



Appeal Decision

Site visit made on 5 July 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/M1595/W/22/3300261

Globe Industrial Estate, Unit 29A, Towers Road, Grays RM17 6ST

- 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 Grace to Grace International Church against the decision of Thurrock Borough Council.
 - The application Ref 21/02186/FUL, dated 23 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is conversion and change of use of vacant warehouse/office (B8 use) to a place of worship and community centre (falling under a dual F.1 and F.2 use) including minor external alterations to fenestration in both front and rear elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is some variation in the submitted details in respect of the location of the appeal site and the description of the development. I have taken the appeal site address from the planning application form, and the description of the development from the planning appeal form, as these accurately represent the proposal.

Main Issues

3. The main issues are whether:
 - The proposal would represent an appropriate use of the site with regards to local and national planning policy in respect of industrial and commercial land;
 - The site would make sufficient provision for car parking, with due regard to highway safety; and
 - Sufficient evidence has been provided in respect of noise.

Reasons

Planning Policy

4. The appeal site is part of an industrial estate which contains a mixture of industrial, commercial and other uses. The Council's officer report states that the site is within a secondary employment generating area. Policy CSTP6.2 of

the Council's Core Strategy¹ seeks to safeguard Secondary Industrial and Commercial (SIC) land and premises, and that these will be reserved for uses falling within Class B1, B2, B8 and sui generis uses, which were in place at the time of the adoption of the Core Strategy. The appeal proposal would not fall within the use classes specified in the policy, including those classes that are still extant.

5. However, Policy CSTP6.2(III) specifies that consideration will be given to non-B Class uses in SIC areas provided that they meet a number of criteria.
6. Criteria i is that the proposal is of a complementary and supporting use for the existing Class B uses. However, the use of the site as a place of worship and community centre would not support the existing businesses on this estate. Rather than being a complementary use, the proposal would introduce a community use which could conflict with the operations of nearby businesses, and I will return to this matter later in my decision in respect of car parking.
7. The proposed community use is not necessary for the day-to-day service requirements of the existing Class B uses and would therefore not meet the requirements of criteria ii. In respect of criteria iii, there may be a need for the proposed use in the Borough, but it has not been demonstrated that there are no other reasonable alternative sites.
8. The proposal would also remove the property from the supply of Class B land. Although the effect on supply may be limited due to the scale of the site, it would nevertheless have an adverse effect on the economic structure of the area, contrary to the requirement of criteria iv.
9. Drawing the above together, the proposal would not meet any of the criteria of Policy CSTP6.2(III).
10. Policy CSTP6.4 relates to the redevelopment of genuinely redundant or underused employment land and buildings to non-employment uses. The appellant contends that the site is no longer feasible for an employment use, and refers to long periods of vacancy due to a decline in commercial activity and the Covid19 pandemic. Indeed, the site was vacant at the time of my visit.
11. However, I observed that the property was in good condition and appeared to be suitable for an industrial or commercial use. The surrounding industrial estate also appeared to be busy with a high level of occupancy. It has also not been demonstrated that there is no interest in using the site for its permitted use, for example through active marketing. On the basis of the evidence before me, it has not been demonstrated that the site is genuinely redundant or underused for employment land or that it is no longer feasible to use the site for employment purposes.
12. The appellant refers to a number of criteria of Policy CSTP6.4, including there being sufficient alternative sites to meet employment needs, compatibility with neighbouring uses and compliance with other policies. However, these criteria are only brought into effect if it has been demonstrated that the site is genuinely redundant or underused for employment land. Based on my conclusions on that matter, the criteria of Policy CSTP6.4 are not triggered.

¹ Core Strategy and Policies for Management of Development (as amended) 2015

13. The appellant contends that the proposal is an employment generating use and would be likely to generate 10 full-time and 6 part-time members of staff. However, although a use may generate employment this does not mean that it is inherently suitable for this SIC area.
14. I am mindful that the National Planning Policy Framework (the Framework) encourages multiple benefits from mixed use schemes. Policy CSTP6.3 of the Core Strategy also encourages development that maximises the employment contribution from mixed use development sites. But given that it has not been demonstrated that the proposal would maximise employment compared to the permitted use of the site, consideration of the benefits of mixed use schemes does not lead me to a different conclusion in respect of the conflict with other elements of Policy CSTP6.
15. I therefore conclude that the proposal would conflict with Policy CSTP6 of the Core Strategy which seeks to safeguard secondary industrial and commercial land. The proposal would also be contrary to the Framework in respect of building a strong, competitive economy.

Car Parking and Highway Safety

16. The proposal would provide a total of 5 off-street parking spaces for cars and light goods vehicles on a forecourt to the front of the site.
17. Based on the evidence before me the proposal would generate up to 16 full and part-time staff at the site, and approximately 40-50 visitors per day. Even allowing for the potential sharing of vehicles, the number of off-street parking spaces provided would fall far short of the parking demand generated by the proposed use. This in turn would lead to a significant demand for on-street parking spaces arising from the proposal.
18. The roads within this industrial estate are relatively narrow, and I saw that there was a significant amount of on-street parking at the time of my visit. Due to the narrowness of the roads, the on-street parking limited the free movement of vehicles through the estate, including lorries and commercial vehicles.
19. Cars were also parked partially on the footways, which created barriers to pedestrian movement and deflected pedestrians onto the carriageway. This would be particularly the case for people with prams or wheelchairs. Due to the nature of the highway and on-street parking, there is significant potential for collisions between vehicles, pedestrians and other highway users. The amount of on-street parking generated by the proposal would only add to this problem.
20. The proposal would also be likely to significantly increase the number of pedestrian movements to and from the site, including from staff and visitors who have had to park some distance away. Given the issues I have identified in respect of pedestrian access, it would not be sensible to introduce a use which would significantly increase pedestrian movements through this area. Although there will be pedestrian movements associated with the existing commercial uses in this area, this does not negate the harm arising from the volume and nature of pedestrian movements associated with the proposal.
21. The proposal would be likely to operate outside of normal working hours, including evenings and weekends, when commercial activity on this estate and the associated parking and traffic movements are reduced. Church services are

also likely to be for a limited period, although I am mindful that the proposal would permit other community uses. However, the evidence suggests that there are no limitations on the hours of operation of businesses on this estate, so that commercial uses could take place at the same time as the proposal's hours of operation. Furthermore, even given the unrestricted nature of parking on this extent of Towers Road and the wider area, it has not been demonstrated that this would be sufficient to cope with parking generated by the proposal. In any event, the nature of on-street parking with cars projecting onto the footway would remain a hindrance to pedestrians accessing the site.

22. I therefore conclude that the proposal would not make suitable provision for car parking, with unacceptable harm to highway safety. The proposal would therefore be contrary to the accessibility, parking and road safety requirements of Policies PMD2, PMD8 and PMD9 of the Core Strategy. The proposal would also conflict with the Framework in respect of promoting sustainable transport, including the provision of safe and suitable access.

Noise

23. The appeal site is located within an industrial and commercial estate, and existing uses could include noise generating activities. The nearest residential areas are located some distance away and a degree of screening is provided by existing buildings, although part of the residential estate to the east has a relatively open area between it and the appeal site.
24. The Council's decision refers to a lack of detail in respect of the operation of the proposal. However, it is reasonable to assume that the appeal proposal would include noise generating activities which may affect dwellings in the area. This could include congregational singing as well as amplified music or speech.
25. It may be possible to introduce mitigation measures in respect of the operation of the proposal or the structure of the building. However, the structure of the roof appeared to be relatively lightweight, which would limit its effectiveness in reducing noise from inside the building. The opening of doors and windows would also reduce noise attenuation.
26. Therefore, even allowing for the industrial context of the appeal site and the distance to housing areas, there is a significant potential that noise generated by the proposal could be audible in residential properties. I am also mindful that the appeal proposal would include activities in the evenings and weekends when nearby residents could expect a reasonable degree of peace and quiet.
27. The appellant has provided no substantive evidence that the noise generated by the proposal could be mitigated, and I therefore do not consider that it would be appropriate to address this matter by condition as there is no certainty this would be effective.
28. I therefore conclude that insufficient evidence has been provided to demonstrate that the proposal would not lead to noise nuisance to residential properties, or that such effects could be mitigated. The proposal would therefore be contrary to the amenity requirements of Policy PMD1 of the Core Strategy. The proposal would also be contrary to the Framework which seeks to ensure a high standard of amenity for existing and future users of land and buildings.

Other Matters

29. I am mindful of the benefits arising from the appeal proposal, including the repurposing of a vacant building and the introduction of a community use. However, it has not been demonstrated that the appeal site is unsuitable for its permitted use or that the proposed use could not be provided in a more suitable location. These benefits therefore carry very limited weight, and do not outweigh the significant harm and conflict with planning policy that I have identified.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR