

Appeal Decision

Site visit made on 13 September 2016

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2016

Appeal Ref: APP/E5330/W/16/3151321

26 Plumstead Road, Woolwich, Greenwich SE18 7BZ

- 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 Abiodun Williams against the decision of Royal Borough of Greenwich Council.
 - The application Ref 15/3978/F, dated 15 December 2015, was refused by notice dated 7 April 2016.
 - The development proposed is subdivision of premises for the change of use to A5.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) whether the proposal would be at a suitable location having regard to planning policies for retailing and regeneration;
 - ii) the effect of the proposal on highway safety and the free flow of traffic; and
 - iii) the effect of the proposal on the living conditions of nearby occupants of residential properties with regard to noise and disturbance.

Reasons

Planning policies for retailing and regeneration

3. The proposal would be formed from 40 sqm of the overall 224 sqm of retail floorspace at the appeal premises. It would result in a separate unit for the sale of organic hot food to take away, promoted as a healthy alternative to the typical take away foods generally on offer. There has been a recent history of unauthorised hot food sales at the appeal site, which I acknowledge, however I have determined the appeal on its merits.
 4. Of the retailing policies referred to in the Council's decision, Policy TC(c) of the Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (CS) specifically directs hot food takeaways to Major Town Centres. It is consistent with Policy 4.7 of The London Plan 2015 (LP). Criterion i. of Policy TC(c) requires: *'the proposed use and level of activity it generates is appropriate in the location proposed and would not unacceptably impact on residential or*
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workplace the amenity, nor the environment with regard to the character of the area'.

5. The proposal would result in the creation of a new active shop frontage set back within a rear service yard on a non-shopping street with residential properties directly opposite. The level of activity that would be generated by customers at this location, particularly into the evening hours proposed, would conflict with the non-commercial characteristics of this part of the Burrage Road. It would be an atypical location for a new shop that would jar with the backland characteristics of the site and result in an harmful addition at this part of the street. I am mindful that there are vacant lots further along the street from the appeal site but these do not appear to have been in retail use. In any event these are some distance away from the site.
6. Of the regeneration policies referred to in the Council's decision Policy 2.13 of the LP and Policy TC2 of the CS do not preclude new take away food uses. The proposal would also fall within an 'opportunity area' identified in the LP, and forms part of 'Site 4: Spray Street' of the Woolwich Town Centre Masterplan supplementary planning document. These designations support the further regeneration of the area, including the provision of a mix of uses. Although the proposal would result in a piecemeal development within the regeneration area there is nothing contained within policies that requires a comprehensive form of development, and I have no evidence before me to indicate conflict with any detailed masterplan.
7. However, the harm I have identified to the character of this part of the Burrage Road indicates that the proposal would be at an unsuitable location. This could not be addressed by conditions restricting the opening hours. Accordingly, the proposal would conflict with Policy TC(c) of the CS, in particular the requirements of criterion i., and with Policy 7.4 of the LP that requires, among other things, development to have regard to the form, function, and structure of an area, place or street.

Highway safety and the free flow of traffic

8. Although the appeal site is highly accessible by public transport the convenience nature of takeaway hot food sales is likely to give rise to demand for trips by private car. While there are waiting restrictions in force along this part of the Burrage Road parking would be available within a service yard forming part of the appeal site. It is a small area with a concealed access however.
9. Without sufficient room for turning, cars would have to reverse out over the narrow footway onto a heavily trafficked highway where such manoeuvres would be hazardous to any pedestrians passing by. Additionally, the light controlled junction at Plumstead Road is within close proximity of the appeal site. Vehicles waiting to turn right into the site could cause tailbacks along the Burrage Road leading to a blockage at the junction that would disrupt the free flow of traffic.
10. Therefore, while the proposal would incorporate cycle parking facilities which would accord with the requirements of Policy 6.3 of the LP, the highways evidence indicates that it would give rise to pressure for car parking that would be harmful to the free flow of traffic and to highway safety. Overall, the proposal would not accord with the safe access requirements of Policies TC(c)

and DH1 of the CS, and Policy 6.13 of the LP. I reach my conclusion on this issue whether or not a sufficient number of parking spaces can be provided in accordance with the standards indicated at Policy IM(c) of the LP.

Living conditions

11. It is significant that despite the history of unauthorised hot food sales at the appeal site that no objections have been received from neighbours. This indicates that the proposal would be unlikely to give rise to unsatisfactory effects on the living conditions of the existing occupants of nearby properties. In the absence of any evidence of harm therefore I do not find the nature of the use would give rise to harmful noise and disturbance.
12. In relation to odour control, with the use of the suggested conditions provided by the parties to address the installation of a suitable scheme for extraction and the potential for a trial period, I am satisfied that adverse effects could be reduced to an acceptable level. On this issue, overall, I am satisfied that the proposal would accord with Policies TC(c), DH(b) and E(a) of the CS, and Policies 7.14 and 7.15 of the LP, which seek to protect the living conditions of the existing residents of the area.
13. My findings under living conditions, however, do not outweigh the potential for significant harm to the character of the area, and to highway safety and the free flow of traffic.

Conclusion

14. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR