

Committee	PLANNING COMMITTEE C	
Report Title	40 Deptford High Street	
Ward	New Cross	
Contributors	Alfie Williams	
Class	PART 1	30 SEPTEMBER 2021

<u>Reg. Nos.</u>	DC/21/121022
<u>Application dated</u>	25/3/2021
<u>Applicant</u>	Cashino Gaming Ltd
<u>Proposal</u>	Change of use of vacant betting shop (Sui Generis use) to adult gaming centre (Sui Generis use) at 40 Deptford High Street SE8.
<u>Background Papers</u>	(1) Submission drawings (2) Submission technical reports and documents (3) Internal consultee responses
<u>Designation</u>	Air Quality Management Area Area of Archaeological Priority Deptford District Centre Deptford High Street and St Paul's Conservation Area Deptford Neighbourhood Forum Flood Risk Zone 2 Local Open Space Deficiency Primary Shopping Frontage PTAL 6a

## 1 SUMMARY

- 1 This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision on the request of a local Ward Councillor and due to the submission of nine objections.

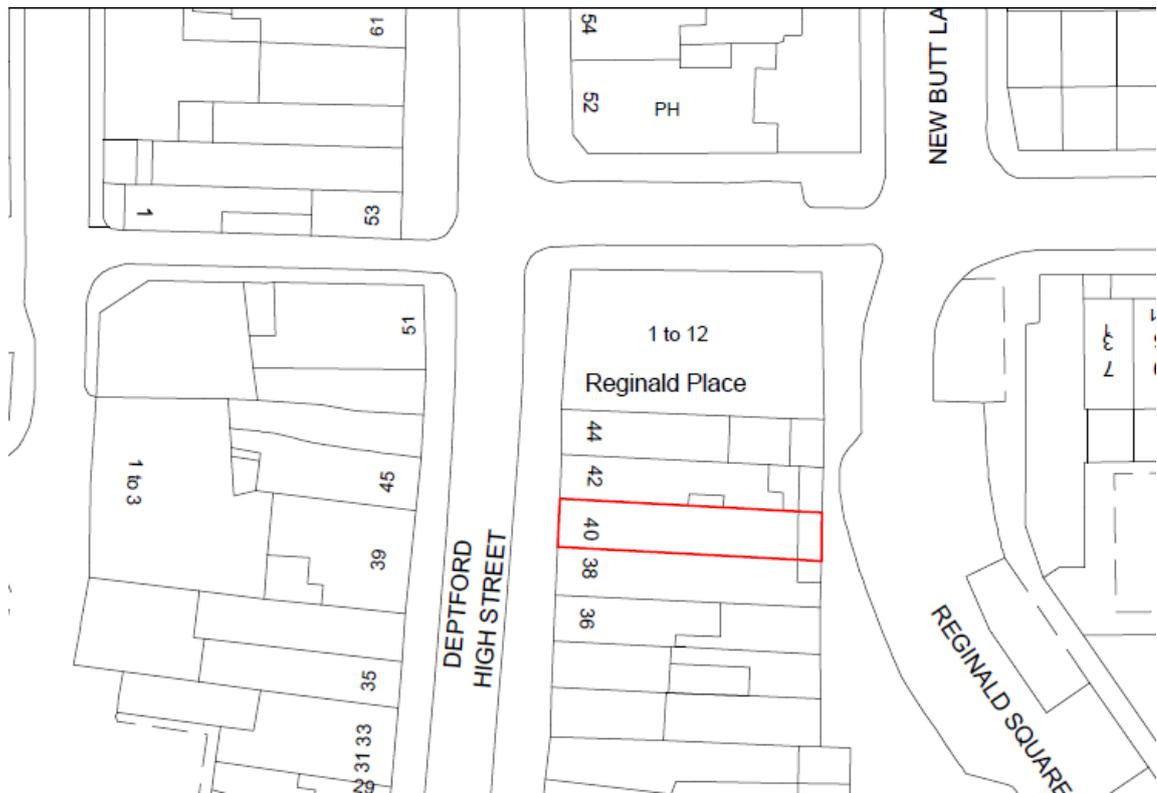
## 2 SITE AND CONTEXT

### *Site description and current use*

- 2 40 Deptford High Street is located on the eastern side of the street within the Deptford High Street and St Pauls Conservation Area. The property, along with No.38, previously consisted of a single commercial unit occupied by the bookmaker William Hill, it has subsequently been divided into two unoccupied commercial units. This application relates to No.40 only.
- 3 The property is two storeys in height with a pitched roof. The front elevation of the building has been boarded-up. At the rear, the property has a double storey extension

fronting Reginald Square, which is set back 2.5m from the street and has a depth of 11.7m.

**Figure 2: Site location plan with 40 Deptford High Street edged in red.**



**Character of area**

- 4 The surrounding area is predominantly commercial in character owing to its designation as a Major District Centre, with residential accommodation confined to the upper floors of the buildings. The high street south of the train station (including the application site) is designated as Primary Shopping Frontage, with the area to the north designated as Secondary Shopping Frontage. As a result the high street features a relatively high concentration of retail uses. The High Street also features a street market on Wednesday, Friday and Saturdays and has a vibrant night-time economy, mainly concentrated on Resolution Way and the Market Yard, with many restaurants, bars, pubs, nightclubs and music venues bringing activity in the evening.

**Figure 2: extract from Local Plan policies map showing Major District Centre and primary shopping frontage designation.**



### ***Heritage/archaeology***

- 5 The property forms part of a terrace of seven (nos 32-44) two storey plus attic and basement cottages fronting onto the east side of Deptford High Street known as the Seven Sisters. No. 40 is on a narrow plot, and has a steeply pitched roof with a single flat headed small dormer to the front. All seven cottages appear to have been re-fronted incorporating a brick parapet giving a degree of uniformity of appearance and a consistent eaves level across the group. The group is thought to originate from the later 18th century and as such are of high architectural and historic significance as rare examples of early, small Georgian houses.
- 6 The site is located within Deptford High Street CA in the High Street Character Area. However, the buildings is not statutory or locally listed.

### ***Transport***

- 7 The property is located within a highly accessible location (PTAL 6a) with Deptford Station and Deptford Bridge DLR Station within short walking distance. The area is also served by 24 hour public transport including several night-bus routes on New Cross Road and a tube service from New Cross Gate Station, approximately 1.1km away.

## **3 RELEVANT PLANNING HISTORY**

### ***Application site***

- 8 DC/99/004995: The display of an internally-illuminated fascia and projecting sign on the front elevation of 38/40 Deptford High Street SE8 – granted.
- 9 DC/99/045790: The installation of a new shop front at 38-40 Deptford High Street SE8, together with the installation of air conditioning condensers in the rear yard – granted.

10

DC/18/106431: Construction of a first floor rear extension and external stair to form a self-contained studio flat to the rear of 38 Deptford High Street (fronting Reginald Square), SE8 – refused On 1 June 2018 for the following reasons:

1. By virtue of the poorly detailed design of the proposal together with the inclusion of an external stair at the Reginald Square frontage and a lack of passive/natural surveillance towards public areas, the proposal would appear incongruous and of an inadequate design quality and would fail to create a positive relationship with the streetscene. The proposal is therefore contrary to Policies 15 (High Quality Design for Lewisham) and 16 (Conservation areas, heritage assets and the historic environment for Lewisham) of the adopted Core Strategy (2011) and DM Policy 30 (Urban Design and Local Character) and 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) of the Development Management Local Plan (2014).
2. By virtue of establishing accommodation with poor outlook and a lack of amenity space of a good size and utility, the proposal would not provide a satisfactory standard of residential accommodation, and is therefore contrary to the provisions of Policy 3.5 of the London Plan (2016), Policy 15 (High quality design for Lewisham) of the Lewisham Core Strategy (June 2011) and DM Policy 32 (Housing design, layout and space standards) of the Lewisham Development Management Local Plan (November 2014).
3. By virtue of the proposals excessive depth and height in relation to the surrounding built form, the proposal would appear as an overbearing form of development that would impact detrimentally upon the adjoining occupiers to the south at 34a Reginald Square by way of increased sense of enclosure and reduced outlook from adjacent room windows, contrary to Policy 15 (High quality design for Lewisham) of the adopted Core Strategy (June 2011) and DM Policies 31 (Alterations/extensions to existing buildings) and 32 (Housing design, layout and space standards) of the adopted Development Management Local Plan (November 2014).

11

DC/20/116861: Retrospective planning permission for the installation of a new shop front at 38-40 Deptford High Street SE8 – refused on 28 September 2020 for the following reason:

1. The proposed shop front, by reason of its materiality and design, would be an incongruous addition causing an unacceptable impact upon the character and appearance of the host building and would fail to preserve or enhance the Deptford High Street and St Pauls Conservation Area contrary to Section 16 'Conserving and Enhancing the Historic environment' of the National Planning Policy Framework (February 2019) Policies 15 'High quality design for Lewisham' and 16 'Conservation areas, heritage assets and the historic environment' of the Lewisham Core Strategy (June 2011); Policies 19 'Shopfronts, signs and hoardings', 30 'Urban design and local character', 31 'Alterations and extensions to buildings including residential extensions', 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', 37 'Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest' of the Lewisham Development Management Local Plan (November 2014); and the provisions of the Lewisham Shop front design guide SPD (September, 2006).

12 DC/21/121020: Installation of new shopfront at 40 Deptford High Street SE8, together with the creation of fire exit to rear with platform and guard rail – pending a decision and subject to a separate report at this Planning Committee.

13 DC/21/121021: Installation of an externally illuminated fascia sign and projecting sign to the front elevation at 40 Deptford High Street SE8 – pending a decision.

#### *Neighbouring sites*

14 DC/20/118795: The change of use of 70 Deptford High Street SE8 to an amusement centre - adult gaming centre (sui generis) – granted 16 March 2021.

## **4 CURRENT PLANNING APPLICATION**

### **4.1 THE PROPOSALS**

15 The proposed development would see a change of use of the commercial unit from betting shop (Sui Generis) to an adult gaming centre (Sui Generis). The layout of the unit would remain largely as existing with the ground floor accommodating the adult gaming centre. Internal changes include the provision of a toilet and storage area at ground floor level and an office and staff area at first floor level. No external changes are proposed as part of this application.

## **5 CONSULTATION**

### **5.1 APPLICATION PUBLICITY**

16 Site notices were displayed on 26 May 2021 and a press notice was published on 21 April 2021.

17 Letters were sent to residents and business in the surrounding area and the relevant ward Councillors on 16 April 2021.

18 Nine responses were received in total, comprising nine objections.

#### **5.1.1 Comments in objection**

<b>Comment</b>	<b>Para where addressed</b>
Principle of the proposed gambling use	37-44
Overconcentration of gambling uses	41-43
Impact to the high street	44
Impact to the Conservation Area	46-55
No active frontage	53-54
Noise impact	69-70
Opening hours	70

19 Cllr Dacres objected to the proposed change of use on the grounds that Deptford is oversaturated with gambling establishments, which have been a source of anti-social behaviour, including street drinking, open drug dealing, and public urination. Cllr Dacres

also noted that the site is located in close proximity to schools and that Deptford has high levels of deprivation and vulnerable people.

20 Deptford Society: objected on the grounds that gambling uses are a source of crime and exploit vulnerable people. The society also objected to the proposed 24 hours a day seven day a week opening hours and noted that primary shopping frontage should be reserved for retail uses.

21 Deptford Neighbourhood Forum: no comments.

22 Deptford Folk: no comments.

23 The objections raise matters that are not main material considerations for this application. These are addressed below:

- *Crime and anti-social behaviour:* It is recognised that crime and fear of crime are generally material considerations in the assessment of planning applications as is made clear by paragraph 92 of the NPPF. However, gambling uses are licenced and these matters are adequately addressed by the assessment of licencing applications under separate legislation. A Gaming Licence was granted at Licencing Committee on 10 August 2021. The Committee resolved to approve the licence subject to 29 conditions, the majority of which relate to crime and anti-social behaviour prevention and CCTV. See Appendix 1 for the Gambling Licence
- *Community Benefit:* There is no requirement in policy for development to be beneficial to the wider community and therefore the absence of any obvious community benefit is not a consideration for this application.

## 5.2 INTERNAL CONSULTATION

24 The following internal consultees were notified on 16 April 2021.

25 Conservation: no objection.

## 6 POLICY CONTEXT

### 6.1 LEGISLATION

26 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

27 Planning (Listed Buildings and Conservation Areas) Act 1990: S.66/S.72 gives the LPA special duties in respect of heritage assets.

### 6.2 MATERIAL CONSIDERATIONS

28 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

29 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

30 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

### **6.3 NATIONAL POLICY & GUIDANCE**

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

### **6.4 DEVELOPMENT PLAN**

31 The Development Plan comprises:

- London Plan (March 2021) (LPP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)

### **6.5 SUPPLEMENTARY PLANNING GUIDANCE**

32 Lewisham SPD:

- Deptford High Street and St Paul's Church Conservation Area Supplementary Planning Document (2019)

33 London Plan SPG:

- Culture & Night Time Economy (November 2017)

## **7 PLANNING CONSIDERATIONS**

34 The main issues are:

- Principle of Development
- Urban Design & Heritage Impacts
- Transport
- Impact on Adjoining Properties
- Flood Risk

## 7.1 PRINCIPLE OF DEVELOPMENT

### *General policy*

- 35 The National Planning Policy Framework (NPPF) at Paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 36 Lewisham is defined as an Inner London borough in the London Plan. The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LPP GG2 (Parts A to C) that should be followed.

### *Policy*

- 37 LPP SD6 states that the vitality and viability of London's varied town centres should be promoted and enhanced.
- 38 CSP 6 designates primary and secondary frontages within the Major and District town centres to ensure essential services are maintained.
- 39 DMP 14 aims to protect retail uses and imposes criteria for assessing changes of use involving the loss of retail units within primary, secondary and non-designated shopping frontages. DMP 14 does not impose any restriction on changes of use affecting non-retail uses.

### *Discussion*

- 40 The commercial unit is currently vacant and was last used as a betting shop (Sui Generis). The betting shop use does not benefit from any protection or restrictions on changes of use within national, regional or local policy. As such, the loss of the existing betting shop use would not conflict with the development plan and is therefore not objectionable.
- 41 In regard to the proposed use, there are no policies preventing changes of use to adult gaming centres. However, the London Plan at paragraph 6.9.5 does identify the harm that can arise from an overconcentration of certain uses and highlights gambling uses such as betting shops and amusement centres within those potentially harmful uses. The Development Management Local Plan at paragraph 2.101 similarly identifies the detrimental impacts that can arise from an overconcentration of these type of uses.
- 42 In May 2021, Officers undertook a site visit to Deptford High Street and counted three betting shops and three vacant units (including the application site and No.70) formerly in use as betting shops out of a total of 227 addresses on Deptford High Street. This equates to 3% of the commercial units. Overconcentration in relation to gambling uses is not defined within the aforementioned policies or elsewhere within the development plan. The only specific guidance on concentration of commercial uses in District Centres is set out in DMP 14 and applies to maintaining 70% retail uses in Primary Shopping Frontage and preventing a concentration of more than three non-retail uses in a row within both Primary and Secondary Shopping Frontage.
- 43 In this case the proposed adult gaming centre would replace an existing gambling use so there would be no net increase to the number of gambling establishments on Deptford High Street and therefore an assessment of the appropriate concentration of gambling uses is not required. In coming to this conclusion Officers have recognised that the unit can reopen as a betting shop at any time without requiring planning permission as it remains the lawful use of the unit. For that reason Officers are satisfied that the

proposed development would not result in any additional harm to the vitality or viability of the Deptford High Street or the wider Deptford District Centre.

### **7.1.1 Principle of development conclusions**

44 The proposed change of use would not result in the loss of a retail unit and neither would it increase the concentration of gambling uses within the high street. The proposed development would therefore be compliant with the principles of LPP SD6, CSP 6 and DMP 14.

## **7.2 URBAN DESIGN & HERITAGE IMPACTS**

### *General Policy*

45 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

### **7.2.1 Impact on Heritage Assets**

#### *Policy*

46 Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.

47 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives LPAs the duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

48 Relevant paragraphs of Chapter 16 of the NPPF set out how LPAs should approach determining applications that relate to heritage assets. This includes giving great weight to the asset's conservation, when considering the impact of a proposed development on the significance of a designated heritage asset. Further, that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal.

49 LPP HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance.

50 CSP 16 ensures the value and significance of the borough's heritage assets are among things enhanced and conserved in line with national and regional policy.

51 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

52 Additional site specific guidance is provided within the Deptford High Street and St Paul's Church Conservation Area Supplementary Planning Document (2019)

#### *Discussion*

53 The proposed development does not include any external alterations to the building thereby minimising any significant impacts to the character and appearance of the Deptford High Street and St Paul's Conservation Area. Officers consider that there would

be some modest benefit from activating a vacant unit and adding to the vitality of the area.

- 54 Alterations to the shopfront and the addition of signage would require planning permission and advertisement consent and are subject to applications DC/21/121020 and DC/21/121021. Matters relating to the external appearance of the building are therefore not considerations for this application. The shopfront alterations (DC/21/121020) are before Members this evening with a recommendation for approval.

#### *Summary*

- 55 Officers, having regard to the statutory duties in respect of Conservation Areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would preserve the character and appearance of The Deptford High Street and St Paul's Conservation Area.

### **7.3 TRANSPORT IMPACT**

#### *General policy*

- 56 Nationally, the NPPF requires the planning system to actively manage growth to support the objectives of para 104. This includes: (a) addressing impact on the transport network; (b) realise opportunities from existing or proposed transport infrastructure; (c) promoting walking, cycling and public transport use; (d) avoiding and mitigating adverse environmental impacts of traffic; and (e) ensuring the design of transport considerations contribute to high quality places. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and a choice of transport modes.
- 57 Para 111 states "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 58 LPP T1 states that all development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.
- 59 The Core Strategy, at Objective 9 and CSP14, reflects the national and regional priorities.

#### *Discussion*

- 60 The site is located within a highly accessible town centre location served by a train station, DLR station and several bus routes. This is reflected in the PTAL rating of 6a, which is the second highest possible. Therefore, any impact to the local transport network and local capacity would be negligible.
- 61 The proposed gaming centre is similar in character to the lawful betting shop use and so there is not likely to be a significant difference in terms of the servicing and waste management requirements. As such, it is considered that the unit could retain the existing arrangement.

### 7.3.1 Transport impact conclusion

62 The proposed development is considered acceptable in transport terms and is therefore compliant with the development plan.

## 7.4 LIVING CONDITIONS OF NEIGHBOURS

### *General Policy*

63 NPPF para 127 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing and future users.

64 PPG states LPAs should consider noise when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment.

65 Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens.

66 A range of other legislation provides environmental protection, principally the Control of Pollution Act. It is established planning practice to avoid duplicating the control given by other legislation.

### *Policy*

67 PLPP HC6 states that the night-time economy should be managed through an integrated approach to planning and licensing.

### *Discussion*

68 No external alterations are proposed as part of the application and therefore there would be no change in terms of loss of outlook, light or privacy at the neighbouring properties.

69 In regard to noise and disturbance, the proposed adult gaming centre is considered to have similar impacts to that of a betting shop and therefore noise breakout is not considered to be a significant concern. This has been confirmed by the submission of a Noise Assessment (Archo Consulting, March 2021), which concludes that noise breakout from inside the building would be within acceptable levels at all hours of the day subject to minor renovation works being undertaken internally to repair gaps in the masonry, plaster and ceiling.

70 The London Plan at Policy HC6 instructs local planning authorities to take an integrated approach to planning and licensing. Therefore, it is important to consider licencing decisions when assessing external noise generated by customers entering and leaving the premises and the appropriate opening hours. The gambling licence for the premises, granted by Lewisham Council's Licensing Committee on 12 August 2021 (see Appendix 1), restricts opening hours to 09:00 to midnight Sunday to Thursday and 09:00 to 02:00 the following morning on Friday and Saturday. A condition is therefore recommended imposing the same opening hours. This would represent an increase on the opening hours imposed for the adult gaming centre approved at 70 Deptford High Street (ref DC/20/118795), which restricted opening hours to 9:00 until 23:00 every day of the week. It should be noted that licencing decisions are open to review and any subsequent amendment to the licence reducing the operating hours would take precedence.

#### **7.4.1 Impact on neighbours conclusion**

71 The proposed development is assessed to be acceptable in terms of the impact to the living conditions of the neighbouring properties subject to a condition restricting the opening hours.

### **7.5 FLOOD RISK**

#### *Policy*

72 The NPPF para 159 expects inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk.

73 LPP 7.13 expects development to contribute to safety, security and resilience to emergency, including flooding.

#### *Discussion*

74 The application site is located within Flood Risk Zone 2 so it is necessary to consider flood risk vulnerability. In this case the site is fully developed with no external alterations to the property and therefore flood risk is not considered to be a significant concern.

#### *Summary*

75 The proposed development is considered acceptable in terms of flood risk.

## **8 LOCAL FINANCE CONSIDERATIONS**

76 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), 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).

77 The weight to be attached to a local finance consideration remains a matter for the decision maker.

78 The CIL is therefore a material consideration and the applicant has completed the relevant form. In this case the proposed development would not be CIL liable as the change of use does not include the creation of additional floorspace.

## **9 EQUALITIES CONSIDERATIONS**

79 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

80 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

81 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

82 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

83 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

84 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

85 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## 10 HUMAN RIGHTS IMPLICATIONS

86 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were

incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

87 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

88 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

89 This application has the legitimate aim of changing the use of the building to another commercial use. The rights potentially engaged by this application, including Article 8 and Protocol 1, Article 1 are not considered to be unlawfully interfered with by this proposal.

## 11 CONCLUSION

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

91 The proposed change of use would not conflict with the Development Plan in terms of the loss of the existing betting shop use or by introducing an over concentration of gambling uses within Deptford High Street. The impacts to the Deptford High Street Conservation Area, the local transport network and the living conditions of the neighbouring properties have been considered and are assessed to be acceptable. Therefore, the application is recommended for approval subject to conditions.

## 12 RECOMMENDATION

92 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

### 12.1 CONDITIONS

#### 1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

#### 2) APPROVED PLANS

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

DHS/DEP/01 Rev B; Site Plan received 25 March 2021;

DHS/DEP/04 Rev B received 6 September 2021

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

3) **OPENING HOURS**

The premises shall only be operational between the hours of 09:00 to midnight Sunday to Thursday and 09:00 to 02:00 the following morning on Friday and Saturday.

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with DM Policy 14 District centres shopping frontages of the Development Management Local Plan (November 2014).

## 12.2 INFORMATIVES

- 1) **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, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.