
Appeal Decision

Site visit made on 19 April 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2022

Appeal Ref: APP/E5330/W/21/3280397

7 - 11 Spray Street, Woolwich, London, SE18 6AP

- 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 Alan Fernback, Centaur Property Group against the decision of Royal Borough of Greenwich.
 - The application Ref 21/0606/F, dated 17 February 2021, was refused by notice dated 20 April 2021.
 - The development is described on the application form as 'To change the use from 'E(a)' retail to 'Sui Generis' Hot food takeaway. To install an extract system'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I saw on my site visit that the premises had been fitted out as a fish and chip shop with external shutters, signage and an extraction system. The appellant, in his statement, confirms that at the time he submitted his appeal (August 2021) it had been trading for several months. That said, I was unable to deduce whether the use had continued to operate beyond that point in time. A sign displayed at the property indicated that the premises were 'to let'.

Main Issues

3. The main issues are:
 - i) whether the proposal would prejudice the redevelopment of the Spray Street Quarter; and
 - ii) the location of the proposal in relation to schools.

Reasons

Redevelopment of the wider area

4. The appeal site comprises a part one, part two storey building, located on the northern side of Spray Street. It falls within the Town Centre Boundary and forms part of a strategic development location as designated in the Royal Greenwich Local Plan 2014 (RGLP).
5. The Spray Street Supplementary Planning Document (2015) (SSSPD) sets out specific objectives and vision for the area. It seeks to ensure the wider ambitions of the Woolwich Town Centre Master Plan SPD (2012) (WTCMPSPD)

- are achieved. It envisages a comprehensive redevelopment of the area, which includes the appeal site.
6. Policies SD1 and SD10 of the London Local Plan 2021 (LP) supports the creation of opportunity areas and requires boroughs to identify Strategic Areas for Regeneration. The SPD's align with these policies.
 7. The Council's statement indicates that a resolution was made by them, on 25 May 2021, to grant planning permission¹ for a mixed use development comprising residential dwellings, commercial business and service uses, drinking establishment(s) and cinema, a new public square and public realm with hard and soft landscaping, and associated works. The permission was subject to a Section 106 Agreement and GLA approval. A resolution to grant listed building consent² was made at the same time. Based on the evidence before me there is a high likelihood that this scheme will be delivered at the earliest opportunity.
 8. I acknowledge, the appeal site occupies only a small part of the wider redevelopment site, and the use would not be incompatible with uses proposed within the comprehensive scheme. That said, the proposed development would prejudice the comprehensive redevelopment of the approved Spray Street Quarter scheme. Therefore, it would impede the delivery of the Council's objectives as set out in the SPD. These seek, amongst other matters, to improve the built environmental quality of the area and expand the cultural and leisure offer in the locality.
 9. I have considered whether a temporary permission, as suggested by the appellant, would be appropriate. However, I have no compelling evidence before me to indicate that such an approach would be achievable, without adversely affecting the delivery of the comprehensive redevelopment of the area.
 10. In light of the above I conclude that the development would prejudice the Council's strategy for the redevelopment of the wider area as set out in Policies SD1 and SD10 of the LP, Policies H1 and TC2 of the RGLP, the WTCMPSPD and the SSSPD. These policies and guidance support regeneration in the area, bringing together the investment and intervention needed to deliver the vision and ambition for the area.

The location of the proposal in relation to schools

11. The appeal site is located close to Woolwich Town Centre in an area comprising a mix of commercial and residential uses.
12. Policy E9 of the LP states that development proposals containing hot food takeaways should not be permitted where they are within 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary school.
13. According to the Council, the appeal site is 250m from Heronsgate Primary School, and 329m from Plumcroft Primary School. These walking distances are not disputed by the appellant, and from what I saw on my site visit I have no

¹ 20/3385/F

² 20/3386/L

reason to disagree with them. As such the proposal would conflict with Policy E9

14. The appellant has indicated that he would be willing to accept a condition restricting the hours of opening to 16:00 – 22:00 Mondays to Fridays and 10:00 – 20:00 Saturday and Sundays (including bank holidays). He asserts that this would achieve the objectives of Policy E9.
15. I accept that the normal school day would be likely to finish before the opening times suggested by the appellant. However, there will be times when the schools would remain in use by children as they attend after school activities and sporting/leisure events. These events could also occur at weekends and during bank holidays. I have no evidence before me to confirm that there would be no overlap between the opening hours of the takeaway and the use of the school facilities.
16. I have taken into account the appellant's view that even if after school events were to occur it would be likely that the pupil would go home and join his/her family for tea/dinner. I also note the assertion that they might go to one of the existing takeaways in the area. However, I have no evidence before me that this would be the case. In any event the purpose of the business would be to generate custom, and this would include encouraging new customers to the site.
17. Therefore, whilst I have carefully considered the appellant's arguments, the policy offers no flexibility to reduce the walking distances from schools based on opening hours. To do so would allow development that would be in direct conflict with the core planning principle of the Framework that planning should be plan-led (paragraph 15)
18. Consequently, I conclude that the development is contrary to Policy E9 of the LP, which amongst other matters, seeks to reduce the proliferation of hot food takeaways, particularly in the proximity of schools.

Other Matters

19. I note the appellant's comments regarding the investment that he has made in converting the property and the potential employment that would be generated from the development. Whilst accepting that employment would be generated by the development this would not outweigh the significant harm to the future comprehensive development of the wider area, or the adverse impact on the health of local children.
20. I also acknowledge the concerns have been raised by local residents with regards to noise, disturbance, odours, light pollution and highway issues. I note the Council raised no concerns with regards to these matters, subject to appropriate conditions being imposed in the event that the appeal is allowed. From what I have seen and read I have no reason to disagree with their view

Conclusion

21. There are no other relevant material considerations, worthy of sufficient weight, that indicate the appeal should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR