

APPLICATION 4/03260/18/FUL
FORMER TELEPHONE REPEATER STATION
DUDSWELL LANE JUNCTION WITH TRING ROAD
NORTHCHURCH

(Part 1 – pages 1 -14)

OBJECTIONS ON BEHALF OF THE LOCAL RESIDENTS BY CLLR LARA PRINGLE - WARD
COUNCILLOR FOR NORTHCHURCH:

- ❖ **Objection on the grounds of unsuitable access creating road safety hazard to vulnerable users**
- ❖ **Original Herts Highways decision to object to the application on grounds of road safety has been over-ruled on the basis of personal injury RTA data and estimated traffic movements of a storage facility**
- ❖ **The reliability of each of these grounds for over-ruling is disputed**
- ❖ **It is submitted that the proposed change of use creates a significant impact on road safety if the vehicular entrance to the property remains as proposed and should therefore be rejected as it currently stands**

SUMMARY:

- ❖ As ward councillor for Northchurch a number of residents have made me aware of their concerns re the application which is for change of use of the former telephone repeater station at the Dudswell Lane junction with Tring Road. I share those concerns and am objecting to this application
- ❖ The local objection to this development is on the grounds that allowing access directly onto the complicated Dudswell Lane/Tring Road Junction will pose a danger to roadusers, particularly a number of vulnerable groups
- ❖ Additionally, there is inadequate parking for residential visitors and delivery drivers in the vicinity. This adds further danger to an already hazardous junction
- ❖ The context is that historically there has been considerable public concern about road safety in this area. There is considerable independent evidence of this which had not been addressed proportionately by the applicant, Hertfordshire Highways or the DBC Planning officer prior to the decision having been made. The independent evidence comprises:
 - the petition organised by Go20, a Northchurch based road safety group which came into being following a fatal RTA involving a 9 year old child in Northchurch in October 201. This petition gathered over 2000 signatures and demonstrates the level of local concern over road safety (annex 1 – extract from HCC minutes 27 March 2018)
 - A motion carried unanimously by HCC on presentation of the Go20 petition which has led to this specific stretch of Tring Road being subject to an ongoing review by Herts Highways (Annex 1 – extract from HCC minutes 27 March 2018)
 - Planning Inspectorate Report dated 26 March 2019 dealing specifically with this stretch of road in relation to a proposed development at 5 Tring Road, directly opposite this site (Annex 2 - relevant sections highlighted)
 - The Planning Inspectorate Report re 5 Tring Road has taken into account privately gathered data regarding the speed of traffic at this point in the road. This has not

been taken into account as part of the decision-making process in this case (annex 5 – metro Count).

- ❖ **Ms Spiers, the initial Herts Highways officer dealing with this case, wrote a report refusing the application on the grounds of road safety (Annex 3) She requested a scaled sweep diagram from the applicant showing how the entrance from Tring Road/Dudswell Lane could be safely accessed. Her concerns are shared by the local community and have not been allayed.**
 - The sweep diagram was never completed
 - Mr Sehmi overruled Ms Spiers despite agreeing that the access was not ideal on road safety grounds (Annex 4).
 - His decision relies on grounds that the change of use to a single bed dwelling would result in fewer traffic movements as it is assumed that a storage facility would have more traffic movements.
 - There is no evidence provided for this opinion. This is factually disputed (Industry Report Annex 6).
 - Mr Sehmi’s original decision did not address the recent PIN report at all. His subsequent response (annex 7), when invited to do so, does not address the context of road traffic concern in the area
- ❖ **The building has been out of use for a number of years for any purpose whatsoever and can reasonably be described as having become derelict for a number of years. Local residents, including myself, dispute that there has ever been any evidence of established use as a commercial storage facility**
 - **Additionally, it should be noted that in its original state, there is no entrance to the building from the side of the hard standing – a window exists on the aspect facing Dudswell Lane/Tring Road. The existing door is at the back facing the cricket club. This means that any historically any stored material would have been walked into the rear of the building. Vehicles may well have used the cricket club rather than the overgrown hard standing to park. The historical use of the proposed access as part of an established storage facility is disputed.**
- ❖ **The developer has stated that he works for the planning department of another local authority. There is local concern that a tactically incremental approach has been taken in an attempt to avoid addressing the genuine road safety concerns of residents to the detriment of vulnerable groups.**
- ❖ **The evidence provided by the applicant does not give the full context of the complicated junction surrounding the development**
 - **The photographs of the property provided as part of the application do not provide evidence of the complicated nature of the junction.**
 - **The site location plan does not show the bus stops opposite to and adjacent to the junction which are used by unaccompanied children aged 11.**
 - **The numerous driveways from properties opposite the junction are not represented in the site location diagram**
 - **It does not refer to the use of the cricket pavilion as a nursery for pre-school children.**
 - **I have therefore provided a number of photographs taken in March 2018 showing the complex setting.**

