The Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/J1915/W/19/3223464
Collier House, Mead Lane, Hertford SG13 7AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class O of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr Richard Mordain of Turner and Co (Glasgow) Ltd. against the decision of East Hertfordshire District Council.
- The application Ref 3/18/2007/ODPN, dated 6 September 2018, was refused by notice dated 6 November 2018.
- The development proposed is conversion of the existing property from office use to 18 residential dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is nothing before me to suggest that Collier House was not in office use on or before 30 May 2019, or that the building fails to meet any of the other criteria set out in Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) with regards to its current use. As such, the issues before me are those set out below.

3. The transport and appellant's statements name the unadopted service road as Mead Lane. However, it appears to me that the service road is unnamed and connects to the adopted Mead Lane.

Main Issues

4. The main issue is whether the proposal satisfies the requirements of the Order with respect to being permitted development for a change of use from office (Class B1(a)) to residential use (Class 3), with regard to the transport and highways impacts, contamination and impacts of noise from commercial premises.

Reasons

Transport and highways impacts

5. Collier House is an office building situated at the end of a service road which runs some 250 metres from Mead Lane. The service road provides access to a number of industrial premises, including a haulage company, steel fabricators and car repair unit. Although some premises along the road have lighting

within their curtilage, the road itself is unlit and does not have a footway. At my visit there was significant on-street parking as well as the occasional passage of heavy vehicles. The average road width suggests that where vehicles are parked, there would not be space for two other vehicles to pass each other. Large vehicles would have to pull into the kerb to allow others to pass.

6. The transport statement notes that pedestrian access will be from the service road, or along the nearby riverside path. In terms of distance, the development would be within acceptable walking distances of Hertford East station and amenities, for pedestrians without mobility impairment.

7. It seems to me that the change from office to residential use would result in a material change in the character of traffic in the vicinity of the site, as set out in Paragraph W of the Order. This requires councils to take account of representations made by the highways authority and also to have regard to the provisions of the National Planning Policy Framework (the Framework). Paragraph 108 of the Framework requires safe and suitable access for all users.

8. Although there would be a reduction in the number of people accessing Collier House, it is likely that the spread and volume of trips within the week would significantly change. Patterns of pedestrian activity along the service road would be far less predictable than is currently the case, and also involve fewer individuals travelling at any one time. Moreover, the age and health of pedestrians could be significantly different from that of office workers, with attendant issues of mobility or visual impairments, or reduced traffic awareness and response times.

9. The Manual for Streets notes that the propensity to walk is influenced not only by distance but by the quality of the walking experience. The lack of footways or refuges, adequate lighting and the carriageway obstructions caused by parked vehicles, in addition to the passage of haulage lorries and other traffic, does not, to my mind, represent safe and suitable access. Walking along the service road in darkness, and when vehicles associated with the commercial uses are using the road, would be likely to be a particularly unattractive prospect for many pedestrians.

10. As such, although it is not in dispute that Collier House is favourably located to access town centre amenities, the poor pedestrian environment could deter future occupiers from walking to the town centre, despite the short distances involved. I conclude that the use of this service road by pedestrians would be highly unsatisfactory and likely to have an adverse effect on their future safety.

11. The riverside path is suggested as an alternative pedestrian route into the town centre. However, I noticed that in the vicinity of the site it appears to be narrower than what, in my experience, are the recommended widths for multi-user routes. A photograph in the transport statement reinforces my reasoning with regard to potential congestion and the path's suitability for regular usage, particularly for future occupiers who might have pushchairs or mobility issues. The unlit riverside path could be an attractive route for some pedestrians, but it would have its own limitations on usability. It could not be considered to be anything more than a secondary route into Hertford.

12. In addition, the access to the riverside path from within the site is rather narrow and convoluted, and is stepped. It would also pass directly in front of

primary windows serving bedrooms and living rooms in Flats 1, 2 and 3 which would not be very satisfactory for occupiers of those flats. However, this could be addressed if the appeal was allowed. This does not however alter my reasoning with regard to the suitability of the riverside path as a regular route.

13. The appellant has drawn my attention to an appeal[1], which it is argued, is pertinent to this proposal. However, that site was an office within a residential area, and the road width in itself restricted speed. This office is located in an industrial estate, and would have more than double the number of units. The two appeals are not comparable. Selected extracts from other appeals have been cited. However, I have limited information before me with regard those appeals. In any case, each appeal is determined on its merits.

14. The appellant argues that there have never been any accidents related to the current use of the service road despite its poor pedestrian environment. However, given the change in the character of traffic generated by the development it cannot be presumed that there would not be accidents in the future.

15. I conclude that the development would not provide safe and suitable access for pedestrians and this would be contrary to Paragraph 108 of the Framework in this regard. I appreciate that Paragraph 109 states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. However, in this case I consider there would be an unacceptable risk to pedestrian safety arising from the development.

Noise and contamination

16. The evidence before me suggests that the Council's concern regarding noise is related to the nearby industrial units, particularly one that involves steel fabrication. When I visited the site, around mid-day, I was unaware of any localised noise sources apart from nearby vehicles. However, there may be many reasons for this, and my experience is a snapshot in time.

17. The appellant has revised the original noise assessment following comments from the Council's consultee, and has undertaken further sampling, including a baseline survey over several weekdays. This concludes that with appropriate mitigation, noise levels within Collier House would not be detrimental to the living conditions of future occupiers. Having reviewed the evidence I have concluded that there is nothing before me to lead me to disagree with this conclusion.

18. I am satisfied that the development would not expose future occupiers to risk arising from ground contamination as the evidence before me suggests that concerns could be overcome by a suitably worded condition. As such, I conclude that the development would not have an unacceptable impact in terms of noise or contamination.

Other matters

19. It is argued that another application on a nearby site is promoting the use of the riverside path. However, this does not alter my reasoning with regard to the merits of this appeal.

[1] Ref: 3197637

20. The parish council has raised an objection in relation to lost employment land but as I have found harm in relation to the main issues, there is no need for me to consider this further.

21. Improvements to the crossing at the junction of Mead Lane and the service road would not overcome my concerns regarding pedestrian safety.

22. I appreciate that there is extensive flatted development between the service road and Hertford East station. However, these blocks directly front Mead Lane and consequently they are not comparable to the appeal before me.

Conclusion

23. I conclude that the proposals would result in significant adverse transport and highways impacts. Consequently, the development would not satisfy the requirements of the Order with regard to being permitted development for a change of use from office (Class B1(a)) to residential use (Class 3). The appeal should be dismissed.

A Blicq

INSPECTOR