



Appeal Decision

Site visit made on 4 November 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/E5330/W/19/3229987

12 The Slade, Plumstead SE18 2NB

- 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 Harry Enver (Futures Nursery) against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0448/F, dated 4 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is 'ground front and rear extensions, first floor side extension. Use of the front area as play area'.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension and the use of the front area as a play area at 12 The Slade, Plumstead SE18 2NB in accordance with the terms of the application Ref: 19/0448/F, dated 4 February 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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, C19/15/01, C19/15/02, C19/15/03, C19/15/04 A, C19/15/05 A, C19/15/06 A, C19/15/07 A, C19/15/08 A and C19/15/09 A, except in respect of the pram storage structure shown on plan C19/15/01.
 - 3) The external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.
 - 4) Prior to the installation of the 900mm high fence details of its design, materials and colour finish shall be submitted to and approved in writing by the local planning authority. The fence shall be installed in accordance with the approved details and shall be retained thereafter in accordance with the agreed details.

Procedural Matters

2. Amended plans were submitted during the course of the application which omitted the ground floor front extension and first floor side extension. I have determined the appeal on this basis and amended the description above accordingly.
3. The appeal site is within the Plumstead Common Conservation Area (the conservation area). The Council consider that the rear extension would be of an

appropriate scale and would be in keeping with the host property. They also consider that the extension would not have a harmful impact on the character and appearance of the conservation area, or the living conditions of adjoining occupiers. On the basis of the evidence, I have no reason to take a different view. Thus, my consideration of the appeal will concentrate on the use of the front area as a play area.

Main Issue

4. The main issue is whether the replacement of the car park with a nursery play area would have an adverse impact on children with particular regard to pollution exposure, safety and security.

Reasons

5. Policy 3.18 of the London Plan (2016) (LP) offers broad support to education facilities. Whilst part D of the policy does seek to restrain schools where there are demonstrable negative local impacts, I consider that this part of the policy has limited relevance to the appeal proposal which relates to a nursery. The Council's Children's Services have noted that the early years provision that is proposed would be positive for the area.
6. The National Planning Policy Framework at Paragraph 170 states that new development should not be put at unacceptable risk from being adversely affected by unacceptable levels of air pollution.
7. The play area would be located to the front of the building. This part of the appeal site is located adjacent to The Slade, which I observed as a reasonably busy although uncongested and free flowing road at the time of my site visit on a mid-afternoon.
8. The adverse impacts of transport related air pollution on health are becoming better understood, however, no information is before me to confirm whether such pollution is a problem at this location.
9. I am mindful that it is reasonable for a nursery to operate with a dedicated outdoor play area adjacent to the building. The play area would not be located directly adjacent to the carriageway, being set back behind two footpaths, a deep grass verge and a driveway.
10. I note that there are large areas of open space in close proximity at Plumstead Common, the Slade Ravine and Winn's Common which provide areas away from the road and which could be accessed by the children on excursions.
11. In this particular case, there is no cogent evidence before me that the use of the car park as a play area would have an adverse impact upon the children in terms of pollution exposure.
12. In terms of safety and security, I am informed that the children would be supervised at all times while using the play area and that the existing boundary treatment which is formed of a brick wall topped by railings would be difficult to climb for a child of nursery age. The intention is to keep the gate to the play area locked. Also, the play area would be separated from the public access to the nursery building by the erection of a 900mm fence. Thus, anyone wishing to go into the play area would have to do so via the main building. Having regard to these measures, I do not consider that the provision of the play area

would result in an adverse impact on the safety and security of children attending the nursery.

13. The proposal would therefore accord with Policies 3.16, 3.18 and 7.2 of the LP and Policy CH1 of The Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) (RGLPCSDP) which relate to the protection and enhancement of social infrastructure, education facilities and the creation and maintenance of cohesive communities.
14. It would also accord with Policies 7.4, 7.6 and 7.8 of the LP, Policies DH1, DH(b) and DH(h) of the RGLPCSDP which amongst other things require development of good architectural quality which is appropriate to local character, which protects heritage assets and which protects the living conditions of nearby occupiers. There would not be conflict with Policy 6.11 of the LP or Policy IM(a) of the RGLPCSDP which relate to traffic issues.
15. I have not been supplied with any SPD guidance although that referenced appears to relate to residential property only.

Other Matters

16. A number of other concerns have been raised locally regarding the potential effect of the appeal development. I have no evidence to indicate that the proposal would cause harm to other childcare providers, or have harmful impacts in relation to parking and congestion.

Conditions

17. As well as the standard time limit, I have imposed a condition in the interests of certainty concerning the approved plans which excludes the pram storage structure on plan C19/15/01, which formed part of the original scheme prior to it being amended. To safeguard the character and appearance of the building and the area, conditions are required to ensure that the materials used match the existing building and that the details of the proposed railings are acceptable.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

TJ Burnham

INSPECTOR