



Appeal Decision

Site visit made on 1 October 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/P1940/W/20/3252855

Shannon House, Station Road, Kings Langley, WD4 8SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr M Rosenbaum against the decision of Three Rivers District Council.
 - The application Ref 20/0369/PDR dated 11 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is change of use from office (Class B1) to 74 residential units (Class C3).
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Paragraph O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') for the change of use from office (Class B1) to 74 residential units (Class C3) at Shannon House, Station Road, Kings Langley, WD4 8SE in accordance with the terms of application Ref 20/0369/PDR dated 11 February 2020, subject to the conditions in Paragraph O.2(2) and Paragraph W(12)(a), and the following additional condition:
 - 1) The car-parking spaces proposed shall be constructed in accordance with drawing number SH.24.SR.PR.PA prior to the first occupation of any part of the development hereby permitted and shall thereafter be kept permanently available for the use of residents and visitors to the site only.

Procedural matters

2. For the purposes of this appeal, the provisions of the GPDO require the local planning authority to assess proposed development under Schedule 2, Part 3, Class O solely on the basis of; - (a) transport and highways impacts of the development; (b) contamination risks on the site; (c) flooding risks on the site; and (d) impacts of noise from commercial premises on the intended occupiers of the development. However, before this can be assessed, a determination as to whether the proposal would be permitted development under Class O must first take place against the provisions set out in Paragraph O.1.
3. I recognise that the range of prior approval matters to be considered has been recently amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 to include whether there is provision of adequate natural light in all habitable rooms of the dwellinghouses. However, in the case of planning appeals, this

only applies where the prior approval application was submitted on or after 1 August 2020, which is not the case for the scheme before me.

4. Applications for prior approval are not determined in accordance with the development plan. Schedule 2, Part 3, Paragraph W(10) of the GPDO states that when determining a prior approval application, the local planning authority must; (a) take into account any representations made to them as a result of consultation; (b) have regard to the Framework¹ insofar as relevant to the subject matter of the prior approval; and (c) determine whether the site constitutes contaminated land.
5. Although the appellant has offered a unilateral undertaking restricting future residents from applying for car-parking permits, there is no such document before me that has been signed and dated. I have as a consequence assessed the scheme on the basis of the evidence before me. However, for the reasons given below, even if such a document had been provided, it would not have altered my decision.

Main issue

6. There is no dispute between the Council and appellant that the proposal constitutes permitted development and on the basis of the evidence before me, I see no reason to disagree with this conclusion. The main issue relates to one of the prior approval matters to be considered under Paragraph O.2.(1), namely, the impact of the development on transport and highways.

Reasons

7. The appeal site contains a post-WWII constructed 4-storey office building. The surrounding area on Station Road contains a range of uses, including residential, offices and light industrial.
8. The scheme would result in a substantial shortfall of 114.5 car parking spaces when assessed against Policy DM13 and Appendix 5 of the Development Management Policies Plan² which seeks 1.75 car spaces per 1-bedroom dwelling (of which 1 space should be assigned) – a total of 129.5 car spaces. However, Appendix 5 of the Development Management Policies Plan also states that in areas of high accessibility and good service provision, a reduction in the levels of parking may be appropriate.
9. The appeal site falls within the Secondary Centre of Kings Langley, which the Core Strategy³ recognises to be well located with regard to accessing adjoining centres and public transport facilities. In particular, the appeal site lies within 160 metres of Kings Langley Train Station and there are bus stops in close proximity on Station Road which collectively provide frequent transport links locally and further afield.
10. The scheme would also result in the provision of 80 cycle spaces, which is in excess of that required under Appendix 5 of the Development Management Policies Plan (1 space per 2 units, which equates to 37 cycle spaces). Furthermore, the appeal site is in reasonable walking distance of shops and facilities on the High Street.

¹ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

² Local Plan, Development Management Policies, Local Development Document, Adopted July 2013, Three Rivers District Council.

³ Local Development Framework, Core Strategy, Adopted 17 October 2011, Three Rivers District Council.

11. The appeal site also falls within a controlled parking zone area where on-road parking is heavily restricted and there is no evidence before me demonstrating significant on-road parking stress in the locality. Although the appellant has offered a unilateral undertaking restricting future occupiers from applying for car-parking permits, there is no evidence before me of demand for these significantly exceeding supply, but even if there were, this is a matter for the local highway authority to administer. I do not therefore consider such a restriction on future occupiers to be necessary.
12. As a consequence of the heavily restricted level of parking facilities available on-site, I am satisfied that there would be limited car movements by future occupiers and visitors to and from the building, and that the development would not therefore be harmful to the surrounding highway network or pedestrian safety.
13. In view of the above, I conclude that despite the substantial shortfall of car-parking spaces, future occupiers would have good access to sustainable modes of transport other than the private car and that the scheme represents an opportunity to promote walking, cycling and public transport as set out in Paragraph 102 of the Framework. The scheme would also comply with Policy CP10 of the Core Strategy which seeks, amongst other things, major development to be located in areas highly accessible by the most sustainable modes of transport.
14. I am satisfied that there would be limited impact on the local area in terms of parking stress and that suitable mechanisms exist to prevent unauthorised parking, whether that be on the public highway or in the private car-parks of neighbouring commercial buildings and residential apartment complexes. The scheme would therefore comply with Paragraph 109 of the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe.
15. I recognise that the local highway authority has objected to the scheme and requested a transport statement and travel plan to justify the reduced car-parking provision. However, on the basis of the evidence before me and my observations on-site, I am satisfied that this is not necessary in this particular instance for the reasons outlined above. I note the other concerns raised about waste collection, but the site is in close proximity to the highway to enable easy access by refuse operatives, together with the emergency services. I do however share the local highway authority's concern over the accessibility and dimensions of some of the car spaces proposed, but for the reasons outlined above, I conclude that the scheme would be acceptable even if less than 15 car spaces could be accessed on-site.

Other matters

16. Concerns have been raised over the proximity of the appeal site to neighbouring commercial buildings and the potential impact that may arise from noise and disturbance on future residential occupiers. However, I am satisfied that the living conditions of future occupiers of the proposed development would be consistent in noise and disturbance terms with those already experienced by other residential dwellings on Station Road in close proximity to the appeal site. Furthermore, there is no substantive technical evidence before me from the Council or other relevant professional consultees

indicating that existing noise and disturbance from commercial units would result in poor living conditions.

17. I recognise the concerns of interested parties in respect of the quality of accommodation, inadequate living space, excessive density, lack of affordable housing and loss of employment space, but these matters do not fall to be considered under existing legislation relating to prior approval applications for the change of use of office buildings.
18. I also note the concerns raised by interested parties in respect of access issues relating to neighbouring private roads and pedestrian routes, but this is a private civil matter between the parties.

Conditions

19. A condition has been imposed requiring the parking spaces to be constructed prior to occupation of any part of the building and retained thereafter to ensure adequate parking provision for residents.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR