutral impact upon the conservation area.
- 4.3.5 The proposed number of AC Units are required to satisfy the NHS contract agreement which requires individual AC units for each test room. As such it is considered that the number of the units is acceptable to facilitate the required usage and could not be accommodated by a larger unit.
- 4.3.6 The removal of the rear access door would be replaced by brickwork to match the existing and therefore would not have a harmful effect on the character of the building.

- 4.3.7 The proposed development is therefore considered to be in compliance with Policies HE1 and D1 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.8 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.9 The units are not considered to cause harm to neighbouring amenities by reason of a loss of outlook or light due to their limited scale and due to their position on the roof. The noise levels are considered to be acceptable given that no objection was received from Environmental Health Noise. Neighbour impacts are therefore considered to be acceptable. No neighbour objections were received.
- 4.3.10 Given the above, it is considered that the proposed development results in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 and D4 of the local plan and the aims of the National Planning Policy Framework.

Environmental Implications:

- 4.3.11 The proposed development, by virtue of its limited scale in general terms together with the sustainable location has no significant implications for the local environment in terms of carbon emissions and therefore is generally in compliance with Section 14 of the NPPF.

Biodiversity Net Gain:

- 4.3.12 This development is exempt from BNG Legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4.4 Conclusion

- 4.4.1 The development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable.

5.0 Recommendation

- 5.1 That condition planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions 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 wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The air conditioning units hereby permitted shall not be operated outside the times of 8.00am and 6.30pm on any day.

Reason: In the interest of protecting residential amenity as the property is located in a mixed use area in close proximity to neighbouring residential properties and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

Biodiversity Net Gain

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

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 proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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Date: 13 January 2025	
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