- ❖ **The data that Herts Highways relies on relates only to personal injury RTAs. It is disputed that there have been no such accidents (Graham Kendall Letter to Mr Sehmi – Annex 8 & Tamsin Morris confirmation of accident entering nursery in 2015 Annex 9)**

CHANGE OF USE:

- The plan to invest in improving the decaying building also providing a new residence in the area would be welcomed by local residents if it were not for road safety and parking concerns.
- The proposed entrance onto the complicated Dudswell Lane/Tring Road junction creates a danger to road users and parking. An entrance via the cricket club car park (which could potentially create 2 parking spaces in front of the property as cars could park across the property) would not present danger and would allay the concerns of residents if the renovations ensured that no entrance was possible from the Tring Road/Dudswell Lane junction
- Local knowledge of the telephone repeater station is that it has been out of use for many years and has been observed to be derelict with undergrowth taking over the surrounding land. This includes climbers on the building itself and undergrowth covering the hardstanding in front of the building. The presence of woody undergrowth across the entrance is consistent with the residents' reports of the entrance having been out of use for many years. It can be seen in the photos provided that there is an area of fresh soil in front of the proposed entrance where woody growth has been recently cleared, with the vegetation bagged up on the hard standing (see application photos).
- The basis upon which the applicant claims historic use as a storage facility is based on inferences he personally drew from a conversation with an unknown party at an unspecified time. He does not provide any details of the information provided upon which he formed the view that the building had been used for commercial storage.
- Although this permission has now been granted, doubts over the historic use of the facility as commercial storage are relevant when considering the road safety history of the junction. The evidence is vague and inferential evidence provided solely by the applicant. Local knowledge of the residents suggests otherwise.
- The residents' case is that the entrance at the junction has never been used for anything other than infrequent maintenance visits.
- The resident directly opposite has lived there for 9 years, has an excellent daily view of the property from his home office and is aware of no vehicles using the hardstanding until the recent renovations began
- Residents have informed me that an approach was made to the cricket club to have access via the car park and that some negotiation took place. The outcome of this is unknown. Residents would have no objection to the application for the proposed dwelling if access was from the safety of the cricket club car park. If members reject the application, it would still be open to the applicant to explore this possibility.

DANGEROUSLY COMPLICATED JUNCTION

- Highways officer Valerie Spiers rejected the application because of road safety, her original report is attached at annex 1

- Valerie Spiers concerns are echoed by the local residents
- It is agreed by all parties that there is no prospect whatsoever of turning a vehicle within the property. Therefore, a vehicle will have to either reverse into the entrance or reverse out
- The entrance is situated at the acutely angled junction between Dudswell Lane and Tring Road which can be described as a 'hairpin bend'. It can be seen from photographs that the entrance is between the give way sign and give way markings on Dudswell Lane, so it is dangerously close to the junction.
- Dudswell Lane tapers sharply at this point.
- The Dudswell bound side of Dudswell Lane does not start until after the entrance to the property, meaning that there is only a maximum of half a lane width of Dudswell Lane in which to manoeuvre
- It is submitted that any competent driver would conclude that it is impossible to access the property without reversing onto the Tring Road either on the way in or way out of the property.
- Given the busy nature of the junction, close proximity of the junction to the Nursery/Cricket Club and the adjacent bus stops used by 11 year old children, it is submitted that any such manoeuvre, without assistance of directions being given by a third party, would present a danger to road users including the driver. Such a manoeuvre could amount to a road traffic offence.
- Without the sweep diagrams requested by Ms Spiers, which were not provided, members cannot be satisfied that the property can be accessed without committing a road traffic offence.
- In view of this, it cannot be rational to permit the development with the proposed access as it is.

