



Appeal Decision

Site visit made on 9 March 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/E5330/W/20/3253309

98 Woolwich Road, Greenwich SE10 0LE

- 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 Olaseni Olugbola against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/3008/F, dated 28 August 2019, was refused by notice dated 29 November 2019.
 - The development proposed is Change of use of part ground floor to provide educational centre and training.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the time the appeal was submitted, the Mayor of London has published the London Plan 2021 on 2 March 2021 and this replaces the London Plan 2016. The London Plan policies referred to within the Council's reason for refusal have therefore been replaced by those of the new plan. Both parties have been asked for comments regarding the new plan and therefore I am satisfied that neither parties have been prejudiced as a consequence.
3. The Town and Country (Use Classes) Order 1987 has been amended from 1 September 2020. However, as this proposal was submitted to the Council before this date, the Use Classes in effect when the application was submitted are to be used to determine the appeal.
4. Additional plans were submitted with the appeal and indicate additional training rooms. However, in the interests of fairness to all parties, I have only considered the plans that the Council based their decision on.
5. I am aware that the use has already commenced at the site.

Main Issue

6. The main issue is whether or not the location is suitable for the provision of an educational establishment having regard to local policy relating to community facilities, their quality, and safety.

Reasons

7. The appeal site forms part of a short parade of commercial units at ground floor on Woolwich Road with residential accommodation on upper floors. The signage to the shopfront advertises PC Haven encompassing an internet café and computer services including sales of accessories, Western Union Money Transfer, and a mini-cab booking office. The appellant confirms that there are a combination of businesses operating from the site including retail selling of education material.
8. The garage space is dedicated to learning space at the rear of the building. Its educational purpose is intended to complement school learning for 7-17 year old children on a 1:1 basis or 1:5 basis for between 70 and 90 pupils on a weekly basis, and open every day of the week. The appellant explains that five tables with up to five students per table, per maximum two-hour training sessions, currently takes place within the garage space.
9. The garage door within the rear entry is not used as an access point for the pupils, and access is taken from the front door on Woolwich Road only. No precise details of how pupils are managed and supervised upon arrival to the premises have been provided, other than that pupils would be booked in via a reception area within the internet cafe space.
10. There are no details of how they would be managed or supervised outside class times or leaving the building. This is especially significant given the ages of the children and corresponding levels of vulnerability. Furthermore, it is explained that the guardian would not remain on site whilst lessons occur.
11. There are no details relating to whether or not the appellant has control over all the service users and businesses within the building that interact with this education facility. Furthermore, I am aware of visiting members of the public to the building who can arrive without prior appointments.
12. This is an intense education use outside a dedicated educational establishment. There is no evidence before me of safeguarding measures to protect the child from harm. The use of a building alarm system, CCTV and security lighting as protection measures is not sufficient to maintain the welfare of the children attending.
13. Whilst the London Plan 2021 encourages making effective use of land and supports education facilities, and the proposal may meet some of these broad objectives, this must be balanced against other considerations. The size of educational space is limited and so would not satisfactorily accommodate the significant numbers of pupils in weekly attendance. Furthermore, it is a utilitarian garage building with no external windows or dedicated external space, or evidence of appropriate internal welfare facilities. Its access is combined with the shared accesses of the other business users who come into direct contact with the pupils. All things considered, it offers a very poor standard of education accommodation.
14. Whilst the facility may be affiliated with other education establishments and intended to be Ofsted regulated, there are no precise details provided to substantiate this claim or of their regulations and requirements. In any case, I have considered the proposal against the development plan, as is my duty.

15. To conclude, I have found that the appeal site is not suitable for the provision of an educational establishment having regard to the poor quality of accommodation and the safeguarding implications for the children. It does not comply with the London Plan 2021 Policy S3 to ensure good quality education facilities, and the Royal Borough of Greenwich Local Plan: Core Strategy with Detailed Policies 2014 Policy CH1 that seeks to create and maintain cohesive communities, especially with regards to community safety.

Other Matters

16. The site may be in a location that has good access to sustainable transport and easy to access the site on foot, with cycle parking to be made available. I accept that the site creates employment and note the benefit of the learning and employment potential at the site for local children going forward, and the social and economic benefits that can be attained, as well as the consequences of the Covid-19 Pandemic. Matters pertaining to inequality and diversity are raised although there are few details provided on how the proposal would create and maintain this. However, none of these matters lead me to reach a favourable decision on the matter, given the significant concerns I have identified.
17. Complaints regarding the Council's service should be referred to them in the first instance, and is not within my jurisdiction to comment.

Conclusion

18. The proposal would give rise to harm as set out above and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR