



## Planning Committee A

**1 Deptford Broadway, London, SE8 4PA**

**Date:** 17 March 2022

**Key decision:** No.

**Class:** Part 1

**Ward(s) affected:** New Cross

**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 three individual objections and one petition signed by eight residents.

## Application details

**Application reference number(s):** DC/21/122258

**Application Date:** 16 June 2021

**Applicant:** Mr Godley

**Proposal:** An application submitted under Section 73 of the Town and Country Planning Act 1990 for Minor Material Amendments for the variation or removal of Condition (5) in connection with the planning permission DC/01/048403 dated 16 May 2001 for the alterations and conversion of the upper floors of the Centurion Public House, 1 Deptford Broadway SE8 to provide 6, one bedroom self-contained flats, together with the construction of an extension to the rear at second and third floor levels and alterations to the elevations including installation of new doors and windows and use of the basement to a bar/restaurant (Use Class A3) **in order to allow hours of operation until 1am.**

**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 6a

## 1 SITE AND CONTEXT

### *Site description and current use*

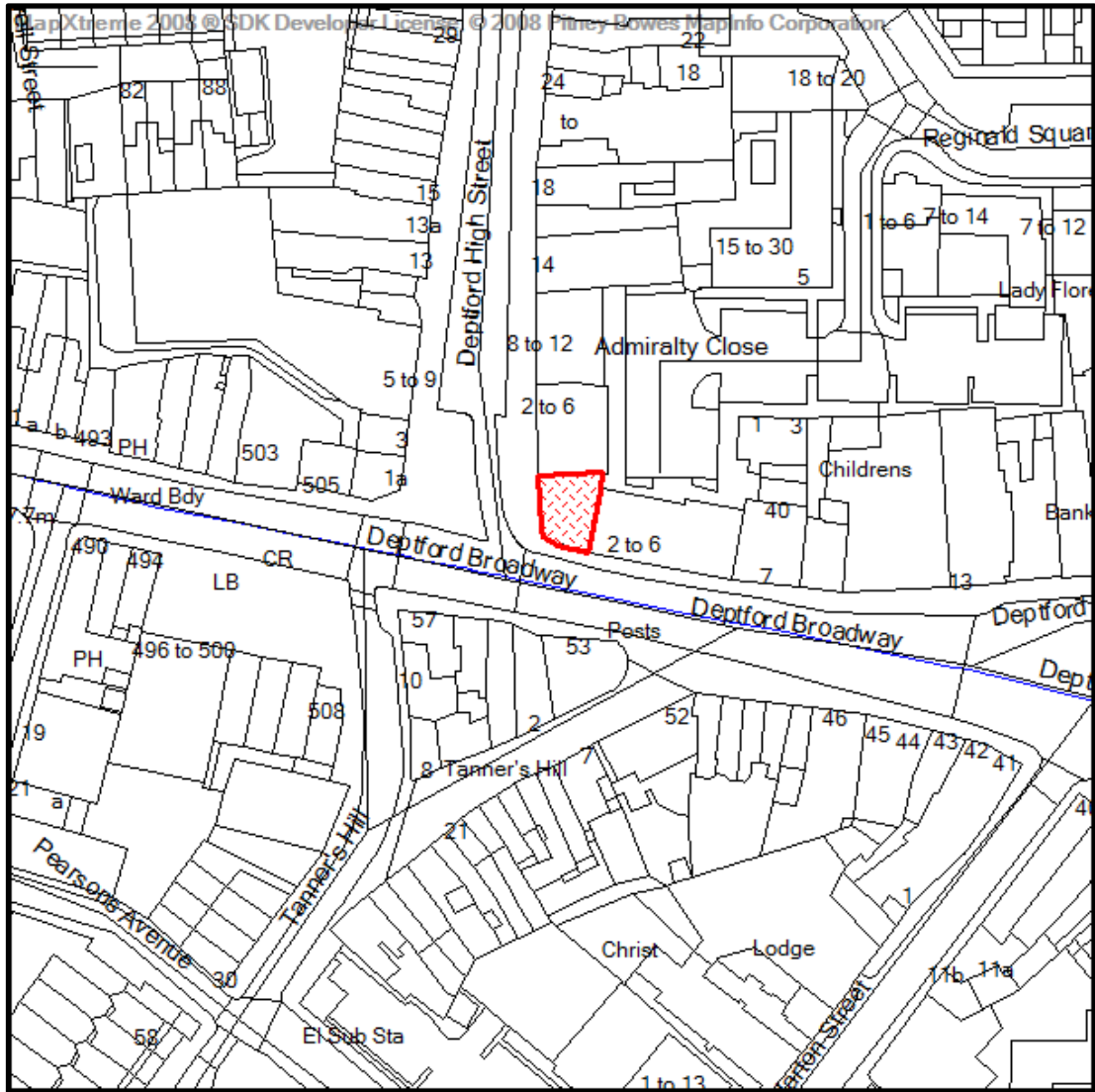
- 0 The subject site is the former Centurion Pub, now known as M'Arks of Deptford in use as a bar with food offering. The property is a four storey Victorian building located on a corner plot with frontages onto both Deptford High Street (eastern side) and Deptford Broadway. The bar is located at ground floor level with self-contained residential accommodation on the floors above.
- 1 The building is constructed of red bricks with a contemporary shopfront and awning at ground floor level. The floors above have arched openings housing timber sash windows with arched stucco headers. The façade is also embellished by corncicing. The property has a mansard roof with a slate covering punctuated by dormers.

**Figure 1. Site Location Plan**

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### **Character of area**

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Nearby properties around the junction of Deptford Broadway and Deptford High Street, have a similar arrangement to the application site with commercial premises on the ground floor and residential units above. The parades feature a mix of uses including retail, cafés, restaurants and bars. The surrounding area is therefore mainly commercial in character and is designated as a Major District Centre.

4

The area of Deptford High Street south of the train station is designated as Primary Shopping Frontage. The Northern side of Deptford Broadway at the intersection with Deptford High Street is designated as secondary shopping frontage. As a result the area features a relatively high concentration of retail uses. Deptford 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**

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- 5 The subject site is located within the Deptford High Street and St Paul's Church Conservation Area but is not subject to an Article 4 direction. The building is not statutory or locally listed.

### ***Transport***

- 6 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.

## **2 RELEVANT PLANNING HISTORY**

### ***Application site***

- 7 DC/01/048043: The alterations and conversion of the upper floors of the Centurion Public House, 1 Deptford Broadway SE8 to provide 6, one bedroom self-contained flats, together with the construction of an extension to the rear at second and third floor levels and alterations to the elevations including installation of new doors and windows and use of the basement to a bar/restaurant (Use Class A3) – granted on 16 May 2001.
- 8 DC/06/063633: Details of soundproofing submitted in compliance with Condition (6) of the planning permission dated 9 May 2001 for the alterations and conversion of the upper floors of the Centurion Public House, 1 Deptford Broadway SE8 to provide 6 one bedroom self-contained flats, together the construction of an extension to the rear at second and third floor levels and alterations to the elevations including installation of new doors and windows and use of the basement to a bar/restaurant (Use Class A3) – granted 4 January 2007.
- 9 DC/18/106308: The installation of one externally illuminated powder-coated aluminium fascia sign, and one non-illuminated projecting hanging sign at 1 Deptford Broadway, SE8 – granted 7 June 2019.
- 10 DC/18/106311: The installation of an awning projecting from the ground floor commercial premises at 1 Deptford Broadway, SE8 – granted 7 June 2019.

### ***Relevant decisions on Deptford High Street***

- 11 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.
- 12 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 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.

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- 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 extractors and flue on the side elevation and 5 new uprights to existing shopfront – granted 27 August 2020.

### **3 CURRENT PLANNING APPLICATION**

#### **3.1 THE PROPOSALS**

- 14 The application is for a minor-material amendment to the planning permission granted in May 2001 (ref DC/01/048043). The amendment concerns Additional Condition 5 of the permission. Additional Condition 5 currently reads:

*The ground floor and basement premises shall not be open for customer business between the hours of 12 midnight and 8 am on any day of the week.*

*Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with Policies ENV.PRO 13: Noise and Other Nuisances and SHP 14: Restaurants and Take Away Hot Food Shops in the Council's Unitary Development Plan.*

- 15 The proposed amendment would see an extension to the opening hours and would now read as follows:

*The premises shall only be open for customer business between the hours of 8am and 1am on any day of the week.*

*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, Policy HC6 Supporting the night-time economy of the London Plan (March 2021) and DM Policies 14 District centres shopping frontages, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) and 26 Noise and Vibration of the Development Management Local Plan (November 2014)*

- 16 The proposal originally included an extension to the opening hours until 3am but was amended following discussions with Officers.

### **4 CONSULTATION**

#### **4.1 APPLICATION PUBLICITY**

- 17 Site notices were displayed and a press notice was published on 1 September 2021.
- 18 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 26 August 2021.
- 19 The Deptford Society raised concerns with the description of development during the initial consultation. This was subsequently amended to make clear that the proposal was for an extension to the opening hours and a second period of consultation was undertaken. The Society submitted comments requesting clarifications relating to the

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management strategy for the premises, the position of entrances and how the applicant will deal with refuse.

20 Three objections and a petition signed by eight people were received from local resident citing concerns with anti-social behaviour and noise and disturbance.

21 The objections also raise concerns with the impact of the rear extension. The rear extension formed part of the parent permission and is not being applied for within this application. For the avoidance of doubt this application relates to the opening hours of the bar only.

## **4.2 INTERNAL CONSULTATION**

22 The following internal consultees were notified on 25 August 2021:

23 Conservation: requested that the impact to the amenity of the residential accommodation is assessed.

24 Environmental Protection: requested a condition for sound insulation.

## **5 POLICY CONTEXT**

### **5.1 LEGISLATION**

25 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).

26 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**

27 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.

28 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.

29 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

30 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

31 Lewisham SPD:

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

## 6 PLANNING CONSIDERATIONS

32 The main issues are:

- Principle of Development
- Impact on Adjoining Properties

### 6.1 PRINCIPLE OF DEVELOPMENT

#### *General policy*

33 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".

34 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.

35 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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- 36 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.
- 37 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..

#### *Discussion*

- 38 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.
- 39 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.
- 40 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.
- 41 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**

- 42 The principle of the minor material amendment is considered acceptable and 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*

- 43 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*

- 44 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.
- 45 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.
- 46 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
- 47 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.
- 48 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.
- 49 DMP 26 attempts to reduce excessive noise or vibration that can be detrimental to human health and well-being
- 50 Policy HC6 advises that In order to manage the impacts of the night-time economy there should be an integrated approach to planning and licensing.

## *Discussion*

- 51 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.
- 52 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 levels should therefore be adjusted accordingly.
- 53 In trying to strike an appropriate balance LPP HC6 promotes taking an integrated approach to planning and licensing. At the time of writing an application for a new licence has not been submitted. The current operators of the premises have an existing licence to operate until midnight in accordance with the planning condition. The Licencing Team have received one noise complaint relating to the current operators,

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which related to loud music on a Friday and Saturday. This has ceased following a site visit from Licencing Officers and there have been no further complaints received. Although, Officers understand that there was a history of complaints against previous operators of the site as referenced in the objections. As these are historic complaints against previous operators they are not considered material to this application. Officers are satisfied that any future breach of the licence or planning condition would be adequately addressed by enforcement.

- 54 A recent decision made by the licencing committee (16 December 2021) allowed opening hours until 1am Thursday to Saturday at 139-145 Deptford High Street. The extension to the opening hours until 1am would therefore be consistent with the general approach being taken by licencing, as advised by LPP HC6. Therefore, Officers 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 on Deptford High Street, most notably at Nos 29, 37 and 139-149, which have been all been granted within the past three years (see paras 11-13).
- 55 Officers are satisfied that further details of the management of the premises and refuse collection are not required given that the increase to the opening hours is relatively modest and the management of the premises has not been subject to extensive numbers of complaints.
- 56 As identified above, potential noise impacts are not limited to noise breakout and the noise environment in the surrounding area, with structural noise and vibration also a likely consequence. The impact to the adjoining residential accommodation via structural transference were subject to Additional Condition 6 of the parent planning permission, which required details of the proposed noise attenuation for the building. Additional Condition 6 reads as follows:
- Full written details, including relevant drawings and specifications of:-*
- (a) The existing construction of the ceilings and floor separating the residential accommodation hereby permitted and the ground floor of the premises; and*
- (b) The proposed works of soundproofing against airborne and impact sound shall be submitted to and approved in writing by the local planning authority*
- The use hereby permitted shall not commence until the soundproofing works have been implemented in accordance with the approved details. The soundproofing shall be retained permanently with the approved details.*
- 57 An application to discharge Additional Condition 6 was approved in January 2007 (ref DC/06/063633). The Officers Report for the application states that Environmental Health Officers reviewed the sound insulation and mitigation measures and considered the details acceptable. The guidelines for acceptable noise levels at night-time covers the period between 2300-0700 and therefore the change in opening hours from midnight until 1am would not require additional mitigation measures.
- 58 The objections raised the issue of Anti-Social behaviour. Anti-social behaviour and crime are material considerations in the assessment of planning applications as is made clear by paragraph 91 of the NPPF. None of the incidents of anti-social behaviour raised within the objections relate to the current operator and mainly relate to previous operators, the neighbouring bar or general night-time activity on Deptford High Street.

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Furthermore, the one licencing compliant against the current operators concerns noise as detailed in para 53 above. As discussed above, drinking establishments are licenced and Officers are satisfied that concerns with crime and anti-social behaviour can adequately addressed by the assessment of any future licencing applications.

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

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

## **7 LOCAL FINANCE CONSIDERATIONS**

60 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).

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

62 The CIL is therefore a material consideration.

63 £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**

64 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.

65 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.

66 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.

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- 67 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>
- 68 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
- 69 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>
- 70 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

- 71 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
- 72 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.

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- 73 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.
- 74 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

- 75 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 bar 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

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

### 11.1 CONDITIONS

1. No new external finishes, including works of making good, shall be carried out other than in materials to match the existing unless the local planning authority agrees in writing to any variation.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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.

2. No new brickwork, including works of making good, shall be carried out other than in materials, bonding and pointing to match the existing facing work, unless the local planning authority agrees in writing to any variation.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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. All new window and door openings shall be provided with reveals, lintel detailing, arches and cills to match those originally provided on the existing building.

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**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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.

4. No plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the buildings.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) 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.

5. The premises shall only be open for customer business between the hours of 8am and 1am on any day of the week.

**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, Policy HC6 Supporting the night-time economy of the London Plan (March 2021) and DM Policies 14 District centres shopping frontages, 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) and 26 Noise and Vibration of the Development Management Local Plan (November 2014).

6. The soundproofing measures shall be retained permanently in accordance with the details approved by application reference DC/06/063633 dated 4 January 2007.

**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).

7. No music, amplified sound system or other form of loud noise (e.g. singing, chanting, etc) shall be used or generated which is audible outside the premises or within adjoining buildings.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 174 of the National Planning Policy Framework and DM Policies 26 Noise and Vibration and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

8. The approved noise protection measures shall be retained permanently in accordance with the details approved by application reference DC/06/063634 dated 12 July 2007.

**Reason:** In the interests of residential amenity and to comply with DM Policies 14 District centre shopping frontages, 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses), 26 Noise and vibration, 32 Housing design, layout and space standards, 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
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## 13 REPORT AUTHOR AND CONTACT

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