

<b>4/01378/19/FUL</b>	<b>CHANGE OF USE OF EXISTING BUILDING FROM B1 (OFFICE &amp; LIGHT INDUSTRIAL) TO A3 (CAFE) WITH PLAY AREA AND ASSOCIATED CAR PARKING</b>
<b>Site Address</b>	<b>DOODLE CABOODLE, UNIT 21, SILK MILL INDUSTRIAL ESTATE, BROOK STREET, TRING, HP23 5EF</b>
<b>Applicant</b>	<b>MARGISAL LTD, THE OLD SILK MILL</b>
<b>Case Officer</b>	<b>Will Collier</b>
<b>Referral to Committee</b>	<b>Contrary to objection of Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The proposed change of use will make good use of an existing commercial building providing limited local employment and providing a useful facility for Silk Mill employees and visitors. The proposal will have no significant adverse impact on neighbouring amenity, the listed building or have an unacceptable impact on highway safety. It follows the proposal would accord with the aims of Policies CS4, CS8, CS11, CS14, and CS15 of the Dacorum Core Strategy (2013) and Policy 10 of the Saved DBLP 1991-2011.

## **3. Site Description**

3.1 The application site is located to the west side of Brook Street, Tring within Unit 21 of the Old Silk Mill Industrial Estate. The application unit falls within a Grade II Listed Building. The application unit comprises a vacant ground floor unit of approximately 108 sq. metres, which is located within the designated employment area. The site is characterised by an accumulation of different buildings, mainly within B2 (general industrial- warehouses) use. The surrounding area is predominantly residential characterised by terraced and semi-detached properties.

## **4. Proposal**

4.1 The application seeks retrospective permission for change of use from B1 to a café (A3).

4.2 The current cafe has been in operation at the site since 1st April 2017, and comprises of kitchen/server, dining area and a play area for children.

4.3 No external or internal alterations have been undertaken.

## **5. Relevant Planning History**

None relevant.

## **6. Policies**

6.1 National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

## 6.2 Adopted Core Strategy

NP1 (Supporting Development), CS1 (Distribution of Development), CS4 (The Towns and Large Villages), CS8, CS12 (Quality of Site Design) CS14 (Economic Development) and CS15 (Offices, Research, Industry...), CS27 (Quality of the Historic Environment)

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 10 (Optimising the Use of Urban Land)  
Policy 31 (General Employment Areas)  
Policy 57 (Provision and Management of Parking)  
Policy 119 (Development Affecting Listed Buildings)

## 6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Appendix 5 (Parking Provision) of saved Dacorum Borough Local Plan

## 7. **Constraints**

- GRADE 2 LISTED BUILDING
- 15.2M AIR DIR LIMIT
- Former Land Use
- GENERAL EMPLOYMENT AREA

## 8. **Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## 9. **Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on heritage assets
- Impact on parking and highway safety

- Noise and odour

### Policy and Principle

9.2 Policies CS4 and CS15 of the Core Strategy (2013) state that General Employment Areas will be protected for B-class uses. Saved Policy 31 of the Local Plan (2004) states that the scale and nature of proposals in General Employment Areas (GEA) will be assessed with regards to; the individual character of the Employment area, other planned development, the character of adjoining areas, accessibility for vehicles and pedestrians and highway impacts. The General Employment Area in Brook Street is designated as an industrial location where small units are to be retained.

9.3 The proposed change of use would thus conflict with the above policies, however, in this case it is considered acceptable taking into account the following considerations:

- The proposed hours of opening are 8am-5.30pm on weekdays, with the café being closed at the weekends except when used for private hire. Also, the café does not have a frontage to Brook Street, but is located within the main mill building towards the rear of the GEA. This suggests that the main use of the café will be to serve Brook Street GEA employees, rather than local residents.
- The floorspace of the café is small (under 100 sq. metres), so the impact on Tring town centre and loss of B-class floorspace would be very limited.
- The applicant states in the Design and Access Statement that at the time of advertising the vacant unit in 2017, the only interest came from a café operator (Doodle Caboodle), and as other units were also vacant at the time, the decision was made to let the unit to the café use.
- The NPPF and saved Policy 10 (DBLP 1991-2011) support the reuse of previously developed land
- There are no cafes within easy walking distance of Brook Street GEA.
- The proposal will provide a useful and sustainable location for employees of the industrial estate.
- The proposal will provide local employment

9.4 Thus the cafe is considered to provide a useful amenity/facility to Brook Street GEA employees and would be ancillary to the main use of the GEA as a source of business use employment.

### Impact on heritage assets

9.5 The café occupies a ground floor unit in the Grade II listed Silk Mill building. Policy CS27 of the adopted Core Strategy requires all development to favour the conservation of heritage assets, which in this case is the Grade II listed building.

9.6 The change of use from B1 to café use involves no physical changes to the fabric of the building and as such is considered to respect the character of the listed building. It is important that active uses are found for listed buildings to assist in maintenance and long term preservation. Furthermore, there are no objections from Dacorum Borough Council's conservation officer.

## Parking and Highway Safety

9.6 The floorspace of the cafe dining area is 50 sq. metres approx. According to the Dacorum Borough Local Plan (Appendix 5), this requires a parking provision of 1 space per 5 sq. metres plus 3 spaces per 4 employees, which works out as 10 spaces (there are fewer than 4 employees). The number of parking spaces required is therefore calculated to be approximately 11 spaces taking into account there is a maximum of two employees.

9.7. There are 26 visitor parking spaces within the Silk Mill site which are available to the café and other units of the Silk Mill, the remaining spaces are allocated. Whilst these are shared it should be noted there are no objections from the Highway Authority with regard to parking standards and highway safety. It is stated in their comments that 'following consideration of the use of the overall business park there would not be sufficient reason to recommend refusal on parking grounds from a highways perspective'. Despite concerns raised, the parking provision is considered acceptable in light of the Highways Authority response. Furthermore, the site is within walking distance from the town centre. It should also be noted that many of the users of the facility are employed in the other commercial units at Silk Mill.

## Noise and odour

9.8 Concerns about odour from the cafe have been raised in several representations received. The applicant has submitted an odour management plan which identifies that the impact risk is 'low level' and that the existing extraction system consisting of grease filter and carbon filtration is sufficient. It also recommends that the management plan should be reviewed in the event of any changes to the business affecting the level of odour impact. This has been accepted by the council's Environmental Health Officer. A condition is recommended to ensure compliance with the odour management plan.

## CIL

9.9 The floor space of the unit is 108 sq metres and therefore eligible for CIL.

## **10. Conclusions**

10.1 The application is for retrospective permission for the change of use from one business unit to a café. The principle of the change of use is considered acceptable given the position in the wider business park and being ancillary in nature. The level of parking provision is considered acceptable and there is no adverse impact on the listed building. Therefore recommended for approval.

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

### Conditions

No	Condition
1	<b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b>

	<p><b>Design and Access Statement Odour Management Plan August 2019 (Revised version) PL102 (Revision A) PL106 PL201</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>
2	<p><b>The Cafe (A3) use shall be operated in accordance with the Revised Odour Management Plan dated August 2019.</b></p> <p><u>Reason:</u> For the avoidance of doubt and to ensure no harm from pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances in accordance with Policy CS32 of the adopted Dacorum Borough Core Strategy.</p> <p><u>Article 35 Statement:</u></p> <p>Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

## Appendix A

### Consultation responses

DBC - CONSERVATION	No Objection
<p>The application is for the change of use of a part of the grade II listed Silk Mill in Tring. I believe the listed building application is not required if the application is purely for change of use.</p> <p>The current use of this part of the building is as a café, there was previously some form of kitchen area in the position of the existing and the change of use has not affected the special interest of this part of the listed building, there is no objection in principle. However can the applicants confirm no additional flues / additional ventilation etc have been installed into the building as part of its use as a café – this would need consent.</p>	
DBC - CONTAMINATED LAND	No Objection
<p>Having reviewed the application submission and the ECP records I am able to confirm that there is no objection on the grounds of land contamination. Also, there</p>	

is no requirement for further contaminated land information to be provided, or for contaminated land planning conditions to be recommended in relation to this application.

DBC - NOISE POLLUTION & HOUSING	No Objection
<p>No objections in principle, but I would recommend a condition for cooking odours to have regard to other businesses forming part of the site and may be impacted by ingress of cooking odours into neighboring occupied units.</p> <p><i>Suggested Condition – odour</i></p> <p>Within 2 months of the hereby approved permission, an odour management plan shall be submitted for the approval of the LPA. The odour management plan shall specify the provision to be made for the collection, treatment and dispersal of cooking odours generated by the development. Where mechanical ventilation is to be incorporated into the development the odour management plan shall include a schedule for repair, maintenance and servicing.</p> <p>The odour management plan shall be compiled by appropriately experienced and competent persons.</p> <p>All mitigation / control measures shall be fully implemented in accordance with the approved management plan and appropriately validated before coming into first operation and, retained thereafter.</p> <p>Reason</p> <p>Policy CS32 – any development proposals which could cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell light, noise or noxious substances, will not be permitted.</p>	

HCC - Dacorum Network Area	No Objection
<p>Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>COMMENTS / ANALYSIS: The application comprises of the change of use of an existing building from office/ light industrial use to a café at Unit 21, Silk Mill Business Park, Brook Street, Tring. Brook Street is designated as a classified B secondary distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The unit is currently being used as a café.</p> <p>ACCESS &amp; PARKING: The proposals do not include any new/altered vehicular or pedestrian access from the highway.</p> <p>The application makes reference to 24 car parking spaces. Would these parking spaces be available for the overall business park or just the café? This would need to be clarified. Furthermore ten of the car parking spaces would not be accessible if cars are parked in the bays directly adjacent to the west. Following consideration of the use of the overall business park there would not be sufficient reason to</p>	

recommend refusal on parking grounds from a highways perspective. However the applicant is reminded that Dacorum Borough Council (DBC) is the parking authority for the district and therefore ultimately should be satisfied with the levels of parking.

Following consideration of the use of the site within an existing business park, the proposals would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. HCC has no objections or further comments on highway grounds to the application although this is subject to the comments in relation to the car parking, which may need some clarification.

Tring Town Council, The Market House	Objection
<p>The Council recommended refusal of this application on the grounds that there was inadequate parking facilities on site for a café. Whilst the Council welcomes the enterprise, the café's operation has increased on street parking in Brook Street, aggravating a dangerous situation on a busy thoroughfare. Examples of parking close to junctions and at narrow points were quoted during consideration of this application</p>	

## Appendix B

### Neighbour notification/site notice responses

#### Objections

Address	Comments
	<p>I have attended workshops at a neighbouring unit. Parking is nigh on impossible at present and if a food outlet with constant comings and goings is going to be developed , this would just make an impossible situation much, much worse.</p> <p>There is also concerns about "odours". Cooking odours do tend to linger which must be concerning for many of the retail outlets, particularly clothing or fabric.</p> <p>I strongly object to this proposal.</p>
	<p>The silk mill has 50 or so businesses onsite, and has very few public spaces, which seem to be taken up by the play/cafe customers making it difficult to visit other units. Have also noticed cooking smells in communal areas, as a listed building perhaps extraction fans that are normally used are against planning. Parking on roads also limited, and if I have a lot of heavy stuff to carry is inconvenient. Patrons who have units also have play/cafe people in and this causes problems, and on occasions even damage to parking bollards etc.</p>
	<p>There are 24 parking. For visitors for the entire development with over fifty businesses. Every time I have come as a customer I can not park here. Most times</p>

	<p>there are several buggies and mums taking things out their cars to visit this cafe. It's a busy place. And that means lots of mums with kids. And kids come with lots of stuff and if you have two kids or so... no mum will park up the road instead will park at the venue. It's disruptive.</p> <p>I am mobility challenged and twice I have brought disabled people to classes and can't park because mums and their kids are parked up and I have to drop off the students (in their 70s and 80s) and then try and walk back while haven't mobility issues myself.</p> <p>On the grounds of parking alone this isn't a good idea.</p> <p>The smell of food in the common areas is bad. Smoke at times too. I went to the art place and the quilt place on two different occasions and the smell was so bad. There is no adequate extractor fans in the cafe. So the current setup doesn't work.</p> <p>On weekends is insane sometimes. Having done classes in neighbouring units there can be 80 people in there and the car park is packed. Even for the units that have parkings. There are so many people and all of these - for private parties I guess - are in the cafe. I guess with their alcohol license and the kids play area it is the perfect place for parties. But the cars park all over the car park on weekends and there can be three parties per day.</p> <p>I object to this proposal as the ventilation isn't good. And parking by this business is really abused at the cost of other people wanting to come to use other units.</p>
--	--

## Supporting

Address	Comments
	<p>This enterprise brings a much needed facility to this site and is used by many of the tenants as well as young families, most of whom walk here as it is within easy walking distance of much of the town. Comments regarding it's customers increasing parking issues in Brook Street are unfounded and based on hearsay and opinion, not facts.</p>
	<p>Doodle caboodle is a great asset to the community. There is no other local place I know of that is small enough where I can safely keep an eye on both my 1 year old and my 4 year old while they play. Not granting the change of use permit and forcing the cafe to close would be a huge loss to families in the area with young children.</p>

	<p>There have been several new business that have opened in the silk mill area since the cafe first opened, so I do not think it is fair to say the increase in traffic on Brook Street is just because of the cafe. I also want to point out that the Doodle Caboodle website gives very detailed instructions for parking only in specified places in the silk mill business park area or parking in car parks by m&amp;s, the coop, and the auction house. Myself and people I know walk, and the website provides many options for parking other than on Brook Street. I want to reiterate that I do not think it is fair to blame the cafe for the issues along Brook Street without detailed monitoring over a decent period of time to actually see which businesses are frequented by drivers.</p>
	<p>Doodle Caboodle provides an excellent service to local families - and sometimes visitors from out of the area with local friends and family. They have worked hard to make it a success as witnessed by their social media profile. It would be a great shame - and a loss to the area - if a way could not be found to accommodate this Application.</p> <p>The issues which have been raised are odour and parking.</p> <ol style="list-style-type: none"> <li>1. Odours - this property (type and situation) doesn't present any unique challenges which couldn't be met by a factual assessment by a competent person and a plan drawn up for approval, which could then become a condition of Planning.</li> <li>2. Parking - the Objections so far are opinions and feelings - no facts. A joint effort by Council and Applicant to monitor parking over a period of time would provide those facts. It would be useful to involve the other businesses on the site to get a full picture of who is using the spaces and what could be done to help - all the businesses - prosper with this limited resource.</li> </ol> <p>The Applicant has worked hard to build a business and deserves to succeed - as much as every other business on the site - it requires effort all round to find a way that this Business can operate in harmony with it's neighbours.</p> <p>I strongly support the need to find these solutions and grant the application</p>
	<p>Doodle caboodle is an essential service to the local community because it is the only one of its kind in the area. Mothers can relax and have a tasty snack and coffee with friends whilst their little ones entertain themselves safely. Also a lot of the neighbouring</p>

	<p>businesses patronise the facility for takeaway foods and drinks to help them through the day without going any further afield.</p> <p>I understand there have been complaints from a minority of neighbours which are unfounded and since they moved in after doodle caboodle so they were aware of what the business consisted of. I've no idea why this happy little business should be persecuted. It is completely unfair and unnecessary</p>
	<p>The cafe is a great resource for locals and those further afield. Yes, parking is limited, but there are plenty of local public car parks a short walk away. We Park and walk, then when we've finished we pop into the butchers and other shops in Tring. We would not use the shops in Tring if we were not visiting the cafe before hand. As for the smells, yes I guess there are smells, but who does not love the smell of fresh cakes, and surely less smelly than the local farmer muck spreading or the increased fumes from the on site garage. I believe it is also unreasonable to solely blame the cafe for the increased parking requirements, the whole site now has a greater footfall due to the increased number of small businesses now on the site, many of which require visitor parking, and this seems to be lacking. Surely the local council should have considered all this at the time the landlord made overall changes to the site rather than at the point of a change of use!?! SB.</p>
	<p>Fully support this enterprise in Tring. Child geared suitable places for local people to meet with children do not exist anywhere else in the area.</p>
	<p>Doodle caboodle provides a service to the community that is entirely unavailable elsewhere within a five mile radius.</p> <p>Having a safe and suitable place to meet is invaluable for parents and carers of young children.</p> <p>I wholly support their application for a change of use.</p>
	<p>When it opened Doodle Caboodle seemed to be one of the only new businesses on the site, there are now so many diverse little businesses. It is great to have so many new businesses in Tring, we should be supporting them all. I haven't noticed any cooking smells when I walked up to the cafe and the food is delicious. Lots of people who visit the cafe are from Tring and walk.</p> <p>When you are a new parent it is important to have somewhere you can go where you feel relaxed and comfortable, somewhere that gives you a warm friendly welcome and you can meet other parents - Doodle Caboodle offers all of this. Our Childrens Centre is not open every day now so we should support places and groups where parents can meet up. The owner has put a</p>

	<p>lot of time and thought into her sessions thinking about lots of different groups in our community including meet ups for children starting schools and nurseries, grandparent and childminder sessions. The cafe is an asset to our town and one we should support.</p>
	<p>The Doodle Caboodle Café has been running a successful business for nearly two and a half years providing parents with young children a place a place to relax with friends or alone while their children play in a safe environment within view. It also provides a useful take away service to people working locally. The owners are fully aware of the limited parking facilities and have encouraged customers to use the public car park which is within easy walking distance.by offering to refund their parking fee against purchases made in the café. With so many businesses failing in many towns I feel with the café which provides such a useful service to Tring and the surrounding area should be allowed to continue.</p>