

Committee	PLANNING COMMITTEE A	
Report Title	Dacre Arms, 11 Kingswood Place, London, SE13 5BU	
Ward	Blackheath	
Contributors	Andrew Harris/Karl Fetterplace	
Class	PART 1	31 March 2016

Reg. Nos. DC/15/92746

Application dated 23/06/15

Applicant Mr T Garforth on behalf of Mrs L Pierson

Proposal Retrospective planning application for the retention of an outbuilding forming a servery for food and drink to the rear at Dacre Arms, 11 Kingswood Place, SE13, together with the provision of a seating area to the front using dwarf bricks, walls and metal railings.

Applicant's Plan Nos. TGA.0128 01 Rev A received 17 July 2015; Heritage Statement (September 2015, TG Architecture) received 1 September 2015; Design and Access Statement (January 2016, TG Architecture) received 19 January 2016.

Background Papers

- (1) Case File LE/743/A/TP
- (2) Core Strategy (2011)
- (3) Development Management Local Plan (2014)
- (4) The London Plan (2015)

Designation

PTAL 3
Blackheath Conservation Area
On the boundary of the Lee Area of Archaeological Priority.
Locally Listed Building
Unclassified Road

Screening N/A

1.0 Property/Site Description

- 1.1 The Dacre Arms Public House is a small pub situated on a quiet residential street. It is constructed of red brick with decoratively coursed cream faience block work to the ground floor. The pub follows the building line of the terrace and although of a different style it represents an attractive addition to the street. It has retained its scale and relationship to the neighbouring properties.
- 1.2 The Dacre Arms Public House is a locally listed building and lies within the Blackheath Conservation Area.

2.0 Planning History

- 2.1 **EC/15/00089:** The unauthorised installation of railings to the front and erection of an extension to the rear of the Public House. Received 30/03/2015. This case led to the lodgement of this planning application.

3.0 Current Planning Applications

The Proposal

- 3.1 Retrospective planning permission is sought for a small rear outbuilding of some 21sqm internal floorspace which is intended to function as a servery for food and drink passed to the clientele of the public house sitting in the rear garden. The second aspect of the proposal seeks retrospective planning permission for the retention of a seating area with a deck bounded by a dwarf wall and railings to a total height of 1.36m directly in front of the building, abutting the back edge of the footway.
- 3.2 The applicant has clarified that no table would be proposed in the front garden and that no music would be played in the beer garden. The applicant proposes to use the servery from 12:00-19:30 Sunday-Thursday and 12:00-21:00 Friday-Saturday.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. A public notice was displayed and an advertisement placed in the local newspaper offering a 21 day period for comments to be made.
- 4.3 During the assessment of the application, it became apparent that it was intended that the servery would be used for serving drinks as well as food. In order to ensure the public were correctly informed of the proposal and that the application reflects what the applicant seeks, the public were reconsulted.

Written Responses received from Local Residents and Organisations – Initial Consultation

- 4.4 The first consultation received 8 responses, (1 letter of support and 7 letters of objection), along with a petition of 33 signatures attached to one of the objection letters opposing the regularisation of the proposed works.

Letter of Support – 23 Lee Court, Lee High Road

- 4.5 The first comment welcomed the development and described the garden area as 'very nice' with a good seating area.

Objection 1 – 64 Belmont Park

- 4.6 This objection is based on the increased noise impact, whether the bar had a license and that waste produced would not be effectively disposed of. It was also raised that the design was out of keeping with the conservation area and there was a lack of consultation on the application.

Objection 2 – 80 Belmont Park

- 4.7 This objection raised concern over noise impact and the increase in this following the table being put in the amenity space at the front of the public house. The other concern was that drinkers would now be in sight of the nursery. Similarly with the above comment, the submission raised concern over licensing.

Objection 3 – 4 Kingswood Place

- 4.8 As with the previous comments, this submission raised concern over the noise impact of the development, and the traffic flow around the public house which causes disruption to the surrounding family housing.

Objection 4 – 10 Kingswood Place

- 4.9 Objection 4 included a petition on the basis of excess noise, parking, design and the use of the amenity space at the front of the building. This consisted of 33 signatures. These 33 signatures came from 19 different addresses. Of these 19 addresses, 9 individual objections were also received. Photographs of the works to the front and rear were also submitted. Photographs have also been taken by officers of these works during a site visit.

Objection 5 – 1 Kingswood Place

- 4.10 Concern has been raised that there would be an increase in antisocial and drunken behaviour from the development. Comments included concern over noise impact and parking. It has also been raised that Kingswood Hall which is located opposite, holds many regular events for the young such as cubs, scouts, children's parties, private teaching classes and the Montessorri School.

Objection 6 – 60 Belmont Park

- 4.11 Objection raised on the grounds of the noise impact, antisocial behaviour and parking congestion.

Objection 7

- 4.12 Objection raised on the basis of excess noise, parking, design and the use of the amenity space at the front of the building.

Written Responses received from Local Residents and Organisations – Second Consultation

- 4.13 The second consultation received 18 responses (one comment, 12 objections and 5 letters of support). Of these, 6 objections were from people who had not objected to the original application (41 Belmont Park, 82 Belmont Park, 7 Kingswood Place, 3 Kingswood Place, the Blackheath Society and 54 Belmont Park). In total, 19 objections have now been received from 13 different people.

Objection 1 – 64 Belmont Park

- 4.14 The same issues were raised as in the original objection, with the addition of traffic increases and consequential impacts on parking.

Objection 2 – 80 Belmont Park

- 4.15 No new issues were raised, apart from the objection being maintained, given that it has been clarified that the servery is proposed to be used as a bar.

Objection 3 – 4 Kingswood Place

- 4.16 Objection maintained but no new issues raised.

Objection 4 – 10 Kingswood Place

- 4.17 Continued objection on the basis of effect on the character of the area, loss of privacy and amenity, design and visual impact. Objection was also raised regarding food safety, as the pub does not have access to a kitchen and therefore food would need to be prepared off-site. It is noted that food hygiene is not a planning issue and that this would need to be considered separately, if this application were to be approved. Photographs were also provided of the works to the front and rear.

Objection 5 – 1 Kingswood Place

- 4.18 No new issues raised, but objection maintained now that clarification has been given that the outdoor servery would provide drinks.

Objection 6 - 60 Belmont Park

- 4.19 No new issues raised.

Objection 7 – 41 Belmont Park

- 4.20 Objection raised on the grounds that not all residents of Belmont Park were consulted and that the use of the outdoor space as an entertainment area is not appropriate. The seating at the front of the pub seems unnecessary.

Objection 8 – 82 Belmont Park

- 4.21 Objection raised on the grounds of noise disturbance.

Objection 9 - 7 Kingswood Place

- 4.21 Objection raised on the grounds of noise disturbance, particularly music.

Objection 10 - 3 Kingswood Place

- 4.22 Objection raised on the grounds of noise disturbance at both the front and rear and that the hours suggested for the use of the servery are too lenient and may not be adhered to. Allowing retrospective permission would encourage further ignorance of regulations. The seating area to the front is not in keeping with local character.

Objection 11 - Blackheath Society

- 4.23 The front seating area is insensitively constructed and detracts from the character of Kingswood Place and the Blackheath Conservation Area. The use of wooden decking is inappropriate. The use of stock bricks for the low wall supporting the railings is doubtless intended to echo those used in the adjoining houses, although introduces a discordant element when viewed in conjunction with the predominantly red brick of which the pub itself is constructed.
- 4.24 The addition of the servery changes the nature and character of the pub as a whole and would need to be considered carefully in the context of licensing and highways policies. From a strictly planning perspective, we see this as an overbearing structure and note the use of entirely inappropriate materials (plastic cladding) on the wall fronting St Margaret's Passage and what appears to be plastic at the top of the wall facing Kingswood Place.
- 4.25 There would be noise and disruption associated with the front seating area. This is clearly recognised by the operators of the pub in their posting of notices requesting customers not to make excessive noise and to respect the neighbours, which is bound to be ineffective.

Objection 12 - 54 Belmont Park

- 4.26 Objection raised on grounds of increased noise, unsuitability of the development for the neighbourhood and likely increase in customers wishing to park nearby.

Support 1 - 62 Manor Park

- 4.27 The pub is a community asset and the additions would help improve the experience of using the pub.

Support 2 - Flat 7, Beacon House St Albans

- 4.28 The pub is important as a community asset.

Support 3 - 12 Hardy Avenue Dartford

- 4.29 The pub is important as a community asset. Having a bar in the garden would not change the character of the pub, as there has always been a large amount of seating there.

Support 4 - 56 Belmont park

- 4.30 The pub is important as a community asset. The servery would facilitate events in the summer months and previous functions on the premises have not caused excessive noise or anti-social behaviour. The new works would not cause undue pressure on parking.

Support 5 - 92 Oaklands Ave

- 4.31 This pub is a community asset and is not typically a scene for significant nights out, being a quieter community pub. This will not change with an outdoor bar, which would reduce time to be served when the weather allows the garden to be in use.

Comment 1 – 46B Belmont Park

- 4.32 The new servery and front seating area would constitute a change of use and very little information was given to local residents either formally or informally. The new front table would be in sight of the Montessori School. The term “servery” may be a misnomer. Objection was also raised that the development is out of character with the conservation area and additional noise will be created.
- 4.33 Due to the number of objections received, a local meeting was held on 16 March 2016 at the Crypt at St Margarets Church, Lee. The minutes of the meeting are attached as an appendix to this report.
- 4.34 With regard to the objections raised to inadequate consultation, it is noted that the Council’s consultation exceeded the minimum statutory requirements and those required by the Council’s adopted Statement of Community Involvement. Further, a local meeting was held.

Written Responses received from Statutory Agencies

- 4.35 No responses received.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- the provisions of the development plan, so far as material to the application,
 - any local finance considerations, so far as material to the application, and
 - any other material considerations.
 - A local finance consideration means:
 - a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

London Plan (March 2015)

- 5.5 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology

Core Strategy

- 5.6 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

- 5.7 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

The following policies are considered to be relevant to this application:

DM Policy 20 Public houses
DM Policy 26 Noise and vibration

DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

LDF Evidence Base: Pubs in Lewisham (2013)

- 5.8 This is an evidence based document which supports the LDF Core Strategy and supports the retention of public houses.

Blackheath Conservation Area Appraisal and Supplementary Planning Document (2007)

- 5.9 This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Blackheath Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:

- Principle of development
- Design and impact on the listed building and conservation area
- Noise and impact on adjoining properties
- Car Parking

Principle of Development

- 6.2 The NPPF (National Planning Policy Framework, 2012) (paragraph 70) identifies public houses as a community facility that contributes to enhancing the sustainability of communities and residential environments. As such, pubs should be safeguarded and retained for the benefit of the community use and planning policies and decisions should guard against their unnecessary loss.
- 6.3 The council prepared a report 'Pubs in Lewisham: an evidence based study' (2013) which draws together information about public houses in Lewisham and the UK and provides the evidence base for this policy. The report shows that there are currently 92 pubs in the borough, down from 115 in 2006. Planning decisions in line with the NPPF should therefore be preventative of this loss and flexible towards development which will prevent further closure of public houses in the borough.
- 6.4 Outlined in the Viability Report is that the retention of public houses can be ensured by:

- *‘adding a kitchen and serving food or improving the existing food offer;...*
- *...hiring rooms out or otherwise providing a venue for local meetings, community groups, businesses, youth groups, children’s day nurseries.*

6.5 In line with the above policy, the proposals contribute to ensuring the viability of the pub, which has value as a public meeting place and it is recommended that the development is regularised.

6.6 The external works to the front garden in principle are acceptable, subject to design considerations. It is noted that planning permission is only required for the structures erected, which include the deck, bricks and railings. The applicant has agreed to remove the table that has been placed in this area.

6.7 It is noted that the owners have prohibited the use of this front area for smoking out of courtesy for the neighbours.

6.8 The hours of operation of the pub are 12:00 until 23:00 Monday to Saturday and 12:00 until 22:30 on Sundays. Between these hours customers are able to sit/drink outside which is dictated by the licensing of the Public House. Any change to this would require a separate licensing application. At this point, considerations can be made regarding issues raised at the local meeting, such as any noise complaints that have been received, areas where smoking is permitted, the months of use of the servery and the possibility of a good neighbour agreement being drafted.

6.9 The applicant indicated that the proposed hours of operation of the servery would be from approximately 14:00 until 20:00 on Fridays and Saturdays, as well as occasionally on Sunday afternoons, only in the warmer months and weather permitting. It was discussed and agree upon at the local meeting that the hours of use of the servery would be 12:00-19:30 Sunday-Thursday and 12:00-21:00 Friday-Saturday. The operation of the servery would be for food and drink. Therefore, there would be the potential for this to intensify the use of the beer garden, which could result in an increase in noise that could have an impact on neighbouring amenity. This matter has been assessed in further detail under the heading “noise and impact on adjoining properties”.

Design and impact on the locally listed building and conservation area

6.11 Planning law requires the Council to pay special attention, when exercising its planning functions, to the desirability of preserving or enhancing the character or appearance of the conservation area.

6.12 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

6.13 Paragraph 57 sets out that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 6.14 Paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.15 Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 6.16 Policy 7.4 of the London Plan (2015) advises that development should have regard to the form, function and structure of an area, place or street. Particularly given the Conservation Area status of this location, the way the design fits with the existing and original buildings is important.
- 6.17 Policy 7.8 of the London Plan (2015) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.18 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.19 Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.20 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design, including alterations and extensions to existing buildings. The retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and a sense of place.
- 6.21 DM Policy 31 Alterations and extensions to existing buildings states that development proposals for alterations and extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.22 DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens concerned with development in Conservation areas reiterates policies contained in the National Framework and the London Plan. Specifically the council is concerned with special characteristics of the area i.e. building spaces, settings, plot coverage, scale, form, and materials.

- 6.23 DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest seeks to retain and enhance locally listed buildings.
- 6.24 Officers consider the scale, massing and layout of the rear outbuilding to be acceptable. The front elevation is acceptable in terms of appearance, but the treatment of the west elevation requires amendment in order to make it acceptable.
- 6.25 It is felt that on balance this is not sufficient to justify a refusal of permission and a condition is recommended to secure appropriate materials for this element.
- 6.26 The boundary treatment to the front of the Dacre Arms Public House is characteristic of the Conservation Area and in keeping with the materials found at the adjacent residential properties. The plinth on the adjacent properties that support the railings is a lot less prominent, however, that said, the bricks used at the site match that of the residential buildings adjacent and a section of the front elevation of Dacre Arms so it cannot be described as incongruous and uncharacteristic of the area and therefore does not have an adverse impact on the character or appearance of the conservation area.
- 6.27 In respect of design, the development is considered acceptable, subject to amended treatment of the western wall of the outbuilding, proposed to be secured by condition.

Noise and Impact on Adjoining Properties

- 6.28 DM Policy 26 seeks to reduce excessive noise or vibration which can be detrimental to human health and well-being and can impact negatively on natural habitats.
- 6.29 DM Policy 31 seeks to protect amenity where alterations are proposed to an existing building. When seeking permission for extensions/alterations to existing buildings, development proposals must be able to demonstrate that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, overlooking, loss of privacy and general noise/disturbance.
- 6.30 With regard to the submissions received from nearby occupiers, in new development for drinking establishments and public houses, noise would be a likely consideration and the appropriate mitigation measures should be adhered to. The Dacre Arms Pub is a historic building and its use is not new to the street.
- 6.31 The amenity space is not a new addition to the Public House and it has always been made available for the customers of the Dacre Arms. It is noted that the amenity space to the rear of the public house has been decreased as a result of the garden bar and therefore overall there is a decrease in the outdoor amenity space of the pub. Therefore, there is the potential that noise impact would generally be reduced from the former arrangement, however it is acknowledged that there is the potential for increased noise impacts during events that this servery would facilitate. However, it is not considered unreasonable that a public house would hold events in its beer garden, weather permitting, at certain times of the year and there will always be some level of impact on the amenity of occupiers that have a public house nearby.
- a. 6.32 It is recognised that the sale of drink from the servery has the potential to increase the impact on neighbouring amenity. For this reason, the operational

hours of the servery would be restricted via a condition. The hours in which sale of drinks from the servery is permitted is proposed to be restricted to between 12:00 and 21:00 on Fridays and Saturdays and 12:00 and 19:30 on all other days. These hours were discussed and agreed upon at the local meeting. It was discussed at the local meeting that the proposed condition for the hours of use of the servery could also include a restriction to the summer months or warmer months of the year. Officers have considered this, but do not believe that it would be reasonable or necessary to restrict the use to certain times of the year by a planning condition. As the structure is considered to be acceptable in other respects, the time of year of its use does not alter this. This matter could be further considered in a licensing application. At the local meeting, the applicant agreed to remove the table from the front garden. Commitment was given that there would not be any music or speakers in the garden and a condition has been proposed in this respect.

- 6.33 There would not be any adverse impacts in terms of daylight/sunlight, overlooking or overshadowing on neighbouring properties.
- 6.34 In response to the objection comments raised in respect of the Kingswood Hall and its operations, which may be particularly vulnerable to drunk and antisocial behaviour, it is important to objectively assess the difference between the pub as existing and as pre-existing. The floorspace of the public house and therefore capacity is not materially different to the pre-existing situation. The erection of the outbuilding has in fact reduced the external amenity space to the rear and it is not considered that it would have an unreasonably adverse impact on amenity. The current occupiers have prohibited the use of the front garden for smoking to try to maintain customers in the rear amenity space. Although the beer garden may be used more as a result of the servery, it would be operated in a similar way to existing and is proposed to be conditioned, as previously noted.
- 6.35 Kingswood Hall is significantly stepped back from Kingswood Place and the Dacre Arms Public House so that it is highly unlikely that there would be any incidents involving the two uses and antisocial behaviour. Notably both uses are established, there is no evidence to suggest there would be a substantial increase in the number of customers at the Dacre Arms therefore, there is little evidence to suggest there would be a significant increase in antisocial behaviour to warrant a refusal to this retrospective planning application.

Car Parking

- 6.36 With reference to the neighbour submissions, it was raised that there would be an increase in car parking and traffic due to the development of the outside 'servery'. Materially, the floorspace of the public house is actually reduced and therefore the maximum capacity is reduced. With this in mind, there would be no increase in the impact of car parking resulting from the development or material increase in traffic.
- 6.37 The outbuilding to the rear has a GIA of 21sqm. The PTAL rating of this site is 4 therefore in line with the London Plan 2015 standards of parking for hotel and leisure uses, provision should be limited to operational need. No parking is proposed with this application which is acceptable.

7.0 Equalities Considerations

- 7.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

7.4 In this matter there is no impact on equality.

8.0 Conclusion

8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

8.2 In this case, the development does not conflict with the relevant policies of the development plan. Therefore officers consider the development to be acceptable.

9.0 RECOMMENDATION

9.1 **GRANT PLANNING PERMISSION** subject to the following conditions:-

1. The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

TGA.0128 01 Rev A received 17 July 2015; Heritage Statement (September 2015, TG Architecture) received 1 September 2015; Design and Access Statement (January 2016, TG Architecture) received 19 January 2016.

Reason: To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

2. a) Notwithstanding the details hereby approved, within 3 months of the date of this permission, detailed plans at 1:20 shall be submitted to and approved by the local planning authority showing the materials proposed for the western wall of the outbuilding facing St Margaret’s Passage, the roof treatment & covering and fascia board, as well as a detailed plan showing the intersection between the roof and outer walls.
- b) The development will be carried out in the approved materials and the works completed within 9 months of the date of this permission.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design

for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

3. The servery shall only be in operation between the hours of 12:00 and 21:00 on Fridays and Saturdays and between the hours of 12:00 and 19:30 on all other days.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

4. No music or amplified sound system shall be used or generated in the beer garden.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

INFORMATIVES

1. The applicant is advised that the use of uPVC Fascia and wall panelling are not likely to be an acceptable building material to be used upon frontages visible to the public realm within conservation areas.
2. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.