

5. PLANNING APPLICATIONS

4/00439/12/FUL - DEMOLITION OF EXISTING PROPERTY AND CONSTRUCTION OF EIGHT DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING. LAND AT BROOKFIELD, BROOKFIELD CLOSE, TRING, HP23 APPLICANT: W E BLACK LIMITED - MR E GADSDEN

[Case Officer - Robert Freeman]

[Grid Ref - SP 92619 11827]

Background Information

This application was heard at Development Control Committee on 7 February 2013, where Members resolved to defer the application. The reason for this was to give the applicant an opportunity to revise the plans to address the Committee's concerns as follows:

1. The cramped nature of the development and the spacing between properties.
2. Car parking provision and the usability of the garage spaces to be provided.

The Applicant's response

In order to address these concerns the applicant's Agent has provided a response in a letter of 13 February 2013:

Having given the matter close consideration, we would reply to these as follows:-

1. As you pointed out to Members, none of the indices that would normally result in over-development are apparent in this scheme. Your Policy P21 sets out a target of 30-50 dwellings/hectare to be the optimum density to be achieved, with schemes below 30 dph being resisted.

Having carried out extensive negotiations with your department, we have reduced the number of units from that originally submitted in order to produce a linear form of development that your Officers insisted on. This results in a very low density of 16 dph. Even at this level there is a real possibility of an Inspector refusing the application on the grounds that it does not make efficient use of the land. To get within the target zone, we would need to at least double the number of units proposed, and I do not see how this could be achieved within the linear form of development. We, therefore, cannot simply accept the suggestion made by Members of the Committee that numbers be reduced.

The layout allows for generous front areas and rear gardens to all houses and also allows for the maximum number of car parking spaces, whilst retaining the significant landscaping features. In addition, the proposed spacing between buildings meets all your policies.

All these points were made clear in your Report to Committee.

Turning specifically to the notion that the gaps between the plots would result in a cramped appearance, your Council's Character Appraisal TCA15: Brook Street, within the section labelled 'Layout' states: "spacing is irregular but mainly in the medium range (2m-5m)". The spacings we achieve on site are as follows:-

Plot 1: is approximately 6m reducing to 4.7m from No.10 Brookfield Close.

Plot 8: is approximately 3.4m reducing to 2.9m from No.1 Evans Way.

Within the site the houses are approximately 2.3m apart, well within the medium range identified in your Council's appraisals and comparable with the neighbouring plots in Evans Way and other houses in the vicinity.

The area Site Plan submitted, Drawing No. 12/3264/21, shows how the development fits in with the grain of the area with its mixture of terraced, semi-detached and detached houses.

What can be concluded, is that the proposed scheme cannot be defined as cramped in nature, and that the spacing between buildings is in accordance with your Council's policies and character appraisal of the area. These views are reflected in the Committee Report.

2. Your Policy A5.8 states "the objective is to achieve an average of 1.5 spaces/dwelling across all new housing development in accordance with PPG3 Note 3 Housing".

This is at odds with your Appendix 5 which suggests a maximum of 3 spaces for four-bedroom houses in this location.

Whilst we consider such levels of parking to be excessive in a sustainable location such as this, and contrary to Central Government directives seeking to reduce reliance on the private motor car, again at the insistence of your Officers we agreed to provide the full 3 spaces.

With regards to comments made regarding usability of the garages, I would point you to your Policy A5.13 which states "a standard minimum car parking space is taken as being 2.4m x 4.8m. This applies to a hardstanding area or THE INTERNAL FLOOR DIMENSIONS OF A GARAGE or car port". It is clear therefore your Council accepts these dimensions as being usable. The size of the garages proposed are as follows:-

Plots 1 & 8: 5m long x 3.5m wide

Plots 2-7: 5.2m long x 3.2m wide.

These dimensions are clearly way in excess of those deemed as acceptable under your Policies. All parking and manoeuvring arrangements fully meet your Council's policies. We therefore fail to understand why Members have questioned the usability of the garages and the overall parking provision.

With this in mind, we would be grateful if you could confirm if there are any examples of schemes being refused where the usability of the garages has been cited as a reason for refusal, and any Appeal Decisions that upheld these views. We would also be grateful if you could provide us with a guidance as to the dimensions that Members of the Committee would consider as being usable.

This response was then further elaborated upon in a second letter, dated 15 February 2013, which made the following points:

1. The cramped nature of the development and the spacing between properties.

The scheme will result in a low density development of family houses of a traditional appearance, designed and laid out to address the specific topography of the site, whilst retaining the significant boundary trees. It will form the natural linear link between the houses in Evans Way and Brookfield Close, a design approach favoured by your department.

The attached drawing 12/3264/21A confirms that the houses will have generous rear gardens and occupy some of the largest plots in the area.

To assist members we have also added to this drawing the approximate dimensions of gaps between houses in the vicinity, which illustrate the proposed gaps accord with those found locally.

2. Car parking provision and the usability of the garage spaces to be provided.

My letter of the 13 February 2013 sets out how we meet your maximum parking standards and that the proposed garages far exceed the required size.

Should members see fit, we would have no objection to a condition seeking to restrict the use of the garages for the parking of vehicles only.

There has also been some discussion regarding the location of the access road from Brookfield Close. This was the subject of close analysis at the design stage and offers the only realistic position given the need to balance achieving reasonable gradients from Brookfield Close to the proposed houses whilst avoiding excessive earth moving that could potentially threaten the long term survival of the trees.

It should also be stressed that the access arrangements in terms of position, geometry and sight lines are supported by the County Highways Department, who we consulted with at the early stage of the project.

Conclusion

The Agent has put forward the applicant's arguments why they are not prepared to amend the scheme.

It is considered that these arguments are valid and add weight to the considerations within the previous committee report (attached as an appendix to this report). In summary the key points are:

- Each house proposed within this development would be provided with very good-sized gardens. They measure between 18.5 metres and 26 metres in depth (well above the 11.5 metre depth requirement). Each house is also provided with off-street parking meeting the maximum parking standards. Therefore a plot of land this size can comfortably accommodate a development of eight detached properties.
- The spacing between dwellings is 2.3 metres (with wider spacing between the end houses and those adjacent beyond the site). This is in accordance with the 2-5m spacing requirements set out in the character area appraisal for the area (TCA15: Brook Street). This appraisal also states that '*Spacing is irregular, but mainly in the medium range (2m to 5m)*'. This point is also emphasised in the additional plan supplied by the Agent (Drawing 12/3264/21A), which demonstrates that the spacing being sought here is typical of the surrounding area.
- The amount of car parking provision meets the maximum required by Appendix 5 of the Local Plan. It should be noted that under the current Local Plan this is a maximum standard.
- The Agent has demonstrated that the garage sizes are in excess of those sought in the DBLP. They will be suitable for modern vehicles. Furthermore, the Agent has confirmed that they are prepared to accept a condition limiting the use of the garages solely for the purposes of parking of vehicles. Such a condition was added when Nos.1-4 Evans Way was granted planning permission under 4/00401/97/FUL.

For these reasons it is recommended that the above application be granted.

Recommendation

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:
 - A contribution of £10,500 towards Sustainable Transport Programmes
 - A contribution of £30,961 towards Secondary Education
 - A contribution of £3,213 towards Nursery Education
 - A contribution of £574 towards Youth services
 - A contribution of £1,687 towards Library Services
 - A contribution of £6,615 towards Sports Pitches
 - A contribution of £12,096 towards Child Play space
 - A contribution of £189 towards the provision of additional Natural Green Space.
 - A contribution of £3,950 towards the monitoring of the S.106 agreement.
3. The Conditions as set out on the previous committee report (Appendix A)

APPENDIX A: REPORT PUBLISHED FOR DCC 7 FEBRUARY 2013

(This includes the late representations included on the addendum sheet for the committee)

Summary

The application is recommended for approval.

The quality of the proposed new residential scheme and the need for new housing, as set out in Policies 14 and 16 of the Dacorum Borough Local Plan 1991-2011 and Policy CS17 of the Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013), is considered to outweigh any harm to our heritage caused by the loss of Brookfield. The proposals are considered to form a good quality residential scheme which would not result in significant harm to the residential amenities of neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013) The proposals would not be detrimental to matters of highways safety in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

Site Description

The site comprises a substantial detached dwelling, Brookfield, located at the entrance to Brookfield Close. The property is thought to date from the 1860's and is constructed in red and yellow banded bricks under a slate roof. The simplicity of the original form of the building has been substantially eroded through the construction of a large rear and side extension. A detached garage building is located within the grounds of the property and access is provided off Evans Way, a private road to the south of the site. The perimeter of the site is heavily treed with a number of preserved trees to the south eastern corner of the site and a substantial landscaping buffer between the entrances to Brookfield Close and Evans Way.

Proposal

The proposals involve the demolition of the existing dwelling and garage and the construction of eight x four bedroom detached dwellings. Five dwellings would be served from a new access off Brookfield Close. The remaining dwellings would be accessed off an existing unmade drive from Evans Way.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council. The Town Council have objected to the adequacy of the access arrangements and the implications for highway safety.

Planning History

The dwellings within the adjacent Evans Way development were constructed in 1997 within a wooded area forming part of the curtilage of Brookfield House (subject of application 4/01335/97/FUL)

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan 199-2011

Policies 1, 2, 9, 10, 11, 13, 14, 16, 18, 20, 21, 51, 54, 58, 61, 63, 99, 103, 111, 122, 123 and 124.

Appendices 1, 3 and 5

Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

Policies NP1, CS1, CS2, CS4, CS8, CS12, CS13, CS17, CS18, CS19, CS26, CS27, CS28, CS29, CS31 and CS35

Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards
Area Based Policies for Residential Character Area – TCA 15: Brook Street
Energy Efficiency & Conservation
Environmental Guidelines
Water Conservation

Representations

Tring Town Council

Tring Town Council recommends that this application be refused for the following reasons:

- the proposals amount to tandem development with traffic passing three existing dwellings
- the proposals would intensify the use of a hazardous entrance onto Brook Street to the detriment of highways safety
- the Evans Way access is too narrow for additional traffic

Hertfordshire Highways

Notice is given that Hertfordshire County Council does not wish to prevent the grant of planning permission. Planning permission should be granted subject to a number of conditions and the completion of a legal agreement between the County Council and the applicant to secure the following:

- A S.278 agreement for the construction of the off site highway works,
- A financial contribution of £11,250 towards Sustainable Transport Programmes,

There will be a new vehicular and pedestrian access for new dwellings off Brookfield Close. The other access will be from Evans Way, which is not deemed part of the highway network (private road). In my opinion the proposed use of this access by three extra houses is unlikely to have a major impact on highway safety or capacity if allowed from this private road. The Brookfield Close access has appropriate visibility splays as indicated on drawing 12/3264/12. Drawing no 12/3264/12 shows a radius kerbed access and this should be acceptable subject to detailed design. An agreement under S.278 of the Highways Act 1980 will be required for its construction.

The highway authority accept that at peak times there will be an increase in two way movements associated with this site but the impact on the adjacent highway network is likely to be slight based on TRICs data. The additional trips generated by this site are unlikely to have a detrimental impact on this junction's ability to safely function.

The financial contribution could be used to improve facilities at two bus stops in the vicinity of the application site or other sustainable transport measures.

Conservation and Design

Brookfield is a non listed heritage asset that makes a positive contribution to the local area. The Heritage Assessment undertaken by the applicants has incorrectly evaluated the site and its setting. There is a clear historic association between Brookfield and Silk Mill, Brook Street which is shown on historic maps dating back from 1878 onwards. I am concerned with the loss of this heritage asset and do not consider that this is justified on the merits of the proposed scheme.

I have been advised on the systematic damage and stripping of historic features including machine cutting the staircase, fire surrounds levered from the wall and the lifting of floor boards. I would like to emphasise that the NPPF advises that "where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorate state of the heritage asset should not be taken into account in any decision"

In respect to design issues my initial comments remain. Whilst the building line follows that of the established pattern of later modern development, this does not take into account the historic aspect of the site and its setting for Brookfield. A scheme should be developed which takes into account the possibility of converting the existing building and sensitively developing this exceptional plot of land.