PHOTOGRAPHIC EVIDENCE

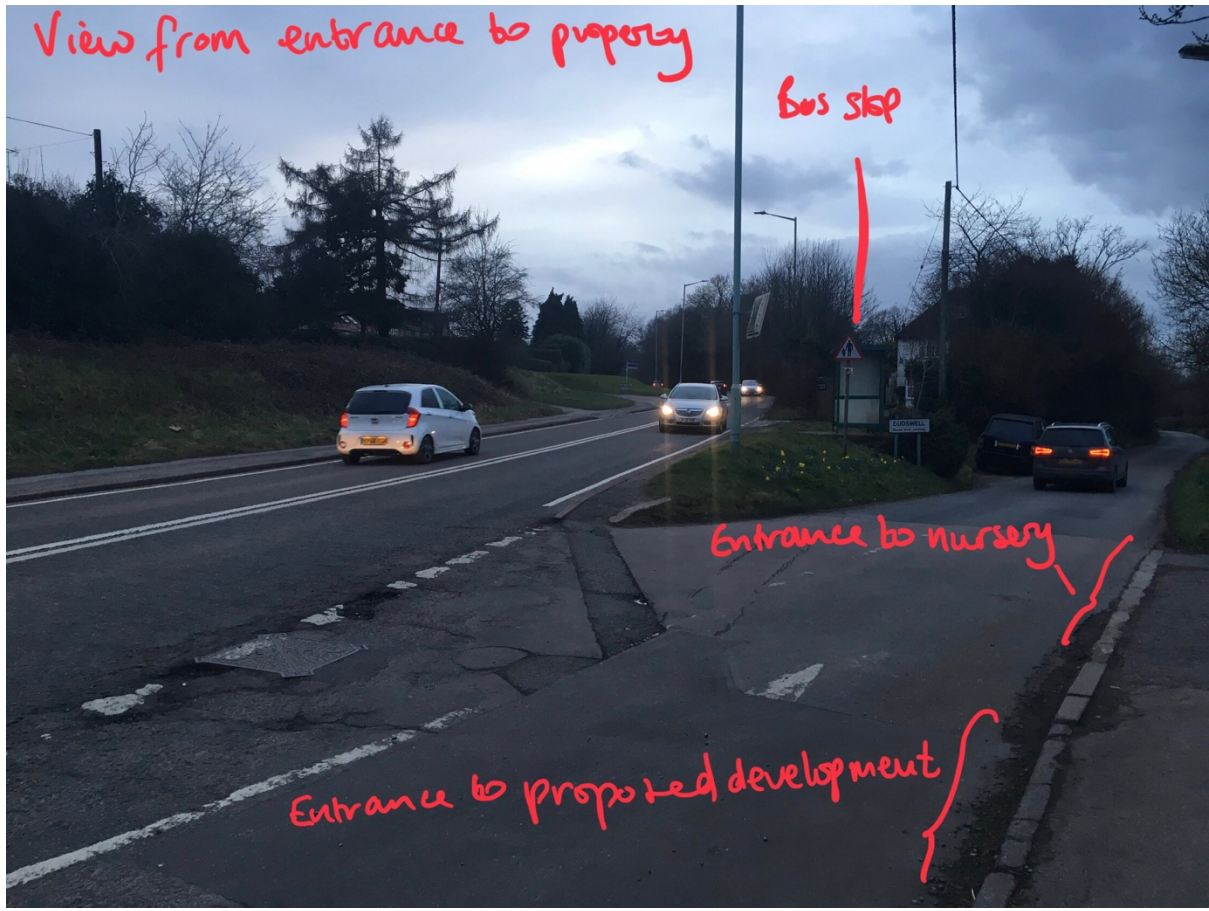
I have attached a number of photos taken mostly in March-May 2018 which show the complicated nature of the junction and the conflicting use.

- ◆ The case for objecting to a one bed residential development is not so much that there will be an increase in traffic movements at the junction, but that such movements are likely to be dangerous and or entail commission of road traffic offences
- ◆ It may be unavoidable to enter and exit without committing a traffic offence by reversing across the junction with Tring Road
- ◆ The traffic movements are likely during weekdays to be in the rush hour times when the junction is busy with children as young as 11 using the bus stops early in the morning/late afternoon when during the winter it will be dark



The above photo shows the single track entrance to the nursery cricket club on left and is taken from 5 Tring Rd entrance

The proposed parking for this development is where the bags of debris are situated
 The debris is from woody growth across the proposed entrance. The bricked up window can be seen – there original building did not have an entrance to access storage from this aspect, the entrance being at the rear. The give way sign is by the dog bin



The above photo shows how the junction tapers and the entirety of the proposed entrance faces the junction markings and the double white lines in the Tring Road which signify limited visibility

The bus stop can be seen – this is adjacent to another property entrance and there are entrances to drives opposite the bus stop

11 year old children use this bus stop under pressure of time

Reversing into or out of proposed entrance without third party guidance is likely to create a danger to road users. The driver will not have the same angle of visibility up Tring Road as the photographer who is standing facing away from junction



The above photo shows the Tring bound bus stop within a layby which is opposite the junction and the entrance to the proposed property. 11 year old children will cross at this point if walking towards Northchurch as the footpath on the side of the bus stop discontinues at the far end of the lay by



The above shows a dog walker (who has just left the dog walking area which his accessed near the lamppost that can be seen behind the walker. You can see that both roads are crossed together. Any vehicle reversing into or out of the proposed entrance would endanger such road users

The entrance to the cricket club/nursery is seen to the rear of the walker; the entrance of the proposed development is out of site

The photos below were taken from the same spot



The two photos above show a blue vehicle emerging from the nursery/cricket club. The black vehicle is positioned as it would be if it were trying to enter the single track to the nursery. This is a renowned danger spot. Vehicles turning right into the nursery must wait at this point until all oncoming vehicles have left. At peak times this can be for a considerable time and create traffic back up along Tring Road.

A local resident has described how his daughter and grandchild were hit in a rear end collision at this point when indicating right into the nursery. The child was very distressed. The vehicle was a write off (Tamsin Morris has confirmed this occurred in 2015). As there was no personal injury, this was not taken into account by Herts Highways. Any vehicle trying to reverse in or out of the proposed access would create unacceptable and unavoidable risk.



In the above the narrow area in which users of the bus stop can cross pavement to pavement without using a driveway or the opposite bus layby is marked. A yellow mark shows the exit from 5 Tring Road. Vehicles accessing the proposed development entrance by reversing across the junction would be adding to the danger.





The above 2 photos show inappropriate parking. It is submitted that residential use would attract regular parcel and grocery delivery as well as visitors who would be likely to add to the parking difficulties at this area. The area around the junction is not suitable for parking.



The above photos show how busy the Tring Road/Dudswell Road junction can be. The narrow area where the children can cross footpath to footpath is marked in yellow. The junction to Dudswell Lane where the proposed entrance to the development is situated is out of view to the right at the bend. Reversing out of the proposed development would be unacceptably dangerous.

❖ **The access to the proposed development does not provide safe and suitable access for all**

➤ The Planning Inspectorate wrote a report published on 26 March 2019 re proposed development at 5 Tring Road. This is the property at which the sign to the cricket club is situated in the photos above. Although it is accepted that much of the reason for rejecting that development is specific to that application, generic remarks about this stretch of road are made in paragraphs 10 – 13 of the report. I would submit that these are highly relevant. The distinctions that Mr Sehmi seeks to make on overruling Ms Spiers do not withstand scrutiny.

➤ Extract from the PIN report dated 26 March 2019 following site visit in December 2018:

9. *At my site visit I was able to see that, in close proximity to each other, are the Tring Road / Dudswell Lane junction; the oblique access to the residential curtilage of Kings Lodge; bus stops on both sides of the road, one immediately opposite the site entrance; the access to the Northchurch Sports Ground and pre-school nursery; and the Former Telephone Repeater Station. There are also a number of property accesses¹ not all of which appear to be shown on the proposal plans. This means the highway layout in the vicinity of the site is somewhat complicated.*
10. *Tring Road is a main distributor road and a 30mph speed limit is in force outside the site with double white lines restricting overtaking. The likely additional volume of traffic from an additional four dwellings would be small in relation to the flow along Tring Road.*
11. *However, both the TN and the Metro Traffic Count carried out on behalf of local residents indicate that vehicle speeds frequently exceed this, and third-party evidence indicates frequent cases of vehicles passing stationary buses; vehicles parked in the layby; and vehicles waiting to turn into one of the other numerous access points in the vicinity. I also note the pre-school nursery across the road and that school children use the bus stops.*
12. *Highway safety records demonstrate that there is a relatively low level of accidents locally and I acknowledge that the Highway Authority raise no objections. Balanced against this is the local concern related to highway safety over some time evidenced in the Go20 campaign. Paragraph 2.16 of the TN indicates a Road Safety Audit would be required to ensure the access arrangements would be satisfactory. However, it seems to me that, taking into account the precautionary principle, this should be demonstrated before planning permission could be granted and should not be dealt with by condition.*

13. For the reasons set out above I conclude that the proposal would not provide safe and suitable access for all. I therefore find conflict with Policy CS12 of the Dacorum Core Strategy 2015 (the CS) which requires safe and satisfactory access for all, even though it is not cited in the reason for refusal, and which complies with Paragraph 108(b) of the National Planning Policy Framework 2018 (the Framework) in this respect. In the absence of satisfactory evidence to the contrary, and taking into account the precautionary principle, I am unable to conclude that the proposal would not have an unacceptable effect on highway safety and in this respect, I also find conflict with Paragraph 109 of the Framework.

- The Highways report of Ms Spiers speaks for itself and is attached. Mr Sehmi seeks to make distinctions based on 2 grounds:
 - The lack of personal injury accident data within the past 5 years
 - The estimated traffic movements associated with a storage facility with office annex being greater than those associated with a single bed residence.

- I would submit that members, as the planning inspector has done, are entitled to take into account the complicated nature of the junction and the data from the metro count. It should be noted that there is local knowledge of accidents which could be considered 'near misses' and which are not taken into account by the Highways authorities. It is a matter for members to determine if these instances and the general context are relevant. It is irrational to disregard near misses in assessing risk as they are taken into account in a wide range of industries.

- I would ask members to consider the following as relevant:
 - **Incident involving Tamsin Morris** Local resident George Luff has raised concerns about the access to the nursery as he frequently drops grandchildren there. He described the following incident which took place in 2015. Although no personal injury was recorded, the young pre-school child was very distressed when this accident took place and the car was written off.
 - TM indicates right to turn into Dudswell Lane from Tring Road. She stops in Dudswell Lane to wait at the turning. Car behind assumes she is continuing and collides with the rear of the vehicle causing extensive damage and distress to the child. This incident has been corroborated by a text message received (Annex 9)
 - **Graham Kendall's letter to Mr Sehmi refers to a personal injury accident** involving a bus directly outside his home which is just before the junction between Tring Rd and Dudswell Lane. In the 5 Tring Road matter it was acknowledged by Herts Highways that this was a relevant incident, but it had not been taken into account. This appears to have been repeated.

- The narrow criteria imposed by Mr Sehmi – namely only considering personal injury accidents within a 5 year period, is not an adequate reflection of the actual risk.
 - It disregards near misses which could have been serious – his is irrational.
 - It disregards the context of the complicated junction and the level of local concern
 - It disregards the data showing the high speeds at the junction as well as some very slow speeds which indicate regular queuing – the combination of these factors with low visibility, vulnerable bus stop users (children aged 11 and

disabled), limited safe crossing points, and parents taking infants to the nursery both in cars and on foot, presents a very high level of risk.

- Mr Sehmi makes unsustainable assumptions about the level of traffic movements generated by the existing permitted usage – namely a storage unit with office space annex. It is assumed that there will be more traffic movements because this is a commercial enterprise. However, the context has not been considered, specifically:
 - The small nature of the site – a single modest bedroom & single living space, means this would approximate to two commercial storage units
 - The nature of storage – items will be left at the premises for significant periods.
 - The comparisons made between a modest single bed residence and a commercial storage facility are unrealistic as most such facilities are large scale. In fact with the equivalent of 2 storage units, there is likely to be sparse generation of traffic movements.

- ❖ Below is an extract from Patterns of Use data from the Self-Storage Association in January 2017 (full report Annex 6)
- ❖ 2 127 customers from 45 self-storage companies across the UK took part in this survey
- ❖ It shows that only 3% of customers visit their storage unit more than once per week, 14 % about once per week and 31% about once per month. The remainder visit less frequently than once per month

❖ **STORE VISIT FREQUENCY**

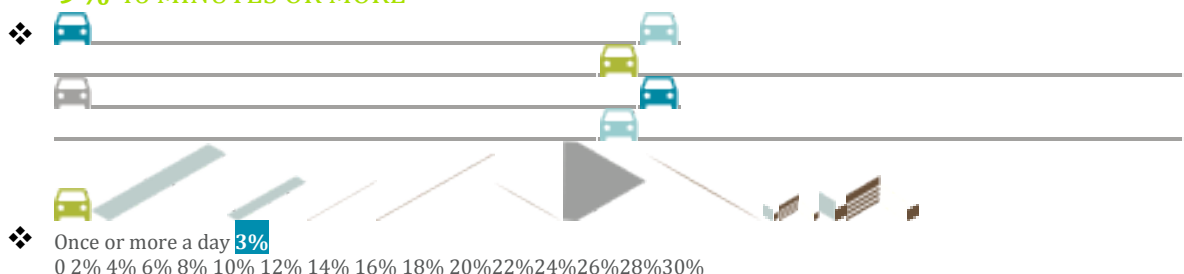
❖ The majority of people visit their unit once a month or less (75%). This is in contrast to people’s expectations when they select a self storage unit. Accessibility, opening hours and proximity are all major factors when people choose a self storage unit. This could be as they perceive they will be accessing their goods more than they do in practice. These actual usage results support the notion that self storage is a low traffic business with only 11% of customers accessing their unit more than once a week and only 3% daily.

❖ Figure 53

- ❖ Fewer than 3 times per year 19%
- ❖ 3 to 6 times per year 25%
- ❖ About once a month 31%
- ❖ About once a week 14%
- ❖ More than once a week 3%

❖ 9% LESS THAN 5 MINUTES 25% 6 TO 10 MINUTES 20% 11 TO 15 MINUTES 17% 16 TO 20 MINUTES 14% 21 TO 30 MINUTES

❖ 6% 31 TO 45 MINUTES 9% 46 MINUTES OR MORE



From this it can be established that 2 storage units, which is the capacity of the property, are likely to generate traffic movements on a less than weekly or even monthly basis. Furthermore, a residential property is likely to generate these movements in at the peak

usage times as most people are likely to work standard office hours. Storage units are likely to be used at other times of day or the weekend, when there would be less danger.

Commercial drivers of larger vehicles are likely to have a mate who will direct them if they are reversing from the property.

IN CONCLUSION

- ❖ The traffic concerns expressed by Valerie Spiers are shared by residents.
- ❖ The reasons for over-ruling by Mr Sehmi are too narrow
- ❖ Considerations such as the general layout of the junction and high level of local concern, have been demonstrated as legitimate reasons to take into account when deliberating in view of the recent PIN report relating to the same stretch of road.
- ❖ Members, in my submission, cannot be satisfied that the proposal provides safe and suitable access to the proposed development or that it does not present danger to the vulnerable road users as described
- ❖ I would submit that this proposal, in its current form, be at this time rejected in view of the road safety and parking concerns. There would be no objection from the local community if alternative access could be arranged.