



## Planning Committee A

**139-145 Deptford High Street, London, SE8 3NU**

**Date:** 17 March 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** Evelyn

**Contributors:** Alfie Williams

### **Outline and recommendations**

This report sets out the Officer's recommendation of approval for the above proposal. The report has been brought before Committee for a decision due to the submission of an objection from a local resident and an objection from the Deptford Society.

## Application details

**Application reference number(s):** DC/21/124318

**Application Date:** 15 November 2021

**Applicant:** Novel Pubs Limited

**Proposal:** An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments for the variation of Condition (6) in connection with the planning permission (DC/20/117216) dated 27 August 2020 for the change of use of 139-145 Deptford High Street SE8 from retail (Use Class A1) into a drinking establishment with food and an ancillary retail element (Use Class A4), together with the installation of a external extractors and flue on the side elevation and 5 new uprights to existing shopfront **in order to allow: opening hours of 10am to 12am Sunday, 9am to 12am Monday to Wednesday, 9am to 1am Thursday, 9am to 1am Friday and 10am to 1am Saturday.**

**Background Papers:** (1) Submission Drawings  
(2) Submission technical reports and supporting documents  
(3) Internal consultee responses  
(4) External consultee responses

**Designation:** Air Quality Management Area  
Area of Archaeological Priority  
Deptford District Centre  
Deptford High Street and St Paul's Church Conservation Area  
Deptford Neighbourhood Forum  
Secondary Shopping Frontage  
PTAL 5

## 1 SITE AND CONTEXT

### *Site description and current use*

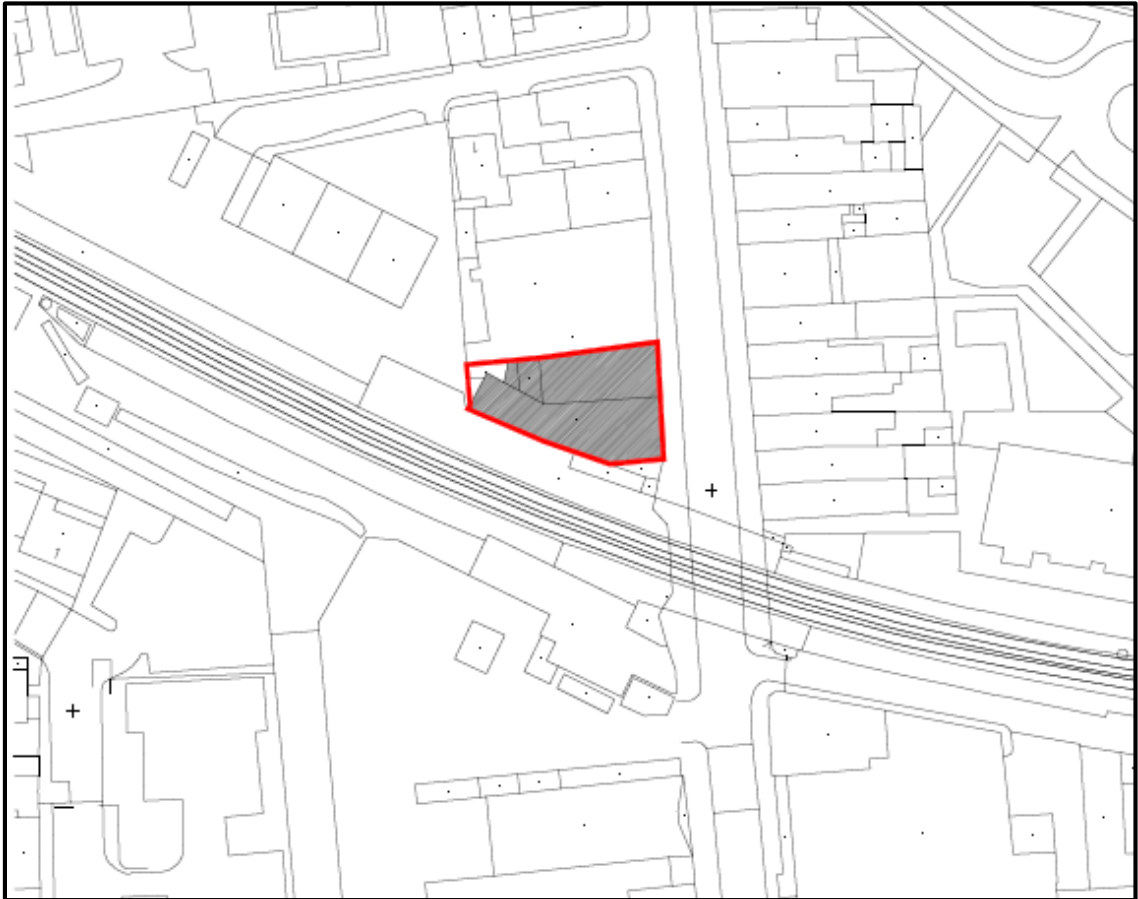
- 1 The application site is a post-war two storey end of terrace property located on the western side Deptford High Street. The property has been in use as a public house since October 2020 following a change of use granted in August 2020. The pub operation includes a kitchen providing Japanese food and board game room. The ground floor level also features a small independent unit in use as a vape shop. At first floor level are two flats, which are accessed independently of the public house. This application relates to the ground floor retail unit only.
- 2 The front façade of the property is single storey with the first floor set back from the front. The property has a rendered front elevation painted dark grey with white painted signage, a stall riser, timber windows and aluminium doors.

**Figure 1. Site Location Plan**

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### ***Character of area***

- 3 This application site is set within a parade of shops, predominately in retail use. The parades feature a mix of uses including retail, cafés, restaurants and bars, typically with residential uses above.
- 4 The surrounding area is predominantly commercial in character owing to its designation as a Major District Centre. The high street south of the train station is designated as Primary Shopping Frontage. The application site is located within the area to the north of the train station, which is 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 restaurants, bars and pubs bringing activity in the evening.

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

- 5 The site is located within Deptford High Street CA in the High Street Character Area. However, the building is not statutory or locally listed. The building is of little architectural merit but it is identified as a positive contributor within the conservation area appraisal. This is largely due to its contribution to the continuous building line and uses of the street.

### ***Transport***

- 6 The property is located within a highly accessible location (PTAL 5) with Deptford Station and Deptford Bridge DLR Station within short walking distance. The area is also served

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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.

## 2 RELEVANT PLANNING HISTORY

### *Application site*

- 7 ENF/16/00237: Enforcement investigation into alleged unauthorised change of to an estate agency and unauthorised shopfront – No action taken.
- 8 ENF/16/00364: Enforcement investigation into unauthorised illuminated signs – No action taken.
- 9 DC/17/101485: Advertisement Consent Application for the installation of replacement fascia design, a projecting sign and external illumination at 139-143 Deptford High Street SE8 - refused and dismissed on appeal.
- 10 DC/17/101486: Advertisement consent for the installation of replacement fascia design at 139-143 Deptford High Street SE8 – refused.
- 11 DC/18/106036: The installation of replacement shopfront windows and shutters at 139-143 Deptford High Street SE8 – granted 13 June 2018
- 12 DC/18/105945: The display of a replacement fascia sign at 139-143 Deptford High Street SE8 – granted 12 October 2018.
- 13 DC/20/117216: Change of use of 139-145 Deptford High Street SE8 from retail (Use Class A1) into a drinking establishment with food and an ancillary retail element (Use Class A4), together with the installation of an external extractor and flue on the side elevation and 5 new uplights to existing shopfront – granted 27 August 2020.
- 14 DC/20/117217: The display of 3 externally illuminated fascia signs on the front of 139-145 Deptford High Street SE8 – granted 27 August 2020.
- 15 DC/20/118717: Details submitted in compliance with Condition 3 Soundproofing of the planning permission DC/20/117216 dated 27 August 2020 for the change of use of 139-145 Deptford High Street SE8 from retail (Use Class A1) into a drinking establishment with food and an ancillary retail element (Use Class A4), together with the installation of external extractors and flue on the side elevation and 5 new uplights to existing shopfront – granted 11 December 2020.

### *Relevant decisions on Deptford High Street*

- 16 DC/19/112017: An application submitted under Section 73 of the Town & Country Planning Act 1990 for a Minor Material Amendment in connection with the Prior Approval (DC/17/104830) dated 26 January 2018 for the change of use the ground floor of 37 Deptford High Street, SE8, from retail use (Class A1) to restaurant/cafe use (Class A3) :- **in order to allow a variation of Condition (2) for the hours of opening to increase to midnight on Thursdays and 1am Friday and Saturday nights (i.e. 1am on Saturday and 1am on Sunday)** – granted 18 October 2019.
- 17 DC/19/113703: An application submitted under Section 73 of the Town and Country Planning Act 1990 for a Minor Material Amendment in connection with planning permission DC/19/111751 dated 9th July 2019 for, "Retrospective change of use of 29

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Deptford High Street, SE8 from retail (Use Class A1) to drinking establishment (Use Class A4)" **in order to vary condition 2 (opening hours) and amend the opening hours of the premises to 8am to 11pm Sunday to Wednesday, 8am to 12am Thursday and 8am to 1am Friday and Saturday** – granted 30 September 2020.

### 3 CURRENT PLANNING APPLICATION

#### 3.1 THE PROPOSALS

18 The application is for a minor-material amendment to the planning permission granted in August 2020 that allowed the change of use of the property to a Public House. The amendment concerns Condition 6 of the permission. Condition 6 currently reads:

*The premises shall only be open for customer business between the hours of 10am to 11pm Sunday, 9am to 11pm Monday to Wednesday, 9am to 12am Thursday, 9am to 1am Friday and 10am to 1am Saturday.*

*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 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014)*

19 The proposed amendment would see an extension to the opening hours and would now read as follows (changes indicated in bold):

*The premises shall only be open for customer business between the hours of 10am to **12am** Sunday, 9am to **12am** Monday to Wednesday, 9am to **1am** Thursday, 9am to 1am Friday and 10am to 1am Saturday.*

*Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 130 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014)*

20 The proposal originally included an extension to the opening hours until 2am on Fridays and Saturdays but was withdrawn following discussions with Officers.

### 4 CONSULTATION

#### 4.1 APPLICATION PUBLICITY

21 Site notices were displayed and a press notice was published on 24 November 2021.

22 Letters were sent also to residents and business in the surrounding area as well as to the relevant ward Councillors on and the Deptford Society on 17 November 2021.

23 One objection was received from a local resident citing concerns with noise and disturbance.

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24 The Deptford Society have also raised objections to the development due to the impact to the living conditions of local residents from increased noise and disturbance.

## 4.2 INTERNAL CONSULTATION

25 The following internal consultees were notified on 17 November 2021:

26 Conservation: did not respond.

27 Environmental Protection: confirmed that they had no objection.

28 Highways: did not respond.

## 4.3 EXTERNAL CONSULTATION

29 The following External Consultees were notified on 17 November 2021:

30 Network Rail: confirmed no objection.

## 5 POLICY CONTEXT

### 5.1 LEGISLATION

31 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).

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

### 5.2 MATERIAL CONSIDERATIONS

33 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.

34 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.

35 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.

### 5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)

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

## 5.4 DEVELOPMENT PLAN

36 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)

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

37 Lewisham SPD:

- Deptford High Street and St Paul's Church Conservation Area Character Appraisal (2019).

## 6 PLANNING CONSIDERATIONS

38 The main issues are:

- Principle of Development
- Impact on Adjoining Properties

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

39 Section 73 of the Town and County Planning Act 1990 allows Local Planning Authorities the power to grant a fresh permission for the development of land without complying with conditions previously imposed. Guidance for determining s.73 applications is set out in the NPPG, which states that a minor material amendment is one "whose scale and nature results in a development which is not substantially different from the one which has been approved".

40 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.

41 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*

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- 42 CS Spatial Policy 2 designated Deptford as a District Centre and identifies the location for major new retail and leisure development, including contributions towards the local night-time economy.
- 43 LPP HC6 recognises the night-time economy as being increasingly important to London's economy and emphasises the importance of promoting London as a 24-hour city. Policy HC6 highlights that areas of night-time activity function at different scales that have different catchments. The policy classifies three distinct categories, N1 Areas of international or national significance, N2 Areas of regional or sub-regional significance and N3 Areas with more than local significance. Deptford is identified as an NT3 Area.
- 44 Discussion  
The development, which the application under s.73 seeks to amend, has by definition been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations in this case are narrow and only the amendments being applied for should be considered at this stage. Since the original planning permission has been implemented, only the material consequences of imposing a revised opening hours condition should be considered. As such, the assessment pivots on the relative merit or harm of allowing the premises to remain open until the hours proposed in the application.
- 45 When determining the application the LPA have to consider the application in the light of current policy and other relevant material considerations. The LPA therefore has to make a decision focusing on national or local policies, which might have changed since the original grant of planning permission as well as the merits of the changes sought.
- 46 Officers are satisfied that the impact of the proposed amendments are minor material in the context of the original application and no material changes to planning policy or other relevant material considerations have occurred since the original permission was granted that would have a significant impact on the assessment of the application.
- 47 There is a clear policy objective within the London Plan (HC6) and the Core Strategy (Spatial Policy 2) to support the night-time economy, with the Deptford District Centre identified as a location for the concentration of these uses. The proposed increase to the opening hours would result in modest enhancement to the contribution the business would make to night-time economy within Deptford, which carries weight within the overall planning balance.

### **6.1.1 Principle of development conclusions**

- 48 The principle of the minor material amendment is considered acceptable. The additional opening hours would result in a modest enhancement to the night-time economy of Deptford, which is planning merit of the application carrying weight within the overall planning balance. This is subject to an assessment of the impact of the extended hours to the living conditions of the neighbouring properties

## **6.2 LIVING CONDITIONS OF NEIGHBOURS**

### *General Policy*

- 49 NPPF para 130 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.

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## *Policy*

- 50 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.
- 51 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.
- 52 Planning controls the effect of noise from external sources on residential uses and noise transmission between different uses. The relevant standard is BS: 8233:2014. This states the internal noise levels within living rooms must not exceed 35dB(A) during the daytime (0700-2300) and 30 dB(A) in bedrooms during the night-time (2300-0700). With respect to external areas, BS 8233:2014 recommends that external noise level does not exceed 50dB LAeq,T with an upper guideline of value of 55dB LAeq,T
- 53 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.
- 54 DMP 17 states that changes of use to restaurants, cafés and drinking establishments will only be considered acceptable where there is no harm to the living conditions of nearby residents, including that created by noise and disturbance from users and their vehicles, smell, litter and unneighbourly opening hours.
- 55 DMP 26 attempts to reduce excessive noise or vibration that can be detrimental to human health and well-being
- 56 In order to manage the night-time economy Policy HC6 advises that there should be an integrated approach to planning and licensing.

## *Discussion*

- 57 LPP HC6 highlights that the impacts of the night-time economy require sensitive management to ensure that the correct balance is reached between promoting the night-time economy and protecting the amenity of residential accommodation. Potential noise impacts and disturbances could arise from structural noise and vibration transference to adjoining buildings and the floors above and noise break in to the windows of the surrounding properties from the bar or from users of the bar outside the premises.
- 58 Officers recognise that Deptford High Street is a mixed-use location with residential accommodation on some upper floors and on side streets. However, there is also a need to acknowledge that the local noise environment within district centres differs from that of a wholly residential areas due to the greater levels of noise generated by commercial uses, traffic and larger numbers of people using the area. Therefore, typical background noise levels and the potential for disturbance are higher within town centres with activity also generally expected at later hours. Assessments of appropriate noise and disturbance level should therefore be adjusted accordingly
- 59 In trying to strike an appropriate balance LPP HC6 promotes taking an integrated approach to planning and licensing. On 16 December 2021 Lewisham Licencing committee approved the extension of the opening hours subject to a series of conditions including measures intended to manage the premises and prevent disturbances to local

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residents (see appendix 1 attached). The licence also imposes conditions intended to prevent crime and other anti-social behaviour.

- 60 The opening hours now proposed by this application would be consistent with the premises licence. Officers consider the approach recommended by the London Plan to be suitable here and are satisfied that the proposed opening hours would achieve an appropriate balance between promoting the night-time economy and safeguarding the amenity of the residential accommodation on Deptford High Street. In coming to this conclusion, Officers have given weight to the 1am opening time already in operation on Fridays and Saturdays at both the application site and at other premises on Deptford High Street, most notably at Nos 29 and 37, which have been granted within the past three years (see paras 16-17).
- 61 As identified above potential noise impacts are not limited to noise breakout and the noise environment on Deptford High Street with structural noise and vibration also a likely consequence. The impacts to the first floor flats from internal noise and vibration transference were subject to Condition 3 of the parent planning permission and required details of the sound insulation and a sound limiting device for the sound system. Condition 3 reads as follows:
- (a) The development shall be designed to incorporate soundproofing of a specification for sound insulation against airborne noise to meet  $D'nT,w + Ctr$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use. Details of the proposed soundproofing and any sound limiting device required for the sound system shall be submitted to and approved in writing by the local planning authority.*
- (b) No occupation of the development hereby approved shall occur until an acoustic compliance report has been submitted to and approved in writing by the local planning authority. The acoustic compliance report shall confirm that all recommended sound insulation measures approved under part (a) of this condition have been implemented in their entirety and that sound testing of the implemented works has been undertaken to demonstrate sound insulation against airborne noise to meet  $D'nT,w + Ctr$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use.*
- (c) The approved soundproofing and sound limiting measures shall be retained permanently in accordance with the approved details.*
- 62 An application to discharge the condition was approved in December 2020 (ref DC/20/118717) in consultation with Environmental Protection Officers. Environmental Protection Officers were satisfied that the proposed noise attenuation measures would be effective in mitigating noise break-out from the bar and noise and/or vibrations transmitted through the structure. The impacts were tested against noise standards for the daytime (0700-2300) and night-time (2300-0700) and therefore additional measures would not be required for the extended opening hours.

### **6.2.1 Impact on neighbours conclusion**

- 63 The amendment is assessed to be acceptable in regard to the impacts to the living conditions of the neighbouring residential properties.

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## 7 LOCAL FINANCE CONSIDERATIONS

64 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).

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

66 The CIL is therefore a material consideration.

67 £0 Lewisham CIL and £0 MCIL is estimated to be payable on this application, subject to any valid applications for relief or exemption, and the applicant has completed the relevant form. This would be confirmed at a later date in a Liability Notice.

## 8 EQUALITIES CONSIDERATIONS

68 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.

69 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.

70 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.

71 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

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guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 72 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
- 73 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>
- 74 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.

## 9 HUMAN RIGHTS IMPLICATIONS

- 75 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
- 76 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.
- 77 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.

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78 This application has the legitimate aim of extending the opening hours of the premises. 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.

## 10 CONCLUSION

79 This application has been considered in the light of policies set out in the development plan and other material considerations. Officers conclude that the extended opening hours for the public house are acceptable, achieving an appropriate balance between the requirement to promote the night-time economy of the Deptford District Centre and the requirement to protect the amenity of local residents.

## 11 RECOMMENDATION

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

### 11.1 CONDITIONS

#### 1. 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:

**Approved by planning permission DC/20/117216 dated 27 August 2020**

659-100 Rev P1; 659-101 Rev P1; 659-102 Rev P1; 659-103 Rev P1; 659-110 Rev P1; 659-111 Rev P1; 659-120 Rev P1; 659-121 Rev P1; 659-201 Rev P1; 659-202 Rev P1 659-203 Rev P1 659-210 Rev P1; 659-211 Rev P1; 659-220 Rev P1; 659-221 Rev P1.

**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. SOUNDPROOFING

The soundproofing and sound limiting measures shall be retained permanently in accordance with the details approved by application reference DC/20/118717 dated 11 December 2020.

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**Reason:** In the interests of residential amenity and to comply with DM Policy 14 District centre shopping frontages and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

#### 4. REFUSE MANAGEMENT

The Waste Management Strategy detailed at Paragraphs 4.16 and 4.17 of the Planning, Design & Heritage Statement (Knights PLC, June 2020) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) Policies 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses) and 30 Urban design and local character, and Policy 13 Addressing Lewishams waste management requirements of the Core Strategy (2011).

#### 5. VENTILATION EQUIPMENT

The ventilation and extraction system and flue, hereby approved shall be installed in accordance with the approved plans and specification provided at Appendix 3 (Parts 1-7) of the Planning, Design & Heritage Statement (Knights PLC, June 2020), before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

#### 6. OPENING HOURS

The premises shall only be open for customer business between the hours of 10am to 12am Sunday, 9am to 12am Monday to Wednesday, 9am to 1am Thursday, 9am to 1am Friday and 10am to 1am Saturday.

**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 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014)

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## 11.2 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, positive discussions took place which resulted in further information being submitted.

## 12 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents
- (3) Internal consultee responses
- (4) External consultee responses

## 13 REPORT AUTHOR AND CONTACT

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