Initial Comments - The proposals are unacceptable since they do not follow the grain of development in the area. The view from the main access point is terminated by a garage and its dominance is unacceptable from a design perspective. The scheme is dominated by the access and parking arrangements to its detriment. The proposed dwellings are boxy and have a severe geometry at odds with the character of the site and its surroundings. The proposals fail to achieve good design and should be recommended for refusal.

Environmental Health

No objections. The applicants should ensure that all bedroom sizes are compliant with the requirements of the Housing Act 2004.

Refuse

All houses should have sufficient space for the provision of two wheeled bins and three receptacles for recycling. They should be able to place them on the boundary for collection in a location accessible for collection vehicles.

Trees and Woodlands

I have no objection to the proposed construction of new dwellings on land at Brookfield, Brookfield Close, Tring. However, it should be noted that additional information should be submitted in respect of trees for the application to conform to British Standard 5837:2012.

The overall scheme layout as shown on Drawing Number 12/3264/12 is acceptable.

Four trees protected by Tree Preservation Order (TPO) are located to the rear of plots 6, 7 and 8. A Walnut and Horse Chestnut are within the proposed garden of No. 6 whilst a Cypress is within the garden of No. 7. None of these trees should be affected by the proposed works. On the boundary between plots 7 and 8 is another Horse Chestnut. A new 1.8 metre fence is to be installed on this boundary, the installation of posts and panels for which should be provided by hand within 10 metres of the tree stem to avoid root damage. The spacing of fence posts and panels may need to be altered.

The four trees, listed as Cedar, Whitebeam, Tree of Heaven and Ash (Tree Constraints Plan Rev B April 2012) could be damaged whilst existing hard standing is removed and replaced with new material.

Details of the means of construction of the new driveway, including measurements of material depth and edging materials, should be submitted for assessment. Should it be concluded that root damage will occur as a result of demolition or construction it may be necessary to submit an alternative proposal.

On the boundary of plot 1 and 10 Brookfield Close are a number of trees. These are numbered from T20 to T35 on the Tree Constraints Plan Rev B April 2012. It would appear that trees numbered T25 to T30 and T33 are to be removed. These trees are of category B (moderate quality), C (low quality) and R (unsuitable, category U in the updated British Standard). It is intended for these trees to be retained however it would be better in the longer term to plant more new good quality trees along this boundary.

The proposals should be subject to a landscaping scheme.

Hertfordshire Biological Records Centre

I have considered the ecological report and have the following comments:

1. The surveys of the site followed standard methodologies and best practice.
2. The habitat description appears to be reasonable and consistent with rough vegetation developed within a typically neglected garden.
3. It was considered that the main house was unsuitable for bats, much as I suspected although the LPA has confirmed evidence of this now. None of the other outbuildings had

evidence of bats and were considered to provide sub-optimal roosting opportunities in any event, as did the trees inspected. Bats would not appear to represent any form of constraint, although the usual Informative regarding any discovery of bats should be attached to any planning permission, as recommended.

4. No evidence of badgers was observed on the site. It is likely the previous badger use of the site has long since ceased given the development of Evans Way, although I believe badgers are still known from this general area of Tring. However badgers do not appear to represent any form of direct constraint on this site.

5. The recommendations regarding avoiding vegetation removal within the bird breeding season - unless it can be demonstrated that breeding birds are not present - are acceptable.

6. Recommendations regarding protection of existing vegetation to remain on site during works seem acceptable. It is important to retain and enhance the key elements of the surviving habitat infrastructure given the loss of open garden habitat on the site.

7. I support the use of native species where appropriate as part of soft landscaping associated with the development. The Brook Street corridor is a locally valuable green corridor within Tring.

8. I support the provision of bird and bat boxes where appropriate within the site.

9. Artificial lighting should be kept to a minimum and if required should be designed to avoid and reduce the impacts of light pollution.

10. I have no reason to believe the report is not a true and fair reflection of the ecological interest at the site, and consider the recommendations appropriate and proportional to the development proposals.

Hertfordshire County Council Planning Obligations Officer

The County Council would seek contributions towards education provision, libraries, youth services and fire and rescue services to minimise the impact of development upon Hertfordshire County Council services in accordance with the Hertfordshire County Council Planning Obligations Toolkit.

Based on the construction of nine x four bed units and the demolition of the existing dwelling this would amount to:

Financial Contributions

Secondary Education - £35,384 (£4,423 per unit)

Nursery Education - £3,672 (£459 per unit)

Youth services - £656 (£82 per unit)

Libraries - £1,928 (£241 per unit)

Provision

The provision of fire hydrants.

Justification - The above planning obligations are sought based on the amounts and approaches set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (2008) . The contributions meet the tests under Regulation 122 of the CIL Regulations 2010.

Hertfordshire County Council - Minerals and Waste

The adopted Waste Local Plan forms part of the development plan for the purposes of section 54A of the Town and Country Planning Act 1990 (as amended) In determining the planning application the Borough Council is urged to have regard to the policies therein and ensure the objectives are met. As of the 6th April 2008, a site waste management plan (SWMP) is required by law for all construction projects worth more than £300,000 and we ask you to consider conditions thereon.

Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

10 Brookfield Close

Thank you for meeting with us and the applicants to discuss the proposals. In summary we have three main objections which were conveyed at this meeting namely:

- We would prefer the layout to follow the established building line of Brookfield Close and Evans Way
- Unless there are practical reasons not to do so, the access should be located further towards Brook Street, and
- the layout and access as designed would have a detrimental impact upon Brookfield Close given a lack of parking.

We are pleased that the dwellings have been orientated to provide a lateral layout across the site however we are concerned with that a lack of levels information has been provided and would express concerns that plot 1 will have a detrimental impact on light to our property. We are pleased that additional landscaping will be provided.

We continue to object to the location of the access opposite 21 Brookfield Close.

We are pleased that the new layout alleviates some of our concerns with parking given a reduction in the number of units and arrangement of parking within the site.

The new layout now enhances the quality of development in our opinion. Although the visual interest in the elevations has been slightly eroded, improvements in the roofscape of the scheme and overall height to the proposals are beneficial.

11 Brookfield Close

We believe that the access road onto Brookfield Close remains in a dangerous location and one detrimental to the amenities of No.21 . This concern could be addressed by locating the access closer to Brook Street. If this issue can be resolved we would be happy to support the proposed development which we now feel is much more in keeping with the area and has addressed our other major concerns relating to layout and parking provision within the development.

19 Brookfield Close

We are pleased to see the developers have taken into account many of the comments of local residents in Brookfield Close. However we are still concerned by the location of the access road given parking on Brookfield Close opposite the proposed entrance and location of access points to residential units. It would be sensible to locate the access further down Brookfield Close.

4 Evans Way

Objects on behalf of the residents of Evans Way on the following grounds:

- our concerns with the use of access onto Evans Way have not been taken into account with the amended scheme increasing the use of Evans Way
- the intensification of an old access to Brookfield is unsuitable and detrimental to highways safety,
- the junction of Evans Way and Brook Street is unsuitable for use by so many dwellings,
- the applicants should be encouraged to access the scheme from Brookfield Close as this is more suitable.

Original Plans

The following comments made by neighbouring parties in respect to the original plans have not been superseded by additional representations.

18 Brookfield Close

The following matters were raised:

- It seems logical that plots should be accessed off Evans Way rather than Brookfield Close as this route formed the original access to Brookfield House,
- We are concerned over how the boundary of Brookfield House with Brookfield Close will be maintained in multiple ownerships,
- There are significant on-street parking issues in Brookfield Close which need to be addressed.
- There are no details of improvements to lighting and pavements which should be extended to the whole of Brookfield Close,
- It is unclear where TPO trees are located.
- There is little consideration to the possible presence of badgers which were found in the development of Evans Way.
- The proposals mention security gates which are not incorporated in the plans and would appear inconsistent with other properties in Brookfield Close.

21 Brookfield Close

I am concerned with the location of the site access opposite my property and the positioning of dwellings upon the site which may overlook my property.

65 Brook Street

Objects to the loss of the Brookfield House and the density of the development.

Evans Way Management Ltd c/o 1 Evans Way

The unanimous view of the residents of Evans Way is that the proposed use of the Evans Way entrance to exit the site onto Brook Street was undesirable and that better alternatives exist to this access arrangement.

3 Evans Way

As residents of the adjoining private estate, Evans Way, we have concerns with the use of the access onto Evans Way given the unsuitable and dangerous hazard presented by increased traffic through the Evans Way entrance and exit onto the main road, Brook Street (B486) . Manoeuvring from Evans Way onto Brook Street is dangerous given a blind bend and slope to Evans Way. The proposed new units should also follow the building line from Evans Way.

Comments from addendum sheet (7 February 2013)

10 Brookfield Close

Still raises concerns that both the developer and the planning officer are not interested in moving the entrance to the scheme further down Brookfield Close and expresses concerns with regards to a lack of highways conditions.

19 Brookfield Close

We would express concerns with regards to the location of the access which in our view is located too far from the entrance off Brook Street. We would also express concerns with the lack of highways conditions in relation to construction activities.

Considerations

Policy and Principle

The site is located within a residential area within the town of Tring where the principle of new residential development would be accepted in accordance with Policies 2 and 9 of the Dacorum Borough Local Plan 1991-2011 and Policy CS4 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

There is a significant demand for new housing set out in Policies 14 and 16 of the Dacorum Borough Local Plan 1991-2011 and Policy CS17 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013) and the primary objective is to meet significant demands for housing within existing settlements through the optimisation of urban land in accordance with Policy 10 of the Dacorum Borough Local Plan 1991-2011.

A key consideration in this case is whether the existing dwelling is of such historical or architectural value that it should be retained within any scheme for residential development on this site.

The Conservation and Design section have identified the building as an undesignated Heritage Asset. The integrity, setting and distinctiveness of designated and undesignated heritage assets is protected under emerging Policy CS27 of the Core Strategy (incorporating the Main and Minor Modifications: January 2013) and in such cases the NPPF requires the LPA to balance the desirability of sustaining and enhancing the significance of the heritage asset

against the desirability of new development which could be making a positive contribution to the local character and distinctiveness.

A Heritage Statement has been submitted in support of the application in accordance with paragraph 128 of the NPPF in which the applicants clearly dispute the significance of this building and its association with the Silk Mill complex (which is grade II listed).

The Heritage Statement provided dates the original building at between 1867 and 1878 and highlights both the deteriorating condition of the historic fabric of the building and erosion of the historic fabric through later extensions and additions to the building. It argues that the building does not provide a fine example of architecture from this period nor is the architecture of this period particularly rare.

The statement sets out that as the Silk Mill was constructed significantly earlier than the application property there appears to be little connection between the two properties. It is clear from the listing description that the Grade II Silk Mill complex was constructed in 1824 and operated until 1898. The dwelling meanwhile was constructed towards the end of this period. It is also noted that no connection was formed between the properties at the time of the Silk Mill's listing.

Design and Layout

The layout of this residential scheme has been amended since its initial submission reducing the scale of the scheme by one unit and addressing the concerns of both the Conservation and Design section and those of adjacent residential units in respect to the street pattern and form of surrounding development. A simple linear layout linking properties in Brookfield Close and Evans Way has been provided with dwellings constructed in a traditional style.

The proposed residential units are considered to be well designed and would be appropriate in terms of their height, bulk and scale in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013). The proposed houses have a traditional appearance and are designed to have the appearance of conventional two storey houses. They incorporating a split level to respond to the topography of the site and use an asymmetrical roof form to disguise the difference in floor levels. The properties would provide a good level of internal space for future occupants which would be capable of adaptation in accordance with the principles set out in Lifetime Homes.

The quality of the proposed new residential scheme and the need for new housing, as set out in Policies 14 and 16 of the Dacorum Borough Local Plan 1991-2011 and Policy CS17 of the Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013), is considered to outweigh any harm to our heritage caused by the loss of Brookfield.

Access and Parking

There are no fundamental grounds for objection on matters of highways safety in accordance with Policies 11, 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013) as confirmed by the County Council Highways Officer.

The Highways Officer does not see the intensification in the use of either the junction of Brookfield Close and Brook Street or Evans Way and Brook Street as detrimental to highways safety given the proposed dwellings would be provided with three parking spaces in accordance with the maximum parking standards in Policy 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011 and Policy CS8 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

The County Council Highways Officer has suggested a number of planning conditions to be attached to the grant of planning permission. These have been amended to remove those which we consider would not meet the requirements of Circular 11/95.

Impact on Trees and Landscaping

The proposed development will not have any significant impact on any trees or landscaping features of significance with the curtilage of Brookfield or neighbouring land in accordance with Policy 99 of the Dacorum Borough Local Plan 1991-2011. The dwellings are set a significant distance back from the western boundary of the site and the heavily treed frontage to the site outside the root protection area for several of these trees. A broad landscaping condition has been included within the suggested planning conditions to cover those landscaping matters highlighted in the consultation response of the Trees and Woodlands section including the details of tree protection, method for the constructing new driveways/hard standings and detailing the construction and siting of the proposed boundary fences and enclosures.

Impact on Neighbours

The proposed residential scheme is not considered to result in any significant harm to the residential amenities of neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

Although both 10 Brookfield Close and 1 Evans Way have windows within their flank elevations facing the application site it is considered that the proposals will have no significant detrimental impact on the amenities of these properties as a result of any loss in sunlight or daylight to these properties. The main habitable rooms to these units also appear to be served by windows within the front and rear elevations of the dwellings and there are also high trees on the boundary with 10 Brookfield Close restricting light thereto. The overall impact in terms of daylight and sunlight to these rooms would, in my view, be limited in view of these factors.

I am also satisfied that the proposed works would not lead to any significant harm to neighbouring properties as a result of overlooking. The applicants have highlighted that they intend to fit a number of flank windows, including those immediately adjacent to 10 Brookfield Close and 1 Evans Way, with obscure glass in the interests of privacy and these are clearly illustrated on the submitted plans. Such matters will be subject to a planning condition.

Ecology

The site has been subject to an ecological survey. This concluded that there are no habitats of international, national or county importance that would be directly or indirectly affected by the proposals and that there was no evidence of protected species such as badgers or bats utilising the site.

Sustainability

The applicants have submitted a Sustainability Statement in accordance with Policies 1, 122, 123 and 124 and Appendix 1 of the Dacorum Borough Local Plan 1991-2011 and seeking to address Policies CS28, CS29 and CS31 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013). The details within the statement are vague need to be expanded upon and it is suggested that further information is sought via an appropriately worded planning condition.

Planning Obligation

The applicants, or any successor in title, will be expected to comply with Policy 13 of the Dacorum Borough Local Plan 1991-2011, Policy CS35 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013) and the Hertfordshire Planning Obligations Toolkit and Planning Obligations Supplementary Planning Document and as such it is necessary for the applicants to enter into a planning obligation for the development of this site. The County have requested contributions based upon the construction of nine units on the site and their requested sums have been amended to reflect the reduction in the overall scale of the proposals and to account for the removal of the existing property in accordance with the appropriate formula. The applicants will be required to enter into a separate agreement under Section 278 of the Highways Act 1980 in order to carry out works on the highway and construct the site entrance. This does not need to be incorporated within the S.106 as it is covered by separate legislation.

Conditions

The NPPF states that planning conditions should only be imposed where necessary, relevant, enforceable, reasonable and precise reiterating the advice in Circular 11/95. This is reinforced by a recent decision by the Planning Inspectorate in respect to Land at the rear of 174-184 Belswains Lane and 15 Teal Way (APP/A1910/A/12/2171820) which highlighted that the Council had acted unreasonably in the imposition of a number of conditions upon the development of this site.

It is considered that it would be inappropriate to require a number of planning conditions that have been suggested by consultees including a number of conditions suggested by the County Council Highways section and Minerals and Waste section.

The layout of the application site clearly illustrates the location of parking spaces, circulation spaces and visibility splays and as such it is considered that such items may be consolidated in a single planning condition requiring the developer to implement works in accordance with this drawing prior to the occupation of any residential unit. The Highway Authority has request additional conditions to prevent the parking of commercial vehicles upon the site post construction, to prevent debris being brought onto the highway as a result of construction activities and limiting the use of the public highway for storage or parking associated with construction activities. There does not appear to be any reasonable basis for restricting the parking of vehicles within the curtilage of the dwellings at the application site in the long term or for preventing on-street parking by contractors during construction. There are currently no on-street parking restrictions to Brookfield Close which would prevent this activity nor does parking within Brookfield Close significantly prejudice highways safety. The storage or goods on the highway and the depositing of mud and debris is controlled under the Highways Act 1980 and thus conditions covering such matters are considered unnecessary.

