

Planning Committee A

Report title:

CHALSEY LODGE, CHALSEY ROAD, LONDON, SE4 1YW

Date: 5 January 2023

Key decision: No.

Class: Part 1

Ward(s) affected: Brockley

Contributors: Thomas Simnett

Outline and recommendations

This report sets out the Officer's recommendation of approval for the below proposal subject to the conditions and informatives.

This report has been brought before Committee for a decision due to the submission of three objections from local residents.

Application details

Application reference number: DC/22/128734

Application Date: 07 October 2022

Applicant: Mr Felgate of Brookes Architects Ltd on behalf of Oak First Ltd

Proposal: Construction of a single-storey rear extension together with raising

of the ridge line and the installation of roof lights in the rear roof slope for the properties at Chalsey Lodge, Chalsey Road, SE4, and associated soft landscaping and refuse storage to the front elevation.

Background Papers: (1) Submission Drawings

(2) Submission technical reports and supporting documents

Designation: PTAL 3

Air Quality

Brockley Article 4 Direction Brockley Conservation Area

Not a Listed Building

Screening: Not applicable.

1 SITE AND CONTEXT

Site description and current use

- The application site at 1-8 Chalsey Road is on the southwestern side of Chalsey Road in Brockley and is located on a bend in the road. As a result, the forecourt widens from the west as the road curves away from the front elevation of the existing building.
- The site is occupied by a residential building which comprises accommodation over two floors. It is split into eight maisonette flats which are known as 1-8 Chalsey Lodge. Four of the dwellings occupy the front of the building and the remaining four are in outriggers to the rear. The building is designed to look like two pairs of houses. The dwellings are accessed through two entrances and common halls at ground floor level.
- The building was constructed in the 1980s. The façades are predominately yellow Stock brickwork with red brick features. There are two gables on the front elevation with stone details and a pair of brick arches at ground floor level opening onto porches. The side and rear elevations are plainer and mainly consist of yellow Stock brickwork. All the windows are white uPVC casements designed to look like sash windows. The roof is slate with white fascia boards and black uPVC rainwater goods.
- The area to the north of the building fronting the road is all hardstanding with car parking and bin storage. The boundary with the street is defined by a low yellow Stock brick wall with red brick capping. There is a generous garden space at the rear to the southeast with a large tree screening much of the site from the south. Each of the dwellings has its own paved patio space. For the maisonettes at the front, these are between or to the side of the outriggers. The flats at the rear have patios surrounded by low brick walls projecting from the back of the building. The remainder of the rear garden is currently shared space and, according to the applicant, underused.

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Figure 1 - Site location plan

Heritage/archaeology

The site is located within the Brockley Conservation Area and is subject to the Article 4 Direction, but it is not a listed building or in the vicinity of one.

Surrounding area

The surrounding area is predominately residential in nature and is comprised of a mix of buildings which were built around the 19th and 20th Centuries, all of distinctive style and form.

Transport

The application site has a Public Transport Accessibility Level (PTAL) rating of 3, where on a scale of 1 to 6, 1 is the lowest and 6 is the highest.

2 RELEVANT PLANNING HISTORY

- 8 **DC/21/123255:** Application for Permission in Principle for construction of an additional floor at roof level to Flats 1 8 Chalsey Lodge Chalsey Road SE4 under Article 5D of the Town and Country Planning (Permission in Principle) Order 2017 (as amended). (Amended site location) **Withdraw by applicant**
- 9 **DC/22/125790:** Construction of a two-storey rear extension together with raising of the ridge line and rear roof extension to provide additional living space for the properties at Chalsey Lodge, Chalsey Road, SE4. **Refused reasons for refusal:**
 - The proposed rear dormers by reason of their awkward positioning, size and bulk would constitute an incongruous and harmful impact upon the character of the host building and the proposed rear two-storey outrigger projection, by way of its bulk and depth would not be a subordinate addition to the host property and therefore is contrary to Policy 15 'High quality design for Lewisham' of the Lewisham Core Strategy (2011); DM Policy 31 'Alterations and extensions to existing buildings including residential extensions', DM Policy 36 'New development, changes of use

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- and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens' of the of the Development Management Local Plan (2014); and the Alterations and Extensions Supplementary Planning Document (2019).
- The proposed development, by way of location of private amenity spaces, would further reduce privacy and the living conditions of existing and future occupiers of units 2, 3, 6 and 7 as a result of the intensification of private amenity space, contrary to Policy D3 Optimising site capacity through the design-led approach of the London Plan (March 2021) and Policy 32 Housing design, layout and space standards of Development Management Local Plan (November 2014).

3 CURRENT PLANNING APPLICATION

3.1 THE PROPOSALS

This application relates to the construction of a single-storey rear extension together with raising of the ridge line and the installation of roof lights in the rear roof slope for the properties at Chalsey Lodge, Chalsey Road, SE4, and associated soft landscaping and refuse storage to the front elevation.



Figure 2 – CGI of the proposed development

3.1.1 Previously refused scheme

There had been a previous scheme which was refused for reasons outlined in para 9, the revised scheme no longer includes the rear roofslope dormer extensions (see Fig 4 below), and the rear extension is now more subordinate in nature; comprising of a single-storey extension not a two-storey extension (Fig 3 below).

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4 CONSULTATION

4.1 PRE-APPLICATION ENGAGEMENT

There was no pre-application engagement undertaken by the applicant with the general public.

4.2 APPLICATION PUBLICITY

- Site notices were displayed on 26 October 2022 and a press notice was published on 19 October 2022.
- Letters were sent to residents and business in the surrounding area and the relevant ward Councillors and the Brockley Society on 12 October 2022.
- 15 3no responses received, comprising 3no objections.

4.2.1 Comments in objection

Comment	Para where addressed
Principle of Development	
Over intensification of residential land	Paras 31 and 32
Urban Design and Impact on Heritage Assets	
Impact on integrity of conservation area	Para 46
Increase in ridge height	Paras 48 and 49
Loss of garden space	Para 45
Impact on Neighbouring Amenity	
Reduction in privacy from roof lights	Para 60
Increase in noise disturbance	Para 61

- A number of comments relating to non-material planning considerations were also raised as follows:
- 17 Comments were raised concerned with the increase in car parking resulting from the application site, while Officers recognise that the occupancy could increase as a result of the proposed development its scale would not materially affect the level of on-street parking. As such Officers do not consider this to be a material planning consideration;
- 18 Comments were also received concerned about a rear dormer extension, however the proposals do not include a rear dormer as part of the proposal.

4.3 INTERNAL CONSULTATION

19 Conservation officers were not consulted as this case falls below the current threshold for conservation input due to its scale of development and potential impact on the conservation area. The heritage matters were considered by the case officer with reference to Policy and Guidance.

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5 POLICY CONTEXT

5.1 LEGISLATION

- 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).
- 21 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

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

5.4 DEVELOPMENT PLAN

- 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

26 Lewisham SPD:

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- Alterations and Extensions Supplementary Planning Document (April 2019)
- Brockley Conservation Area Supplementary Planning Document (2006)
- 27 London Plan SPG/SPD:
 - Character and Context (June 2014)

5.6 OTHER MATERIAL DOCUMENTS

Brockley Conservation Area Character Appraisal

6 PLANNING CONSIDERATIONS

- The main issues are:
 - Principle of Development;
 - Urban Design and Impact on Heritage Assets;
 - Impact on Adjoining Properties;

6.1 PRINCIPLE OF DEVELOPMENT

General policy

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.

Discussion

- The development plan is generally supportive of people extending or altering their homes. As such, the principle of development is supported subject to an assessment of the details.
- Objections were received which were concerned with the over-intensification of residential land because of the proposed development. The Council supports appropriate intensification of urban areas to provide additional residential floorspace which may be more appropriate for families.
- While the proposal would not increase the number of bedrooms to each flat, it would provide a better internal amenity for occupants and increase the size of bedrooms which may be more attractive to families to occupy given the existing small bedrooms.

6.2 URBAN DESIGN AND IMPACT ON HERITAGE ASSET

General Policy

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.

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

Policy

- London Plan Policy D3 states that development proposals should amongst other things respond to the existing character of a place, be of high quality and use attractive, robust materials which weather and mature well.
- London Plan Policy HC1 states that proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.
- Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design. 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.
- DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Lewisham Core Strategy and Lewisham DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 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.
- 42 Further guidance is given in Brockley Conservation Area Character Appraisal.

Discussion

- The single storey extensions would extend 3.7m from the rear elevation of the host property and across the full width of both outriggers. The entirety would be within the curtilage of the subject site, it would also have a height of 3.0m. Officers raise no concerns with the height of the proposed extension in terms of design.
- Officers consider the proposed extensions to be of a modest scale and sensitively designed not to obscure the windows at the first-floor level and would be subservient to the host building.

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- The proposed extensions would not take up more than half the depth of the original rear garden, and as such Officers do not consider the proposals would lead to the overdevelopment of the site.
- The extensions would be built using black standing seam zinc finish, and the glazing system and box guttering would all match the existing materials in the host property. The materials are considered good quality and would complement the existing character of the building, Officers do not consider it would impact on the integrity of the conservation area.
- The proposed extensions would comply with the relevant guidance in terms of its scale, siting and the use of high-quality materials. Officers also have no concerns regarding the level of light from which the proposed extension would benefit, due to the use of rooflights.
- As part of the works, the existing ridge height would be raised by approximately 450mm with roof windows introduced into the rear roof slopes to provide natural light to the proposed loft rooms. The Alterations and Extensions SPD suggests increases to ridge height would be resisted due to the impact it can have to the street scene. However, site specific circumstances may allow for a slight increase such as that proposed as part of this scheme. Officers consider given the application property is detached and of a different form and at a different level to surrounding buildings, the increase to the ridge height would not have a noticeable impact on building or the street scene. The rooflights themselves are modestly sized, well-positioned and only located on the rear roofslope.
- While objections were received with regards to the increase of the ridge height Officers consider it appropriate for the above reasons and disagree with the suggestion that it would create a precedent for others to follow as each application is judged on its own merits.
- The proposals also include the provision of increased soft landscaping to the front elevation which would improve the appearance and setting of the host property, Officers do not consider a condition securing further details of the soft landscaping is necessary
- There would however be a timber refuse store to front elevation, further details of which Officers recommend securing by way of condition.
- Since the previous refusal, the applicant has reduced in scale the proposed development and removed the rear roof extensions which were considered harmful; Officers consider it has addressed the previous reasons for refusal and as such it is acceptable.
- Officers consider that the current proposal would lead to no harm to the Brockley Conservation Area.

6.2.1 Urban Design and Impact on Heritage Assets Conclusion

- Officers consider that proposals would be of a high quality and would complement the host property.
- 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 or appearance of Brockley Conservation Area.

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6.3 IMPACT ON ADJOINING NEIGHBOURS

General Policy

- 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. At para 180 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
- This is reflected in relevant policies of the London Plan (LPP D3), the Core Strategy (CP15), the Local Plan (DMP32).

Discussion

- The proposed extensions would extend 3.7m from the rear elevation of the outrigger projection and would have a height of 3.0m to the eaves. While this would not be in accordance with the general advice of the Alterations and Extensions SPD, there are site specific circumstances which means it would be acceptable in this location. The proposed extension would be constructed at least 5.7m from the rear boundary of Nos. 45 and 47 St Margaret's Road, while it would be 1.1m from the boundary with Bridge House on Montague.
- In any event, the modest scale of the rear extension is such that any impact on daylight and sunlight would be significantly less than the existing impact of the original two storey rear outriggers present on the application building. As such Officers do not consider the proposals would result in a loss of sunlight and daylight.
- Objections were received concerning the proposed roof lights, arguing they would reduce the privacy of neighbouring residents. As the proposed rooflights would be in the rear roofslope, they are unlikely to result in any additional overlooking of gardens or neighbouring properties that does not already exist from the existing first floor windows.
- The use of the proposed extension, forming part of the ground floor single-family dwellings, is unlikely to result in levels of noise significantly above or beyond normal residential use. The construction phase of the development is likely to cause some temporary disturbances to neighbouring properties; however, this is likely to be short term due to the scale of the development proposed. Officers do not consider it appropriate, given the scale of development, to place a condition restricting the construction works and deliveries; however, an informative would be added linking to the Council's Good Practice Guide for construction sites. A condition preventing the use of the flat roofs of the extensions as amenity space is also recommended.

6.3.1 Impact on Adjoining Neighbours Conclusion

The proposed development would not introduce any unacceptably harmful impacts to the living conditions of any of the neighbouring properties and therefore would be compliant with LPP D3, CSP 15 and DMPs 31 and the provisions of the 2019 SPD.

7 LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

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- 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).
- The weight to be attached to a local finance consideration remains a matter for the decision maker.
- The proposed is not liable for CIL.

8 EQUALITIES CONSIDERATIONS

- 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.
- 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.
- 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.
- 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
- 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

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- Equality information and the equality duty
- 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
- 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

- 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
- 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.
- 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.
- This application has the legitimate aim of increasing the occupancy of the application property. 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

- This application has been considered in the light of policies set out in the development plan and other material considerations.
- In reaching this recommendation, Officers have given consideration to the comments and objections that were received regarding this application. Officers are satisfied the proposed development would be subservient to, and preserve the character of, the host building and the wider Conservation Area. No unacceptable harm would arise to the

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living conditions of neighbours; therefore, Officers recommend that planning permission should be granted subject to the imposition of suitable planning conditions.

11 RECOMMENDATION

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

11.1 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:

5215-BAL-ZZ-XX-DR-A-07-0101; 5215-BAL-ZZ-XX-DR-A-07-0102; 5215-BAL-ZZ-XX-DR-A-07-0110; 5215-BAL-ZZ-XX-DR-A-07-0111; 5215-BAL-ZZ-XX-DR-A-07-0112; 5215-BAL-ZZ-XX-DR-A-07-0113; 5215-BAL-ZZ-XX-DR-A-07-0114 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) MATERIALS

No development above ground shall commence on site until a detailed schedule, specification, including manufacturer's literature where appropriate, of all external materials and finishes, windows and external doors and roof coverings to be used on the extension have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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) **REFUSE STORE**

(a) No development above ground level shall commence until full details of proposals for the storage of refuse and recycling facilities with biodiverse living roof, have been submitted to and approved in writing by the local planning authority.

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(b) The facilities as approved under part (a) 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) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

5) **USE OF FLAT ROOFS**

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extensions hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, of the Development Management Local Plan (November 2014).

11.2 INFORMATIVES

- 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.
- You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

12 BACKGROUND PAPERS

- (1) Submission Drawings
- (2) Submission technical reports and supporting documents

13 REPORT AUTHOR AND CONTACT

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