The Planning Inspectorate

Appeal Decision

Site visit made on 16 January 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15/03/2023

Appeal Ref: APP/D5120/W/22/3298738
Praise Embassy, The Redeemed Christian Church of God, 33A Bexley Road, Erith DA8 1SH

- 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 Mrs C Ogedengbe of Praise Embassy, The Redeemed Christian Church of God, against the decision of the Council of the London Borough of Bexley.
- The application Ref 20/00186/FUL, which was received by the Council on 23 January 2020, was refused by notice dated 30 March 2022.
- The development proposed is the continuation of use as a place of worship & educational training centre: I. Place of worship, II. Day Nursery, III. Education and training & community centre, IV. Provision of a disabled access ramp, V. Use of children's play area, VI. Fencing, VII. Details of a scheme for the segregation of traffic and pedestrians within the site.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs C Ogedengbe of Praise Embassy, The Redeemed Christian Church of God, against the Council of the London Borough of Bexley. This application is the subject of a separate Decision.

Procedural Matter

3. The date of the declaration on the original planning application form is unclear; it may be 10 January 2019 but, as the figures denoting the month are indistinct, I cannot be certain. The Council registered the application as being received on 23 January 2020 and validated on 10 August 2020; as those dates are not in doubt, I have used the received date in the banner heading above.

Main Issue

4. The main issue is the effect of the proposed development on highway safety and demand for car parking.

Reasons

5. The appeal site is the ground floor and basement of premises at 33A Bexley Road; it also encompasses a small forecourt area off Bexley Road which gives access to the neighbouring Celestial Church of Christ at 33 Bexley Road as well as the appeal property. The site is within a larger block bounded by Bexley Road, Cross Road and Pier Road, within Erith Town Centre.

6. The property has been used by the appellant's organisation, the Redeemed Christian Church of God, as a place of worship, for education and training, and as a day nursery, along with other related community activities, under a series of temporary planning permissions for more than a decade. The most recent of these, granted in September 2018[1], required the use to cease by the end of January 2019[2]. Planning permission was granted in January 2020[3] for the continued permanent use of the ground floor part of the building as a day nursery for up to 50 children, along with the provision of an outdoor play area and four car parking spaces.

7. The appellant is now seeking permission for the continued use of the entire building and site as a place of worship, and for education/training and as a community centre, on a permanent basis. Notwithstanding the 2020 grant of planning permission, the nursery element also forms part of the scheme before me, although the submitted drawings do not include a detailed annotation of the nursery parts of the building. A similar application to this appeal scheme was refused planning permission in September 2019[4] on the grounds that adequate information (including details of the intended uses of the rooms within the building, details of the outdoor play area, and an up-to-date travel plan) had not been provided; an appeal in respect of that refusal was dismissed in December 2020[5].

8. The Council considers the principle of the continued use of the appeal site as a place of worship and for the other purposes for which permission is sought to be acceptable. It is also of the view that, subject to the use of a condition restricting the hours of operation (as had been imposed on the temporary planning permissions, albeit that the appellant is now seeking slightly longer operating hours on Saturdays and Sundays than had previously been the case), the scheme would not have significant adverse effects on the amenity of occupiers of neighbouring premises. None of the evidence before me, or what I saw of the area on my site visit, leads me to a different conclusion on these points.

9. Under the January 2020 permission, the nursery can operate between 07.00 and 19.00 from Monday to Friday; this would not change as a consequence of the appeal proposal. The planning statement submitted with the planning application indicates that the premises would be used for worship between 19.00 and 21.00 on weekdays (with a later service to 23.00 on two Fridays each month), and between 08.00 and 17.00 on Sundays (with additional evening services from 21.00 to 22.00 twice each month). The use as a training and community centre would take place between 08.00 and 21.00 on Saturdays, and between 08.00 and 17.00 on Sundays.

10. The main hall on the basement level has a capacity of approximately 220 people, and an adjoining youth room a capacity of around 65. An area on the ground floor which would be used for Sunday School (and which at other times would be the nursery's pre-school area) would hold around 40 people. The total capacity of the premises – which presumably allows for the possibility of there being a few additional people present not in those three principal rooms – is

[1] LPA Ref: 18/00561/FUL
[2] The Council's officer report states that the condition in fact required the use to cease by the end of January 2018, although this was "likely an error" and it was intended to be 2019.
[3] LPA Ref: 19/02830/FUL
[4] LPA Ref: 19/00060/FUL
[5] PINS Ref: APP/D5120/W/20/3249665

stated by the appellant to be 331 people. This means there are likely to be very many comings and goings, especially on Sundays, and this activity would be particularly concentrated in periods at the beginning and end of services of worship. For the four monthly services finishing at 22.00 or 23.00, a large number of people would be looking to travel home late in the evening when many may well be less willing to travel home by public transport (and when fewer buses or trains would be operating anyway) and so would be more likely to seek to travel by car.

11. The appeal site is in an area with a Public Transport Accessibility Level of 3, signifying "moderate" public transport connectivity; bus services to a range of destinations serve stops close by, and Erith railway station is a few minutes' walk to the north-west (although I saw on my site visit that the station is connected to the appeal site and the wider town centre by a network of paths, including subways and road crossings, which some people might well find inhospitable, especially in the evenings). I note the evidence indicating that Bexley is a borough where use of the private car is high, especially by London standards. The four parking spaces within the appeal site would not be made available for public use, although there are public car parks available reasonably close to the appeal site within the town centre. In view of these factors, a proper assessment of the impact of the proposal on highway safety and car parking is essential.

12. The appellant submitted a revised travel plan dated April 2021, which superseded an earlier version from February 2021. It includes the findings of a survey of members of the church carried out in January 2021 which indicated that 45% travelled (or would travel) by public transport, 33% on foot, and 22% by car (whether as driver or passenger). It also includes (as Appendix A) a "travel mode survey" carried out on 14 and 21 March 2021. This contains 30 separate responses, covering in total the travel of 79 church members (of whom 17 travelled in 5 cars, a figure very closely aligned with the January 2021 survey). The Highway Authority (quoted in the Council's officer report) described the travel plan as "largely acceptable" but observed that "the travel surveys lack detail as there is no information of the date, time and class or event that was attended by the various members of the church".

13. The Covid-19 pandemic clearly had a significant impact on the operation of the church, including its various activities being conducted remotely. The April 2021 travel plan was prepared at a time when Covid-19 lockdown restrictions were in place. The appellant has stated that "the information from the travel mode survey provided by the church members during the lockdown (the new normal) was provided based on their experience of travel to and from the church premises prior to the lockdown, and it was true to their knowledge". The fact that the survey relied on people's memories rather than their contemporaneous attendance at events was not, on my reading of the material, originally made clear in the travel plan. Nevertheless, I am not unsympathetic to the problems which would have faced the appellant in trying to compile travel plan evidence at a time when most members of the church would be likely to have been doing very little travelling.

14. All the same, the information which has been put before me does not do the job it is intended to do. The survey covers church members who attended multiple events either at weekends, in midweek, or both, and the information from separate events is presented together without differentiation by time of

day, day of the week, or the type of event or function which was being attended. It is therefore of little help in assessing the impact which the use of the site might have had on nearby highways and, more particularly, the demand for and availability of car parking in the vicinity, at specific times of the day or week or as a result of particular activities taking place in the centre. Notwithstanding the appellant's comments about lockdowns and online church services and other activities being "the new normal", the imprecision of the information means that it is also of little help in attempting to estimate the likely impact on highways and parking which might arise if or when the church was able to resume operating at or close to its capacity of more than 300 people (as the appellant must surely have anticipated, or at least hoped, would eventually be the case).

15. The observation of the Inspector in the 2020 appeal decision, that "no completed questionnaires to verify the times and dates were provided or details of travel in relation to the use of the premises for different events indicated in the proposal and the use of public parking facilities at these times", can therefore equally be made in this case. The shortcomings of the travel plan, specifically the absence of detailed time- and activity-specific travel data, meant that the Highway Authority was unable to properly assess the impact on highways and car parking. For the same reason, and as the appeal evidence which has been put before me has not filled in the gaps, neither am I.

16. The Inspector in 2020 commented that the travel plan at that time did not set targets for travel to and from the site by sustainable modes of travel; these have been included in the current travel plan. Although the Highway Authority commented (again quoted in the Council officer report) that "the targets within the Travel Plan do not add up to 100% in any of the future years 1 to 5", it appears to me that this may simply be a rounding error. In my view this point has therefore been addressed. However, this does not mitigate the travel plan's shortcomings in respect of current transport use demand and impacts.

17. The appellant drew my attention to the fact that the 2020 grant of planning permission for the nursery use alone included a condition requiring the submission and approval of a travel plan prior to the occupation of that development. However, the scale of the impact on highways and parking from a church and associated uses serving potentially more than 300 people would be much greater than that which would arise from a 50-place nursery. Again, the comments of the Inspector in 2020, that it is "necessary to be able to establish what, if any, adverse impacts a development may have" still hold true. Given the uncertainty about the use of transport and the demand for car parking which I have identified, I cannot be certain that a condition requiring the submission of an updated travel plan would be capable of addressing the impacts of the development so as to make it acceptable.

18. For the reasons set out above I cannot be certain the proposed development would not be significantly harmful to highway safety, with particular regard to the potential demand for car parking. The proposal therefore conflicts with Policies ENV39, COM3 and T17 of the 2004 Bexley Unitary Development Plan. Together, and among other things, these policies seek to ensure that development does not result in adverse parking or traffic impacts.

Other Matters

19. The appellant raised in their statement a number of concerns about the Council's decision making in respect of the planning application. Those matters which are directly related to the planning merits of the proposal have been addressed in my reasons above. Other points which have been made are dealt with in the separate costs decision, and have had no bearing on my determination of the appeal.

Conclusion

20. The appeal proposal would help to meet religious, cultural, social and educational needs within the local community, contributing to the fostering of cohesion and inclusion. However, the evidence which has been put forward does not demonstrate that it would not cause unacceptable harm to highway safety, primarily as a result of the potential increase in demand for car parking in the locality. The proposal would therefore conflict with the development plan taken as a whole.

21. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector