



Appeal Decision

Site visit made on 3 July 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/M1595/W/23/3334252

1 Kingston Parade, Hathaway Road, Grays, Thurrock RM17 5LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Tope Ekundayo of RCCG Eagles Christian Connections against the decision of Thurrock Council.
 - The application Ref is 23/00872/FUL.
 - The development proposed is the change of use from retail (Class E) to a place of worship/community hall (Classes F1(f)/F2(b)).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more accurately describes the proposal.

Main Issues

3. The main issues are:
 - whether the loss of the retail/town centre use is justified in this location; and
 - the effect of the proposed development on parking provision and highway safety.

Reasons

Loss of retail/town centre use

4. The appeal site comprises a ground floor retail unit. The site forms part of a continuous row of ground floor commercial units. There is no dispute between the main parties that the appeal site lies within a designated shopping parade.
5. Policy CSTP7 of the Thurrock Local Development Framework (2015) sets out that smaller neighbourhood parades must maintain their retail function, with changes of use to non-retail uses permitted where it can be shown there is no long-term demand for such uses, or where there is a particular community need that would be met by the change of use.
6. I acknowledge that the local plan policy makes reference to 'retail' rather than more general commercial or town centre uses. Nevertheless, there is no dispute that the site falls within Use Class E, which includes retail and other uses suited to town centres. The use of the site as a place of worship would fall

under the use class F1(f) or F2(b). This would be a use which moves away from the established Use Class E.

7. I note that the property has been actively marketed for sale as a retail premises for some time, originally in 2023. This has included a reduction in the asking price. This has not, according to the appellant or their marketing agent, attracted notable demand.
8. Although the property has now been marketed for some time, and to a reduced sum relative to the original, the evidence before me does not clearly indicate the level of interest from potential tenants or whether the marketed price of the appeal site is realistic, taking into account factors such as location, size and condition. Moreover, I have no evidence before me as to the extent of marketing, other than a copy of the particulars. For example, I do not know if the property was actively marketed online.
9. I accept that other retail premises are available within larger designated centres. However, I do not have the full details of those other properties before me, including their marketing history or comparable sale/rent levels.
10. I note the appellant's argument that the location of the appeal site may suit a community use or place of worship, and that this would make use of a currently vacant unit. However, there is no clear evidence before me which demonstrates unmet local need for a place of worship or community hall in this location.
11. Consequently, I conclude that there is insufficient evidence before me to justify the loss of the existing town centre use and the change of use to a place of worship/community hall. Accordingly, the proposal would be contrary to the relevant provisions of Policy CSTP7 of the Thurrock Local Development Framework (2015), which in summary seeks to sustain or improve the vitality of shopping parades. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework). Referenced Policy CSTP10 is not before me.

Parking provision and highway safety

12. The area surrounding the site is regulated, in places, by the use of yellow lines while parking restrictions apply to some parts of Hathaway Road. Many of the residential properties surrounding the site have private off-street parking in the form of a driveway, with a number of informal on-street parking along roads surrounding the appeal site. Further informal parking takes place within the forecourt/footway at the front of the appeal site and the wider parade. During my late morning site visit I noted a reasonably high number of parked cars in the immediately surrounding area.
13. The proposed use has the potential to involve activities taking place at the site 7 days a week, and including into the evening on some days. The Council has set out that the parking requirement for the proposed use is 21 spaces.
14. The submitted application form sets out that 4 car parking spaces currently exist, with 4 proposed (no change). The submitted block plan illustrates 8 spaces, including 4 in the forecourt and 4 within Ward Avenue. Even were I to accept the illustrated 8 spaces, these all lie outside of the appeal site and, so far as it can be seen, the ownership of the appellant. There is no legal

agreement before me which secures those spaces as parking or evidence that access would be solely for the appeal site.

15. Although I witnessed that forecourt/footway parking that takes place to the front of the property already, it is unclear if this is authorised or dedicated to any particular unit. The appellant therefore relies on the availability of established parking spaces within the surrounding area.
16. A parking stress survey was submitted in support of the appeal. This sets out that average parking occupancy for the survey area was 45%. However, many of the roads that were surveyed fall well beyond a reasonable walking distance of the site, rather than focussing on the area surrounding the appeal site. It is highly likely that users of the appeal site would seek to park close by, which would include parts, but not the full length, of Hathaway Road. This would particularly be the case during winter months, after dusk and during inclement weather conditions. Hathaway Road, taken as a whole in the parking stress survey, has a parking stress level at an average of 65%. The parking stress survey does not provide any commentary on the proposed use or likely take-up of parking spaces.
17. With the above in mind, and taking into account the character of the area, including the junction on which the appeal site sits, any additional on-street parking as a result of the proposed development would likely result in inconsiderate parking as individuals seek to park near the property where provision is, even if only at times, relatively limited. The proposed use is likely to add to existing on-street parking levels on neighbouring streets. Given the local premium on parking spaces this is likely to lead to some frustration and drivers manoeuvring in ways they would otherwise not, which in turn is, in my view, likely to impede the free flow of traffic and potentially be detrimental to highway safety.
18. I accept that there are bus stops near to the site, providing access to the proposed site by alternative means to the car. However, I do not have details of the frequency of those services, nor do I have any substantive evidence before me to demonstrate that users of the facility live locally or that walking would be the preferred mode of transport. Similarly, there is no detail before me of cycle parking provision at the site.
19. That there is no recorded evidence of accidents, as set out by the appellant, is not reason to allow development where harm has been identified. In addition, there is no evidence before me to demonstrate that Use Class F activities would be subject to lower trip generation compared with Use Class E functions.
20. Consequently, I conclude that it has not been demonstrated that the proposed development would have an acceptable effect on highway safety, contrary to the relevant provisions of Policies PMD8 and PMD9 of the Thurrock Local Development Framework (2015). These policies, in summary, seek to provide adequate car parking and ensure that local traffic conditions and highway safety are not adversely affected, which is an objective shared with the Framework.
21. Even were I to conclude that parking provision was acceptable, this would not overcome the harm identified under the first main issue.

Conclusion

22. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR