



Appeal Decision

Site visit made on 21 February 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2023

Appeal Ref: APP/M1595/W/22/3292260

Organ Works, Foxton Road, South Stifford, Grays RM20 4XX

- 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 R Crawley of Eagles Christian Connections against the decision of Thurrock Borough Council.
 - The application Ref 21/02061/FUL, dated 1 December 2021, was refused by notice dated 28 January 2022.
 - The development proposed is the change of use from office to a place of worship/community hall.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from office to a place of worship/community hall at Organ Works, Foxton Road, South Stifford, Grays RM20 4XX in accordance with the terms of the application Ref 21/02061/FUL, dated 1 December 2021, subject to the conditions appended to this decision.

Main Issue

2. The main issue is the effect of the proposed development on highway and pedestrian safety.

Reasons

3. The appeal site comprises a detached single-storey building situated in Foxton Road, a predominantly residential street. It leads to Gumley Road which contains a mix of residential and commercial uses. The appeal site is positioned in a part of Foxton Road which forms a cul-de-sac, albeit it is possible for pedestrians and cyclists to pass into the remainder of the street.
4. Policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development Plan (as amended) (CSPMD, adopted 2015), sets out that the availability and design of car parking are, amongst other things, integral to promoting alternatives to private car use. CSPMD Policy PMD9 permits development where road safety is not prejudiced and where it makes a positive contribution to accessibility by sustainable transport. I have also been provided with the Draft Thurrock Parking Standards and Good Practice document (2012). This sets out that places of worship and libraries should provide a maximum of 1 parking space per 10sqm.
5. The proposed use would operate for church activity on Fridays, Saturdays and Sundays with community activities taking place Monday to Friday. It would have no dedicated parking spaces, as is the case presently. Parking provision

would therefore be below the Council's draft parking standards. However, those are maximum standards. Moreover, the appellant's Transport Statement (TS) includes an assessment of trip generation and parking accumulation for the proposed development on this basis. The assessment shows that that a maximum parking accumulation and trip generation would occur on Sundays when the appeal site is forecasted to require 8 parking spaces at its peak between 1100 and 1200 hours. The change of use of the building would undoubtedly increase the travel demands of the existing site and wider Foxton Road, and demand for parking.

6. During my site visit I noted that Foxton Road is, in part, regulated by double yellow lines with an uncontrolled area opposite the appeal site allowing for the parking of only a limited number of vehicles.
7. Nevertheless, further along Foxton Road and within Chase Way, many residential properties have private off-street parking in the form of a driveway and a considerable stretch of Gumley Road provides uncontrolled on-street parking. At the time of my mid-afternoon, midweek site visit, I observed only a moderate number of cars parked along Gumley Road, with many available spaces. This location is only a short walking distance from the appeal site, at around 5-minutes. I acknowledge that my visit was only a snapshot in time and parking levels are likely to be at a higher volume in the evenings and at weekends due to the proximity of residential properties. However, it is also likely that the number of vehicles serving the users of the commercial and industrial buildings along Gumley Road would reduce at weekends and during the evening. I am therefore of the view that reasonable levels of parking availability in this location would exist for much of the time, particularly on Sundays when the use of the appeal site would be at its peak.
8. In addition to Gumley Road, controlled parking takes place along The Chase, within a 1-2 minute walk away from the appeal site. This is served by single yellow lines with parking restrictions which apply between 0800 and 1800 hours Monday to Saturday. Therefore, significant parking availability would be available during the proposed development's busiest time. Accordingly, I am confident that there would be a sufficient level of parking availability for users of the site.
9. The Council's reason for refusal makes reference to harm caused by the proposed development through the resultant on-street parking which would compromise highway and pedestrian safety. I also acknowledge neighbour comments received in respect of parking.
10. Nevertheless, there is no substantive evidence before me to demonstrate that that uplift in parking demand, would result in dangerous or nuisance parking, effecting pedestrian or highway safety. Moreover, bus stops are located along London Road, close to Foxton Road. These provide frequent bus services, including at weekends. Accordingly, a sustainable alternative to car access is available for those who live beyond walking distance of the site.
11. For the reasons given above, I conclude that the proposed development would not have an unacceptable effect on highway and pedestrian safety, and would not conflict with the relevant provisions of CSPMD Policies PMD8 and PMD9. These policies, in summary, seek to ensure that development proposals do not have a detrimental effect on highway safety. This is in a similar vein to the objectives of paragraph 111 of the National Planning Policy Framework (the

Framework) which sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

12. I acknowledge comments received from neighbours in respect of noise from the proposed change of use of the site. However, this is not a matter in dispute between the main parties and I have no reason to come to an alternative conclusion. I note that there is no objection to the proposed development from the Council's Environmental Health Officer subject to the imposition of conditions. Ultimately, these matters do not lead me to an alternative conclusion on the main issue.

Conditions

13. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and have amended the wording of some, and combined provisions of others without altering their fundamental aims.
14. In addition to the standard time limit condition, I have imposed a condition requiring compliance with the relevant plans. These conditions are required for certainty. Conditions requiring the submission of details in respect of noise insulation, the hours of operation and the restriction of externally amplified music are imposed in order to safeguard the living conditions of neighbouring occupiers.
15. On the basis that there is no evidence before me to demonstrate that any external alterations are to take place, I have not imposed a suggested condition requiring that the external surfaces of the development match the existing building.
16. On the basis that the proposed development concerns the change of use of the building, I do not consider that the suggested condition relating to hours of construction to be either reasonable or necessary. This condition has not been imposed.

Conclusion

17. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 04 Proposed Floor Plans; 05 Proposed Plans.
- 3) Prior to the first use of the development hereby permitted, a scheme for protecting the neighbouring residential properties from internally generated noise from the site shall be submitted to, and approved in writing by, the local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied and retained thereafter.
- 4) No amplified music shall be played outside the premises at any time.
- 5) The use hereby permitted shall only take place between the following hours 0900 – 2300 Mondays – Sundays.