

4/01977/17/FUL - CONSTRUCTION OF 4 NEW DWELLINGS WITH AMENITY SPACE, CAR PARKING AND CYCLE STORAGE. PRIVATE GATED ACCESS DRIVE. PROPOSED NEW RETAINING WALL OF CONTIGUOUS PILING AND STEPOC BLOCK RETAINING WALL WITH GREEN WALL AND NATIVE TREE AND SHRUB SOFT LANDSCAPING.. LAND TO THE REAR OF THE OLD SILK MILL, BROOK STREET, TRING, HP23 5EF. APPLICANT: Hounsfild LLP.

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The application is for 4 x 3-bed dwellings within a 3 storey terrace with car parking to the rear and private access from Brook Street. The site is part of a General Employment land site but is currently a vacant, undeveloped site and has been subject to fly tipping. It comprises a generally rectangular site which sits substantially below the level of dwellings immediately to the west at Kingsley Walk. The intervening land comprises a steep earth embankment which will be cut back and supported by a retaining wall to enable the development to take place. The retaining wall will be landscaped and tree planting introduced between it and an existing brick and flint wall on top of the embankment. The frontage of the terrace would be landscaped and front onto existing public open space alongside Brook Street. The site adjoins two existing dwellings to the east. In policy terms, the loss of the employment land is considered acceptable in this case as it is not currently in active use for employment purposes and has no existing buildings that could be used or reused for employment purposes. The site accommodated two semi-detached dwellings which were demolished in 1976 and the site historically has not been part of the Old Silk Mill site. Residential is arguably appropriate given the siting adjacent to a pair of semi-detached houses. Given the siting on lower land there would be no material loss of light or visual impact on dwellings in Kingsley Walk and, subject to further information, no material loss of privacy to surrounding properties. In design and appearance terms, the proposal is considered acceptable in relation to adjoining development, with sufficient and good quality landscaping and amenity space and would maintain the character and setting of the adjoining Silk Mill Grade II listed building. Access and car parking provision is acceptable and the Highway Authority has raised no objections on highway safety grounds. The proposal would comply with sustainability principles, would cause no material harm to ecological interests and would not be at risk of flooding.

Site Description

The site is located off the western side of Brook Street in the town of Tring and extends to 0.14 ha. The site is part of the Old Silk Mill General Employment Area but is currently a vacant, undeveloped site comprising a car park which is said to be surplus to requirements and has been subject to fly tipping. It is accessed via a narrow private unmade driveway from Brook Street which also serves Nos. 21 and 22 Brook Street, a pair of semi-detached C19 properties, to the east. The site is generally rectangular and sits substantially below the level of dwellings immediately to the west at Kingsley Walk by the equivalent of a two storey building. The western boundary therefore comprises a steep earth embankment which included a number of mature trees that have recently been felled. To the south of the site is The Old Silk Mill, a Grade II listed building which is currently used for various small industrial and commercial uses. To the north is an area of public open space that follows the line of the brook. Along the east side of Brook Street are C19 terraced properties.

Proposal

Permission is sought for the erection of four number 3-bed dwellings with associated parking, landscaping and amenity space. The dwellings would be formed into a terrace of four on three stories with red brick under a slate roof. Each dwelling would have two off-street parking bays and there would be one visitor space, all behind a private gated access. Landscaping is

proposed to the front and rear of the dwellings with the earth embankment cut back and supported by a retaining wall with green wall planting and shrub and tree planting to the top of the retaining wall.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council.

Planning History

4/00378/17/FUL CONSTRUCTION OF FOUR 4-BED DWELLINGS WITH DOUBLE GARAGE
Withdrawn
09/05/2017

Concurrent application

4/02221/17/MFA CONSTRUCTION OF FIVE 3-BED TERRACED DWELLINGS AND FIVE 2-BED MEWS STYLE DWELLINGS OVER THREE STOREYS WITH ASSOCIATED AMENITY SPACE, CAR PARKING, CYCLE AND BIN STORAGE AND PRIVATE GATED ACCESS DRIVE. PROPOSED RETAINING WALL. REDUCED GARDEN TO NO. 22 BROOK STREET
Delegated

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Circular 1/2006, 05/2005

Adopted Core Strategy

NP1 - Supporting Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS19 - Affordable Housing
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 122 and 124

Appendices 1 , 3 and 5

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)
Environmental Guidelines (May 2004)
Area Based Policies (2004) - TCA15 Brook Street
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Refuse Storage Guidance Note March 2015

Summary of Representations

Tring Town Council

The Council recommended refusal of this application on the grounds of:

- Access. This would be highly dangerous as it is not possible to increase the vision splay, particularly to the right as one exits the property because of the neighbouring wall and cottage. There is also parking on the open space to the left of the exit. Agreement would have to be reached with Dacorum Borough Council who own the land to remove the parking or allow the exit to be relocated onto their property
- Neighbours have expressed concern at the potential for overlooking from the third storey of the proposed properties. It is felt that the proposed hedging and planting was inadequate. The proposal is overdevelopment of the site, is not in keeping with the area and would reduce parking availability to the commercial units.

Strategic Planning (in summary)

Housfield's Supporting Statement

A 'Supporting Statement for the loss of General Employment Area site' has been produced on behalf of the owners (Housfield). The following points in the statement are particularly important:

- The previous owners (Margisal) marketed the site to selected prospective purchasers to encourage bids over the 30 years, with no reasonable offer having been received for sale or rent during that period. Housfield purchased the site which was marketed as a redundant car park and yard with planning gain opportunities.
- During the course of Margisal's ownership of the site, there was a period where a haulage company leased the vacant site, which permitted lorries to be parked on the vacant site. However, there were problems of nuisance from vandals and theft.
- There are a considerable number of units in the Old Silk Mill which have been vacant for over a year. Thus there are units already available for commercial purposes and there is limited market interest in this type of property.
- The site was occupied by two semi-detached houses until 1976. It is understood that these dwellings were demolished as the then owner was pursuing a scheme for replacement development on the site. However, this did not occur and the site was

turned into an informal parking area.

- The car park was not created to address any need for additional parking spaces for the Old Silk Mill. It is not used and has been subject to fly tipping and unsocial behaviour.

Employment land supply in Tring

It is also important to take account of the changing overall supply of employment land in Tring:

- The town is experiencing a loss of employment land. Proposed housing sites H/15-H/17 in the Site Allocations Development Plan Document are all sites previously on GEAs. Also, most of the Akeman Street GEA not within housing site H/17 has been granted prior approval for change of use from offices to housing.
- Site Allocations Policy LA5 (Icknield Way, west of Tring) proposes an extension of around 0.75 hectares to the Icknield Way Industrial Estate for B-class use.
- The Dacorum Employment Land Availability Assessment (ELAA), produced by consultants PBA, will be published on or before 1 November 2017 (when the Dacorum Local Plan Issues and Options consultation document is published). The ELAA recommends that the Brook Street GEA is retained in employment use. It also concludes that there is market demand in the Borough for more smaller scale industrial units of less than 3,000 sq. metres. PBA considers that sites in the A41 corridor, including Dunsley Farm in Tring, could be considered as potential employment locations to meet this demand.
- The Local Plan Issues and Options consultation document (paragraphs 7.3.3. and 7.3.4) proposes to accept PBA's recommendation regarding Dunsley Farm and allocate up to 5 hectares of land currently in the Green Belt for employment development. However, there is no certainty that this proposal will be carried forward into the new Local Plan.

Conclusions

I consider that the proposed loss of employment land at the rear of the Old Silk Mill is acceptable in planning policy terms given:

- the first set of bullet points in the initial comments (see below);
- the points made in Hounsfield's supporting statement; and
- the potential for new employment development in Tring on the LA5 site and Dunsley Farm.

Initial comments

The main issue is the appropriateness of the general use in this location. The starting point is that the site falls within the Brook Street (Silk Mill) GEA (Policy SA5). Therefore, the principle of the proposal is contrary to policy.

The amount and quality of employment space in the town (and in the other main settlements) is going to be explored through the emerging Local Plan and we would acknowledge that the supply of such land has gradually been reducing over time. This application is a reflection of the pressure on such GEAs in the town. We note that Silk Mill currently provides a ready supply of accommodation for small businesses in Tring.

The conclusions of the 2010 employment study stressed the retention of commercial uses within the GEA, but recognised that this could be reconsidered in the longer term.

We note in this case that:

- The proposal would result in a small loss of the GEA (0.15ha);
- The application site does not have any active employment use(s) on the site;
- The land is physically separated from the rest of the GEA by a commercial building and does not share access from the main body of the GEA;
- The site lies adjacent to existing housing (it would effectively continue this frontage) and may have a better relationship with this in amenity terms.

Therefore, there may be scope to be flexible regarding the proposal, providing there are clear local and site-specific justifications to take a more pragmatic approach and to justify a policy exception.

The applicant does not appear to have provided any detailed employment justification to accompany their application to set out why they feel a policy exception should be made (other than their arguments that the land is not functionally part of the GEA). This would usually be a basic requirement for us when considering if such exceptions should be made, in order to try to control the continued loss of small employment uses, for which our Economic Wellbeing team have advised there is a strong demand across the Borough combined with an ever diminishing supply. We would be particularly interested to understand whether there has been:

- an issue with the long term vacancy of the site; and
- active interest in bringing forward the site/marketability of the land.

Without such justification it is obviously harder to warrant making an exception to a policy designation that has recently been subject to review and the decision taken to retain the site in B-class use.

A final decision on acceptability will therefore depend on the weight accorded to all these considerations.

HCC Highways (in summary)

Considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to conditions / informatives securing parking dimensions, surfacing, storage of materials on site, wheel washing and obstruction of the highway.

Parking: Each proposed new house will have two tandem parking spaces, and two visitors spaces will be provided on hard standing to the front of the properties. Provision is also made onsite for cycle storage.

Access: Vehicular and pedestrian access will be achieved using the existing access onto Brook Street, which is a numbered classified road, the B486, subject to a 30mph speed limit. Vehicles are therefore required to enter and leave the highway in forward gear. There has been one slight accident in the vicinity of the access in the last five years.

Retaining wall: There is a Dacorum public footpath running along the line of the proposed retaining wall. The Structures officers of the LPA would need to be consulted to insure the integrity and safety of this footpath.

Conclusion: HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.

Conservation and Design (in summary)

The site is located adjacent to the Silk Mill. From examination of historical mapping it appears to have been an open area to the north of the silk mill. On the first edition OS map it appears as an orchard with a structure in a corner of this site adjacent to the footpath and bank. By the 1924 map 2 pairs of semi-detached houses are shown one pair which survives to the present adjacent to Brook St. They would appear to follow the same building line as the houses demolished. In 1978 the site was cleared for redevelopment but no further work took place. The only surviving above ground element of interest is the brick and flint wall to the top of the bank which appears to date from at least the 19th century. At present it is overgrown with ivy.

The proposals would have a relatively minimal impact on the setting of the nearby listed buildings. They are located some distance to the north and are separated from the site by a collection of later non listed industrial units. As the proposals are of 3 storeys they would be visible from the site. However given that they replace former dwellings and that they are designed to be a contemporary approach to traditional mill village housing we do not believe that they would cause harm to the setting of the listed building or its significance.

The original pair of semi-detached dwellings have been demolished and we do not believe that it would be appropriate in this instance to replace it with a similar design if photographs or drawings can be found. The proposed new dwellings are of a more contemporary design but follow the scale, mass, bulk and form of traditional mill housing associated with the period of the silk mill. As such they would reflect the wider context of the site. However the contemporary approach to the detailing of the fenestration adds interest and variety to the streetscape whilst retaining the vertical character associated with traditional properties. Overall we therefore believe that the proposals for the dwellings would be acceptable but would recommend that the details are conditioned to ensure that the proposals best reflect the character of the area.

The proposed landscaping would appear to be acceptable in principle. We would welcome the restoration of the brick and flint boundary wall. The proposed green wall would appear acceptable in principle however it with the new trees on the bank above will need to be carefully monitored to ensure that it is maintained in the longer term as a large wall without planting could appear somewhat out of place within the area. The proposed boundary treatments and surfacing will also need to be conditioned to ensure that the proposal sits comfortably within the wider landscape.

Recommendation: The proposal would be considered acceptable. Eaves details, window details, finishes and sections including set back within the elevation, door and surround details and finishes, chimney details, tiles, rainwatergoods, brick sample panel showing brick bond(not stretcher bond) and balcony details subject to approval. Landscape materials and details including brick wall bricks and bond, coping details fences and gates materials and finishes subject to approval. Materials and detailing used in relation to the repairs/ rebuilding of brick and flint boundary wall subject to approval.

Trees and Woodlands

Two of the proposed trees, *Prunus Accolade* and *Ligustrum lucidum* (Privet Tree), do not have the stature to provide amenity value in a short time. Although they are beautiful trees, I believe that other trees are a better choice. The narrow planting strip is likely to be a dry site so trees need to be tolerant of dry conditions. To replace the above trees, I suggest the list below:

Alnus cordata
Cornus mas
Corylus colurna (Turkish Hazel)
Koelreuteria paniculata (Pride of India)
Circis siliquastrum

Alnus and Corylus are medium size trees at maturity, are very quick growing and provide good tree cover in a relatively short time. I also recommend that any crown reduction is carried out to British Standard 3998: 2010 Tree Work Recommendations and supervised by a tree expert.

Housing Services

Due to the number of units being developed, the site will be exempt from any affordable housing contribution.

Scientific Officer (in summary)

The site is located adjacent to the Old Silk Mill Industrial Estate (electricity powerstation with large transformers, metal casting and munitions, textile manufacture). It is also located within the vicinity of a former gas works. The site itself was residential until 1976 then used as a car park. Consequently there may be land contamination issues associated with this site. Recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted.

Building Control (in summary)

Orally states that the authority has no control over the structural integrity of the retaining wall.

HCC Fire & Rescue

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. This should be secured via a s106 agreement.

HCC Ecology Advisor

The Hertfordshire Environmental Records Centre does not have any habitat or species records for the application site itself and no ecological information has been provided with the application. The site is currently used for parking and photos in the Design and Access Statement suggest low ecological value.

The application includes proposals for landscaping using native species, which are welcomed as providing enhancement to biodiversity on the site and the delivery of which should be ensured through the addition of an appropriate condition relating to approved plans.

Additional enhancement, in the form of integrated bat roost units (bricks and tubes) and nest boxes (for Swifts, House Sparrow and Starling) in the new properties, is encouraged. Advice on type and location of these features should be sought from an ecologist.

Environment Agency

Any comments received will be reported at the meeting

NATS Ltd

Any comments received will be reported at the meeting

Thames Water Utilities

Any comments received will be reported at the meeting

Three Valleys Water

Any comments received will be reported at the meeting

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

104 and 126 Kingsley Walk - object on grounds of:

- Overbearing height
- Overshadowing
- Overlooking

134 and 138 Kingsley Road - objects on grounds of:

- Overshadowing
- Loss of daylight and sunlight to back garden, kitchen and bedroom
- Overlooking from windows causing loss of privacy
- Building not in keeping with surrounding buildings of The Old Silk Mill or Edwardian and Victorian properties of Brook Street
- Height not in keeping
- Concerned at loss of trees - 1 m space insufficient for replacements and would not allow for suitable height screening
- Potential road safety risk at the access with Brook Street
- Development contrary to character appraisal TCA15

Considerations

Background

Pre-application advice has been provided following withdrawal of a scheme earlier this year which has generally been positive regarding the layout, height and design of the scheme.

Policy and Principle

The site lies within an existing General Employment Area (GEA) within the urban area of Tring wherein, under Policy CS4 appropriate employment generating development is encouraged and, in accordance with Policy CS15, GEAs will be protected for B-class uses.

The site lies in close proximity of The Old Silk Mill, a Grade II listed building where, under Policy CS27 and saved Policy 119, proposals should retain the character and setting of the listed building.

Subject to Policy CS15, Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011 encourages the use of urban land to be optimised.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals. These are relevant to any residential development.

Market towns are able to accommodate much of the housing requirement for the Borough after Hemel Hempstead and small scale developments such as this are important to the housing provision in Dacorum. Core Strategy Policy CS18 states that housing developments of any size should provide an appropriate mix of house size.

The key issues in this case are whether any material circumstances exist that justify an

exception being made for residential development of this employment site, the effect of the proposal in terms of the character and setting of the listed building and the appearance of the area, the impact in terms of trees and landscaping, the impact on residential amenities and the acceptability in terms of highway safety.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58, 99 and 119 of the Local Plan.

Impact on employment land and suitability for residential development

The site forms the northern tip of the Silk Mill GEA off Brook Street, Tring. It comprises a vacant, underused car park which is understood to be surplus to the requirements of the employment area and has been subject to fly tipping. In historic terms, the site included a pair of semi-detached properties which followed the same building line as the existing pair of properties at 21 and 22 Brook Street. It is understood that the site was cleared in 1976, parts of the foundation of which were still visible at the case officer's site visit within the area of the earth embankment. A related brick and flint wall forming the boundary of the site exists at the top of the embankment. The site has not been used for any productive employment purposes since demolition of the dwellings in 1976.

In policy terms, the loss of the employment land is not considered unacceptable in this case as it is not currently in active employment use and has no existing buildings that could be used or reused for employment purposes. The site historically has not been part of the Old Silk Mill site, being clearly separated from it by an existing commercial building marking the southern edge of the site and there is no clear vehicular or pedestrian access between the two sites.

Furthermore, as the site sits adjacent to existing dwellings at Nos. 21 and 22 Brook Street, and shares access, residential development is considered a more compatible and appropriate use for the site than B1 use and, furthermore, in visual terms could be designed to relate better to those dwellings and the adjacent public open space / public footpath than B class buildings. According to the Hounslow supporting statement, marketing attempts for employment have not been successful and the site has suffered from fly tipping and vandalism. Given potential new employment land in Tring on the LA5 site and Dunsley Farm, there is considered to be no major issue about the loss of the employment land in this case given the other supporting factors outlined above.

For the above reasons, it is considered that an exception for residential development of this part of the employment site is justifiable.

The site falls adjacent to existing residential uses, is generally flat and can provide amenity areas that are private and meet minimum garden sizes, would not cause overlooking of adjacent properties and has available access and car parking to serve the development. The site is therefore considered suitable for residential development.

The overall density of the scheme at 28 dph is not considered to be excessive or out of keeping with the surrounding context, and is in line with policy to make good use of urban land. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

Design, layout and impact on character and setting of listed building

The site does not fall within a Conservation Area. However, the Conservation Officer has assessed the proposal in terms of the adjoining Old Silk Mill buildings which are listed / curtilage listed.

He has said that the proposals would have a relatively minimal impact on the setting of the nearby listed buildings. They are located some distance to the north and are separated from the

site by a collection of later non listed industrial units. As the proposals are of 3 storeys they would be visible from the site. However given that they replace former dwellings and that their design follows a contemporary approach to traditional mill village housing he does not believe that they would cause harm to the setting of the listed building or its significance.

The development should arguably follow the development principles of character area TCA15 Brook Street. This states that there are no special design or type requirements although small to moderate sized dwellings are appropriate and encouraged. The proposed terrace is of traditional brick and pitched form with references to the surrounding context in terms of the chimneys and vertical alignment of fenestration. The Conservation Officer has noted that the proposed new dwellings are of a more contemporary design than nearby buildings in Brook Street but follow the scale, mass, bulk and form of traditional mill housing associated with the period of the silk mill. As such they would reflect the wider context of the site. However the contemporary approach to the detailing of the fenestration adds interest and variety to the streetscape whilst retaining the vertical character associated with traditional properties. Overall he therefore believes that the proposals for the dwellings would be acceptable but would recommend that the details are conditioned to ensure that the proposals best reflect the character of the area.

The proposed terrace would follow the building line already set by Nos. 21 and 22 Brook Street and would follow best practice in terms of perimeter block principles with good enclosure of the site following the general mantra of public fronts - private backs which has general advantages in terms of security for residents and the appearance of the street scene for the public realm. In the latter respect, the site is highly prominent in that it adjoins the southern edge of the Brook Street public open space and is also bordered by a frequently used public footpath to its frontage onto that space. As such the layout is considered appropriate to its immediate context and accords with the Development Principles.

Whilst the proposed terrace would be three storey, it is not considered harmful to the general street scene or the immediate relationship with the adjoining two storey development at Nos. 21 and 22 Brook Street. This is because there is a reasonable gap between the two sites formed by the proposed access road and side garden to No. 22, and in relation to two storey residential development at Kingsley Walk to the west, the difference in height is concealed by the ground difference of some 6 metres. In these terms, the proposal is justifiable in relation to a departure from the Development Principles.

In terms of density, the development at 28 dph. would accord with the Development Principles.

It is considered there would be no harm to the street scene or character of the area either as a result of the height or design of the houses. The proposal would accord with Core Strategy Policies CS10, 11, 12, 13 and 27, and saved Policy 119 of the Dacorum Local Plan.

Impact on trees and landscaping

Policy CS12 and saved Policy 99 seeks the retention and protection of visually important trees as part of development proposals where reasonably possible and Policies CS11, 12 and 13 and saved Policy 100 seek soft landscaping as an integral part of new development to help integrate it into the surroundings.

There are no trees currently on the site although there are a number of mature off-site trees to the east, west and north of the site. The embankment to the western boundary of the site included a number of mature trees that were visually prominent in the street scene. However, these were not subject to a TPO and were felled by the applicant prior to the submission of the application despite assurances that this would not be done and pre-application advice seeking their retention. This is unfortunate because their loss has resulted in a significant gap in the otherwise treed backdrop to the site in views from Brook Street and has impacted the general

character of the public realm and footpath along the top of the embankment.

Some residents have raised concern at the loss of the trees and the lack of opportunity for suitable replacement.

The development proposes to cut into the bank to accommodate the dwellings with the introduction of a piled retaining wall, fronted by a "stepoc" block wall system with integral soil planters. This would enable a living green wall to be created with the incorporation of shrubs, herbaceous ground cover, ferns, mosses and grasses which would both encourage wildlife whilst providing a soft landscaped appearance that would help conceal the retaining wall. It is stated that a gardener would be employed to maintain the soft landscaping of the site on a permanent basis and it is recommended that this should be secured by an appropriate condition should permission be granted.

In addition to the above, it is proposed to introduce a row of native trees and shrubs to the top of the retaining wall, between it and the existing brick and flint boundary wall alongside the public footpath. Species such as Holly and Hawthorn were proposed within the small 1.5 metre gap and whilst the principle of replacement trees for those previously removed is welcomed, the proposed size and species of trees is not considered to represent a suitable replacement for those removed, being significantly smaller in stature at maturity and having the appearance of small bushes and shrubs rather than woodland trees. In response to this, the applicant has submitted a detailed Arboricultural Impact Assessment and a Landscape Plan that proposes alternative species to address this concern. The Council's Tree Officer has advised that some further amendments to the tree species should be made. The scheme is otherwise of good quality. The proposal includes 15 replacement trees of various species along the top of the embankment. Shrubs, herbaceous plants and hedges are also proposed to the stepoc wall / embankment and amenity spaces to the front, rear and side of the dwellings.

Subject to the amendments requested, it is considered the planting would in time provide suitable visual continuity with the trees either end of the site and also help integrate the site into the adjoining public open space and surroundings. A landscape compliance and maintenance condition is recommended together with details of the stepoc wall and planting scheme.

Impact on highway safety, access and parking

The proposal would gain access from Brook Street via the existing private unsurfaced driveway which is to be block paved. Residents have raised road safety issues at the access with Brook Street. However, the Highway Authority has raised no objections to the proposal on highway safety grounds and has not mentioned the need for any visibility splays. As a private unadopted road, bins would need to be drawn to the Brook Street frontage for collection, particularly as there is no suitable turning facility on site for refuse trucks.

The development would provide tandem parking for each dwelling with suitable turning on site which would accord with the maximum demand-based car parking standards in Appendix 5 of the Dacorum Borough Local Plan. Sheds for bicycles are proposed in each garden with refuse bins consealed within the gardens which is acceptable.

Parking spaces scale at 2.4 x 4.8 m and therefore it is not necessary to include a condition to this effect as suggested by the Highway Authority. A condition is recommended seeking surface materials and sustainable drainage which ensures control over the Highway Authority's concern over materials and disposal of surface water away from the highway. A condition to require the submission of a Construction Management Plan would deal with the issue of materials storage outside the highway boundary and the deposit of mud and debris on the highway, as well as the parking of site operatives vehicles, loading and unloading.

The proposal would accord with Core Strategy Policy CS12 and saved Policies 51, 54 and 58.

Impact on Ecology

The site is not part of a designated wildlife site or nature reserve, or green corridor, as set out in saved Policy 102. Nevertheless, Policy CS26 (Green Infrastructure) states inter alia, that development will contribute towards the conservation and restoration of habitats and species.

Some concern has been raised by residents regarding the impact on bats from the felling of trees. However, as there are no trees or buildings currently on site, the potential for bats being adversely affected by the development is considered minimal.

The proposed green wall and landscaping would provide some opportunity for ecological enhancements to the site.

The HCC Ecology Advisor has raised no objections to the application but would encourage bat and bird boxes. It is recommended that details be provided as part of the landscape condition.

Subject to the above, there are not considered to be any constraints to the development of the site by reason of harm to protected species.

Impact on Neighbours

There is general concern from residents of Kingsley Walk that the proposed dwellings would be overbearing, cause loss of light and result in overlooking.

The proposal is not considered likely to cause any significant loss of amenity for surrounding properties. No. 104 is well away from the site (nearly 70 m) and will not be affected. No. 126 is also a significant distance away (over 30 m) and will not be materially affected.

No. 134 is at its closest point some 18.5 metres from dwelling 1 and there is the potential for overlooking from second floor bedroom windows facing the rear. However, given the oblique angle of overlooking (over 45 degrees) and the proposal to introduce additional fencing above the height the wall, it is not considered that there would be any material loss of privacy in this case. In addition, planting along the top of the retaining wall will also provide an element of privacy. Nos. 130 and 132 would be further away (over 25 metres) and therefore would not be materially affected.

Balconies are proposed on the first floor rear elevation of the new dwellings. However, views from these would be concealed by the retaining wall and brick and flint boundary wall on top of this. With regards to No. 138 and adjoining properties, there would potentially be overlooking from the proposed second floor window in the gable of dwelling 1. However, these properties front onto the existing public footpath and are therefore already overlooked by passing pedestrians, so the introduction of a gable window is not considered to cause any material loss of privacy in this case.

With regards to No 22 Brook Street, there would be an element of overlooking from the proposed first and second floor gable windows in the side of dwelling 4 and it is therefore recommended that these be fixed shut and obscure glazed by condition. It is also recommended that privacy screens are incorporated into the proposed balconies in order to protect the privacy of Nos. 21 and 22 Brook Street from overlooking. These would also provide an element of privacy between the new dwellings. Details can be secured by condition.

With regards to the visual impact of the proposal and loss of light, given the low height of the gable wall of the development above the existing brick and flint wall (effectively a 1 storey development when viewed from the nearest properties in Kingsley Walk), it is not considered that the proposal would be overbearing, nor that it would cause any material loss of light that

could justify refusal in this case. The proposal would not subtend an angle greater than the recommended BRE guideline figure of 25 degrees when measured from the centre of the ground floor windows in the affected dwellings. The figure is nearer 15 degrees which would indicate that no further assessment is required.

Based on the above, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development.

The proposal would therefore accord with Policy CS12.

Sustainability

Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. A sustainability statement has been submitted which satisfactorily demonstrates that the criteria of the Policy will be addressed. The proposals include, inter alia, permeable hard surfacing to the car park and access, timber from verified sustainable sources, proposals to reduce water usage during construction, recycling of construction waste, specification of water efficient appliances, proposals to minimise energy use during construction, compliance with Part LA2 of the Building Regulations, potential consideration of solar panels, provision of more than one new tree per dwelling, encouragement to supporting ecology enhancement through the landscaping proposals, encouragement of cycling through provision of cycle storage, adaptable internal layout to allow for changing life stages. In the circumstances the development would meet the basic principles for a sustainable form of development on the site.

Other matters

There is no need for any affordable housing within the development because the number of homes proposed and the site area are below the thresholds in Core Strategy Policy CS19 and also below the national threshold of 11 dwellings or 1000 sq m gross combined internal floorspace as set out in the NPPG. Furthermore, a financial contribution is not required in view of the waiver in paragraph 8.3 of the Council's Affordable Housing Supplementary Planning Document (September 2013).

Due to the introduction of CIL from July 2015, there is no general requirement for other contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document. The proposal therefore complies with saved Policy 13 and CS35 of the Core Strategy.

The site ostensibly falls within Flood Risk Zones 2 and 3. However, the applicant's analysis of the Environment Agency's Flood Maps indicates that the site falls just outside of the area of Flood Zone 2 and a long way from Flood Zone 3. On this basis it is concluded that the site does not need to provide a flood risk assessment. The development of the site for housing is therefore acceptable, having regard to Policy CS31 of the Core Strategy, which states that development should avoid Flood Zones 2 and 3. The applicant also notes that the site has not flooded in living memory.

The Council's Scientific Officer has recommended the standard contamination condition in view of previous use of the site as a car park.

Fire hydrants have been requested by HCC Fire & Rescue via a s106 agreement. However, it is considered satisfactory to seek these via a Grampian style condition.

Conclusions

Exceptional circumstances are considered to exist in this case to justify residential development of this part of the Silk Mill GEA. The site is suitable for residential development and would provide adequate amenity space, landscaping and car parking to serve the four dwellings. There would be no harm to the setting of The Old Silk Mill listed buildings and in design terms, subject to details, the Conservation Officer has raised no objection to the height, form and contemporary design of the dwellings which follow the scale, mass, bulk and form of traditional mill housing associated with the period of the silk mill. The Highway Authority has raised no objections on highway safety grounds and there would be no harm to residential amenities as a result of the development.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 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 other than site preparation, groundworks, site investigation and remediation shall take place until samples of the materials proposed to be used on the external surfaces of the development (including the driveway surfacing and brick bond) hereby permitted shall have been provided on site as a sample panel at least 1 metre by 1 metre and summary details submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development other than site preparation, groundworks, site investigation and remediation shall take place until 1:20 details of the design and appearance of the following shall have been submitted to and approved in writing by the local planning authority:**

- all new windows, external doors and openings (including materials, finishes, cills, window headers, surround details). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the openings;
- eaves joinery and rainwater goods;
- Chimneys;
- Balconies;
- Bin and cycle stores;
- Front boundary walls / gates (including brick bond);
- Vehicle access gates.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and

Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 4 **The development shall not be occupied until details of the extent and form (including materials) of the general repairs to the existing brick and flint wall shown annotated on Drg. No. PL-102 Rev D shall have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the first occupation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 5 **The approved soft landscape works shown on Drg. No. 170925-L-10 Rev a and hard landscape works shown on Drg. No. PL-102 Rev D shall be carried out prior to the first occupation of the development hereby permitted and notwithstanding any details submitted, no development other than site preparation, groundworks, site investigation and remediation shall take place until full details of the following shall have been submitted to and approved in writing by the local planning authority:**

- an elevation showing the soft landscape works to the "stepoc" wall 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;
- Irrigation lines;
- biodiversity features such as bat boxes;
- proposed finished levels or contours;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- minor artefacts and structures (e.g. furniture, play equipment, signs, lighting etc);
- details of a management plan for the ongoing maintenance of the landscaped areas.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and the management plan implemented in accordance with the details approved therein.

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 saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

- 6 **The development hereby permitted shall be carried out in accordance with the approved Policy CS29 Sustainability Checklist.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy September 2013.

- 7 **Notwithstanding any details submitted, no development other than site preparation, site investigation and remediation shall take place until plans and details showing how the development will provide for sustainable urban drainage shall have been 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 CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 8 **The development shall be carried out in accordance with the approved levels and heights shown on Drg. No. PL300 Rev C.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013.

- 9 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation and access shown on Drawing No. PL-102 Rev D shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- **the parking of vehicles of site operatives, contractors and visitors;**
- **loading and unloading of plant and materials;**
- **storage of plant and materials used in constructing the development;**
- **construction access arrangements;**
- **wheel washing facilities;**
- **measures to control dust and dirt during construction;**

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.

- 11 **Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.**

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies.

- 12 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 13 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 16 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing

evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 14 **The development shall not be occupied until details of a fire hydrant(s) to serve the development shall have been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of the health and safety of the residents of the development.

- 15 **The first and second floor windows in the east elevation of Dwelling 4 of the development hereby permitted shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 16 **The development shall not be occupied until details of a privacy screen to the balconies hereby permitted, together with an elevation drawing from the east of the proposed willow hurdle fence shown on plan hereby permitted, shall have been submitted to and approved in writing by the local planning authority. The approved screens and fence shall be installed as an integral component of the development prior to first occupation and shall thereafter be permanently retained in position.**

Reason: In the interests of the residential amenities of the adjacent dwellings at Nos. 21 and 22 Brook Street and 132 and 134 Kingsley Walk in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 17 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B and C
Part 2 Class A
Part 14 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the street scene and the character and setting of the adjoining listed building in accordance with saved Policy 119 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 18 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the existing brick and flint wall on the**

western boundary of the site shall not be demolished, lowered, removed or replaced by another fence, gate or wall.

Reason: In the interests of the character and setting of the adjacent listed building and the residential amenities of the occupants of the adjacent dwellings.

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

PL-101 Rev A
PL-102 Rev D
PL-201
PL-300 Rev C
170925-L-10 Rev a
5460-1 Rev 01B
5460-1 Rev 02B

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

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and determination process which led 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.

INFORMATIVES:

Thames Water

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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is

authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on the Road: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Environmental Health

1) Piling Works

If piling is considered the most appropriate method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

2) Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

3) Construction hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays

4) Dust

As advised within the application documentation, dust from operations on the site should be minimised by spraying with water or by carrying out other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, *Produced in partnership by the Greater London Authority and London Councils*.

5) Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.