The County Council's Minerals and Waste section have suggested that a Site Waste Management Plan is requested by condition. This condition is clearly unnecessary given its duplication of the mandatory requirements of the Site Waste Management Plan Regulations 2008 and Waste Management Regulations 2011 and as highlighted in this recent appeal decision.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as

the Committee may determine, be agreed:

- A contribution of £10,500 towards Sustainable Transport Programmes
- A contribution of £30,961 towards Secondary Education
- A contribution of £3,213 towards Nursery Education
- A contribution of £574 towards Youth services
- A contribution of £1,687 towards Library Services
- A contribution of £6,615 towards Sports Pitches
- A contribution of £12,096 towards Child Play space
- A contribution of £189 towards the provision of additional Natural Green Space.
- A contribution of £3,950 towards the monitoring of the S.106 agreement

CONDITIONS

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 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- details of existing and proposed levels and contours; and
- details of external lighting.

The approved landscape works shall be carried out fully in accordance with the approved details. The measures for the protection of trees shall be

provided prior to the commencement of development and shall be retained for the duration of construction. The approved landscaping works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies 11 and 99 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, CS13 and CS26 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 4 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, CS13 and CS26 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 5 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. 12/3264/12 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

HIGHWAY INFORMATIVE:

To ensure that any work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction. to obtain their permission and requirements. The applicant will need to enter into a S278 agreement with the highway authority to carry out these works.

- 6 **The windows marked with an asterisk on drawing numbers 12/3264/13, 12/3262/14, 12/3262/15, 12/3264/16, 12/3264/17, 12/3264/18 and 12/3264/19 hereby permitted shall only be fitted with high level openings and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the residential amenities of future occupants and adjoining neighbours in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of Dacorum's Pre-Submission Core

Strategy (incorporating the 'List of Proposed Amendments: June 2012').

INFORMATIVE - A high level opening is one which is located more than 1.7m above the floor level of the room in which it is installed.

- 7 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1, 11, 122, 123 and 124 and Appendix 1 of the Dacorum Borough Local Plan 1991 - 2011, Policies CS28, CS29 and CS31 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') and adopted Supplementary Planning Guidance.

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

**OS Plan
12/3264/12
12/3264/13
12/3264/14
12/3264/15
12/3264/16
12/3264/17
12/3264/18
12/3264/19
12/3264/20 Revision A
12/3264/21
12/3264/22**

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

INFORMATIVE:

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Contacts:

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group	01992 581442

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The quality of the proposed new residential scheme and the need for new housing, as set out in Policies 14 and 16 of the Dacorum Borough Local Plan 1991-2011 and Policy CS17 of the Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013), is considered to outweigh any harm to our heritage caused by the loss of Brookfield. The proposals are considered to form a good quality residential scheme which would not result in significant harm to the residential amenities of neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013) The proposals would not be detrimental to matters of highways safety in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

NOTE 2:

The following policies of the development plan are relevant to this decision:

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan 199-2011

Policies 1, 2, 9, 10, 11, 13, 14, 16, 18, 20, 21, 51, 54, 58, 61, 63, 99, 103, 111, 122, 123 and 124.

Appendices 1, 3 and 5

Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

Policies NP1, CS1, CS2, CS4, CS8, CS12, CS13, CS17, CS18, CS19, CS26, CS27, CS28, CS29, CS31 and CS35

Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards

Area Based Policies for Residential Character Area – TCA 15: Brook Street

Energy Efficiency & Conservation

Environmental Guidelines

Water Conservation

NOTE 3: ARTICLE 31 STATEMENT

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant and local residents during the determination process which led to significant changes to the layout of the scheme. The Council has therefore acted pro-actively in accordance with Policy NP1 of Dacorum's Pre-Submission Core Strategy (incorporating Main and Minor Modifications: January 2013), in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.