



Appeal Decision

Site visit made on 16 October 2020

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020.

Appeal Ref: APP/L5240/W/20/3248208
56-58 Factory Lane, Croydon CR0 3RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Albert Ogbeide (Mountains of Fire & Miracles Ministries) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/05654/FUL, dated 21 May 2019, was refused by notice dated 6 September 2019.
 - The development proposed is described on the planning application form as “*mixed use including B1a office space, storage and distribution, video audio studio training space and place of worship*”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the provision of industrial and warehousing floorspace in the borough;
 - the highway network, with particular regard to car use; and
 - the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance.

Industrial and Warehousing Floorspace

3. The appeal site is located close to the junction between Factory Lane and Millers Road and is occupied by a 2-storey detached building. The evidence before me suggests the property has historically been used for light industrial purposes. At the time of my visit it was in use as a place of worship with the large hall on the upper floor used for services and the rest of the building used for a range of ancillary activities including meeting spaces and offices. The surrounding area is predominantly industrial in character with residential properties to the north west and south west.
4. The site is within ‘Tier 1’ Strategic Employment Land as defined by Policies SP3 and DM9 of the Croydon Local Plan 2018 (CLP). The former describes the Council’s approach to such areas as “*strong protection for industrial and warehousing activities with no loss of Class B floor space permitted*”. Permitted land uses in these areas are Class B1b, B1c, B2 and B8 uses and employment generating sui-generis uses. The latter should provide employment which is

comparable in terms of activities and job numbers to industrial/warehousing uses.

5. The proposal would involve the retention of the worship space on the upper floor. On the ground floor the application drawings indicate that one room would be used for "storage and distribution", and others as business and meeting space. I note that this could provide employment opportunities. However, the proposal would primarily provide a place of worship, training and office space, none of which are compatible with the Tier 1 Strategic Employment Land status of the site.
6. I note that paragraph 5.9 of the CLP recognises that the fringes of some Tier 1 and Tier 2 locations have the potential for transition through development that enables the locations to relate better to their surrounding uses and character. It states that "*this transition could come in the form of intensification of development, high density development and the introduction of new land uses or mix of land uses*". There is no evidence before me that the proposed uses would be related to the residential area to the west of the site and as the proposal does not involve any physical changes to the building there would be no improvement in the way it relates to the character of its surroundings.
7. For the reasons set out above I conclude that the proposal would have an unacceptable effect on the provision of industrial and warehousing floorspace in the borough. It therefore fails to comply with CLP Policies SP3 and DM9.

Highway Network

8. The worship space on the first floor of the appeal property has capacity to accommodate a large number of people. Whilst the appellant advises that the scheme will cater for people within the immediate area and "*the main method of going to and from the site will be by walking, cycling or tram services*", the site has poor public transport accessibility and a large proportion of its surroundings are in industrial use. The Transport Statement does not detail the number of regular users of the place of worship, its catchment area, likely trip generation or modes of travel. In the absence of clear evidence to the contrary I consider it likely the majority of people attending services at the property would travel by private car. I do not consider that the Travel Plan put forward by the appellant could meaningfully reduce car use given the site's poor public transport accessibility.
9. Due to its location, the proposal would have an unacceptable impact on the highway network and would be contrary to the aims of CLP Policies SP8, DM29 and DM30 which seek to reduce traffic congestion in the borough. In particular, there is conflict with CLP Policy SP8 under which the Council seeks to actively manage the use of land to make the fullest use of public transport.

Living Conditions

10. The worship space can accommodate a large congregation and is presently set up to provide amplified music and speech. The space is glazed on two sides and therefore it is likely that services would be audible from outside the building. The appeal property is however a reasonable distance from the nearest houses in Miller Road and Martin Crescent. I am therefore satisfied that through the imposition of planning conditions that restrict the hours of operation of the place of worship and ensure the implementation of sound

mitigation measures, noise disturbance to nearby property occupiers could be adequately controlled.

11. I therefore conclude that the proposal would not result in unacceptable harm to the living conditions of occupiers of neighbouring properties and it therefore conforms with CLP Policy DM10 which, amongst other matters states that the Council will support proposals for development that ensure that the amenity of the occupiers of adjoining buildings are protected.

Conclusion

12. For the reasons set out under the first and second main issues, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR