

Planning Board	Agenda Item: 5
2 November 2021	Reference No: 20/3957/MA

Applicant: Charlton Triangle Homes, SE10 9QX

Agent: BPTW, 40 Norman Road, Greenwich, London, SE10 9QX

Site Address: Blaker Court Garages, Cherry Orchard Estate, Charlton, London, SE7 7ES	Ward: Charlton Application Type: Minor Material Amendment
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I. **Recommendation**

I.1 The Planning Board is requested to consider:

That planning permission be **GRANTED** for an application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with planning permission 14/3770/F dated 18/12/2019 for the demolition of 17 garages and the erection of a three-storey apartment block with a set back fourth floor comprising a total of 14 residential units (4 x 1-bed, 8 x 2-bed, 1 x 3-bed and 2-bed wheelchair accessible units), together with revised access road and parking to allow:

A variation of Condition 1 (Approved Drawings) to provide change to fire strategy, change to roof including addition of lift overrun; External alterations including change in external materials, alteration to window cill and rainwater pipe; Change to landscaping including alteration to car parking layout, addition of dropped kerb and addition of gate to plot 3; Internal alterations including to flat layouts, fire access, increased lift size, reconfiguration of bin and bike store with increase in cycle parking, Variation in the wording of condition 5 (Accessibility)

Submission of information to satisfy Conditions 3 (Materials), 25 (Cycle Parking), 26 (Car Parking) and 27 (Refuse Collection)

Submission of information to re-satisfy Conditions 6 (Boundary and Means of Enclosure), 7 (Landscaping), 8 (Landscape Management Plan), 17 (Energy Performance), 19 (Renewable Energy) and 28 (Tree Protection Measures).

1.2 Consent subject to:

- (i) the prior completion of a Deed of Variation to the Planning Legal Agreement dated 18th December 2021, including the earlier deed of variation dated 13th November 2020 containing the planning obligations as summarised in the heads of terms set out in this report (Section 20), its addendums; and
- (ii) the Conditions (Appendix 2) to be detailed in the notice of determination.

1.3 To authorise the Assistant Director of Planning & Building Control to:

- (i) make any minor changes to the detailed wording of the recommended conditions as set out in this report (Appendix 2) and its addendums, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice;
- (ii) finalise the detailed terms of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and or, as set out in this report (Section 18) and its addendums; and
- (iii) consider, in the event that the Planning Legal Agreement is not completed within three (3) months of the date of this Planning Board resolution, whether consent should be refused on the grounds that the agreement has not been completed within the appropriate timescale, and that the proposals are unacceptable in the absence of the recommended planning obligations; and if the Assistant Director (Planning & Building Control) considers it appropriate, to determine the application with reasons for refusal which will include the following:

In the absence of a legal agreement to secure financial and non-financial contributions including for sustainability, the development is contrary to Policy SI 2 of the London Plan (2021) and H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (Adopted July 2014) and the Planning obligations (s106) Guidance SPD (adopted July 2015);

2. Summary

2.1 Detailed below is a summary of the application:

The Site -	
Site Area (m ²)	2,157m ²
Local Plan Allocation	None
Tree Preservation Order	Yes
Flood Risk Zone	N/A

Consented Building	
Building height (metres)	12.9
No. of storeys	Part 4/ 5 storey

Proposed Building	
Building height to top of parapet (metres)	13.4
No. of storeys	Part 4/ 5 storey

Housing		
Dwelling Mix (No Change Proposed)	1-bed (no. / %)	4 / 28.5%
	2-bed (no. / %)	9 / 64.2 %
	3-bed (no. / %)	1 / 7.1%
Affordable Housing / Tenure Split (No change proposed)	Overall Affordable Housing within s106 (no. / %)	5 / 36%
	Affordable Rented Units funded outside of S106 (no. / %)	9 / 64 %
Housing Standards	Complies with Technical housing standards – nationally described space standard and London Plan standards?	Yes

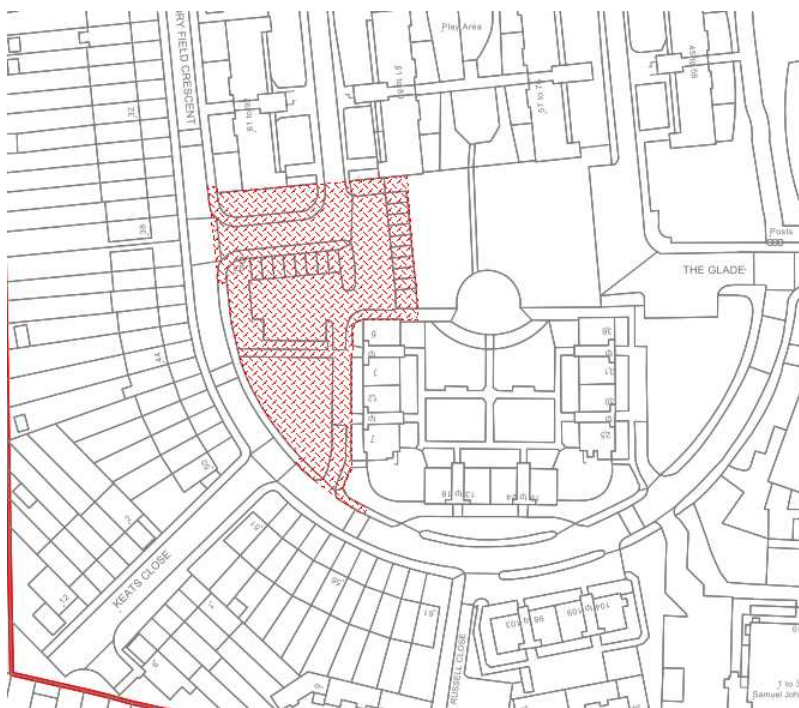
Transportation		
Car Parking (No change proposed)	No. Off- Street Car Parking Spaces	10
Cycle Parking	No. Existing Cycle Parking	18
	No. Proposed Cycle Parking	24
Public Transport	PTAL Rating	2

Energy	
Reduction of CO2 Emissions	43%, equivalent to 7.8 tonnes of CO2 per year
Public Consultation	

Number in Support	0
Number of objections	0
Main issues raised are addressed within section 6 of this report.	

- 2.3 The report is in front of members as the original application is a Major Scale development and the current application requires a supplementary s106 legal agreement.
- 2.4 The report details all relevant national, regional and local policy implications of the scheme, including supplementary planning guidance.
- 2.5 The application is considered acceptable and is recommended for approval, subject to satisfactory completion of a Legal Agreement and conditions set out in the report.

Site Plan



3. Site and Surroundings (in detail)

- 3.1 The development site comprises 17 garages that is situated to the south of Blaker Court and to the east of Rectory Field Crescent.
- 3.2 The surrounding site is predominately residential with a school and sports club in the surroundings.

4. **Relevant Planning History**

- 4.1 Planning permission was granted on the 18th December 2019 for Demolition of 17 garages and the erection of a three-storey apartment block with a set back fourth floor comprising a total of 14 residential units (4 x 1-bed, 8 x 2-bed, 1 x 3-bed and 2-bed wheelchair accessible units), together with revised access road and parking. (App ref 14/3770/F)
- 4.2 A request under section 106A(1)(a) of the Town and Country Planning Act 1990, to modify a S106 Agreement dated 18th December 2019, in order to modify the agreed tenure and unit mix of the affordable housing to be provided as part of the development was granted and signed on the 13th November 2020 (App ref 20/0752/1106)

5. **Proposals (in detail)**

- 5.1 The current application seeks full planning permission for the following:
An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment in connection with planning permission 14/3770/F dated 18/12/2019 for the demolition of 17 garages and the erection of a three-storey apartment block with a set back fourth floor comprising a total of 14 residential units (4 x 1-bed, 8 x 2-bed, 1 x 3-bed and 2-bed wheelchair accessible units), together with revised access road and parking to allow:

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Submission of information to satisfy Conditions 3 (Materials), 25 (Cycle Parking), 26 (Car Parking) and 27 (Refuse Collection).

Submission of information to re-satisfy Conditions 6 (Boundary and Means of Enclosure), 7 (Landscaping), 8 (Landscape Management Plan), 17 (Energy Performance), 19 (Renewable Energy) and 28 (Tree Protection Measures).

- 5.2 The car parking layout would be amended by the parking spaces moving 90cm to the south to allow a wider path for residents access and the location of the disabled parking bay being moved to the end of the parking bay. In addition, fire strategy details have been provided to enable easier access for fire service vehicles.
- 5.3 The refuse collection strategy would be amended by the cycle store area and refuse store area switching positions internally. A gate is proposed to be added to the boundary treatment for block 3 to enable residents easier access to the bin store. Whilst the cycle storage area has been reconfigured and increased by 6 cycle spaces.
- 5.3 Internally the lifts have increased in size. The flat layout and room areas are proposed to be amended for accessibility compliance and for furniture fit out.
- 5.4 In terms of the building due to the proposed installation of fixed balustrade for maintenance, the increased height of the parapet would see the overall building height increase by 50cm. The lift overrun is proposed to be added to the approved drawings. The window cills would also be lowered by 75mm. The windows, doors and balcony's would change from black coated aluminium to anthracite grey aluminium. Windows have also been added to the elevations, so as to correlate with the consented floor plans. Image samples have also been provided for consideration.
- 5.5 Energy details have also been provided in order to re-consider the carbon offsetting contribution for the development as considered under conditions 17 and 19. Also accessibility details have been provided to ensure compliance with M4(2) and M4(3).

6. **Consultation**

6.1 The application since being submitted in December 2020 has been subject of one public consultation, comprising of a press notice, site notice and one hundred and sixty four (164) individual letters, sent to individual occupiers in the vicinity of the application site. This also included consultation with statutory bodies and local amenity groups.

6.2 **Statutory Consultees**

A summary of the consultation responses received under the two consultation periods along with the officer comments are set out in table below:

Details of Representation and date received	Summary of Comments	Officers comments
LFEPA	An undertaking should be given that, access for fire appliances as required by Part B5 of the current Building Regulations Approved Document and adequate water supplies for fire fighting purposes, will be provided.	Noted and subject to application to be included as informative
TFL	Having assessed the proposals, I can confirm that TfL Spatial Planning has no comments	Noted

6.3 Council Departments

A summary of the consultation responses received along with the officer comments are set out in table below:

Details of Representation and date received	Summary of Comments	Officers comments
Waste Services	Satisfied with the proposals from a waste and recycling perspective but requested a enclosed bulky waste storage area be provided	The applicant confirmed they were unable to provide a bulky storage area, however noted they manage bulky waste on the wider estate and two areas for residents in the estate to drop off larger items. Following this response waste services were satisfied with the

		waste provision for the development.
Occupational Therapist	Noted development only requires dwellings to comply with building regulations requirement M4(2) and does not require any of the units to comply with M4(3). In addition, a number of areas of non-compliance of M4(2), M4(3), wheelchair car parking and access to refuse/waste strategy was noted and was required to be revised.	Noted and to be considered under section 17 of this report.
Sustainability & Renewal	With regards to condition 18, the predicted water consumption meets the target of 105 l/p/d and therefore condition 18 can be discharged.	Noted, and condition 18 is to be re-imposed as compliance condition.
	The applicant is required to investigate renewable energy technologies and hot water strategy	Noted and this was investigated and following this the officer was satisfied with the investigation. Following this a carbon offset contribution is to be secured via legal agreement
Highways	No highway objection has been raised	Noted
Building Control	No comments have been received at the time of writing	Noted
Tree Officer	I have no objection provided that all tree protection is in situ before development commences to protect the TPO tree as per reports	Noted and to be considered under section 12 of this report.

6.4 Amenity Groups

A summary of the consultation responses received from local residents from the initial consultation, along with the officer comments are set out in table below:

Details of Representation and date received	Summary of Comments	Officers comments
The Charlton Society	No comments have been received at the time of writing	Noted
CCRA	No comments have been received at the time of writing	Noted

6.5 Local Residents and Businesses

6.5.1 0 responses were received from members of the public and local business from the initial consultation.

7. Planning Context

7.1 This application needs to be considered in the context of a range of national, regional and local planning policies and Supplementary Planning Guidance / Documents.

- **National Planning Policy Framework (NPPF - 2021)**
- **Technical Housing Standards - Nationally Described Space Standard** (Department for Communities and Local Government – March 2015)
- **The London Plan (2021)** - Full details of relevant policies refer to appendix 3.
- **The Royal Greenwich Local Plan: Core Strategy with Detailed Policies (“Core Strategy” - 2014)** - Full details of relevant policies refer to appendix 3.
- Full details of relevant SPD / Documents refer to appendix 3.

8. Material Planning Considerations

8.1 This section of the report provides an analysis of the specific aspects of the proposed development and the principal issues that need to be considered in

the determination of the planning application (Ref: 20/3957/MA):

- Principal of development
- Design and Townscape
- Quality of Living Environment provided for future residents
- Arboriculture
- Residential Amenity
- Transport and Access
- Energy
- Waste and Refuse Collection
- Accessible Housing
- Community Infrastructure Levy (CIL)
- RBG CIL
- Legal Agreement

9. **Principle of Development**

- 9.1 Whilst changes are proposed to the design of the site the principle of developing the site for housing remains the same as per the original consent (14/3770/F).
- 9.2 The principle of development is therefore not considered to be affected by the proposal.

10. **Design and Townscape**

- 10.1 London Plan policy D4 F, 2 seeks to ensure the wording of conditions provide clarity regarding the wording of design. Supporting paragraph 3.4.10 of the London Plan notes that changes in design after the initial planning permission is granted is often allowable as minor amendments, however can have an effect on design quality and visual impact. Sufficient details needs to be provided in approved drawings and visual material to ensure clarity over the design approved.
- 10.2 The Adopted Core Strategy with Detailed Policies (2014) Policies DH1 and DH(a) require proposals to have a high quality of design and to be limited to a scale and design appropriate to the building and locality.
- 10.3 The proposed increase in height to the parapet and addition of railings on the roof is not considered to negatively impact on the appearance of the

surrounding area. The proposed changes to the materiality and façade are still considered to be changes that would not harm the appearance of the façade and would be similar to the consented design. Furthermore, the details of the materials submitted under condition 3 are considered to be of an appropriate quality.

10.4 As such, subject to updating conditions 3 (materials) to a compliance condition, the appearance of the building would still continue to be a well-designed one that would be compliant of the policies and guidance listed within this section of the report.

Landscaping

10.5 Policy D4 recommends to maintain design quality. Maximum detail should be provided to ensure scheme quality is not affected by later decisions on, for example, landscaping details.

10.6 Landscaping and boundary treatment were considered during assessment under the original consent (App ref: 14/3770/F). The following conditions were imposed under this planning permission:

- Condition 6 (Boundary and means of enclosure)
- Condition 7 (Landscaping)
- Condition 8 (Landscape Management Plan)

10.7 Details of boundary treatment is noted to have been imposed under the original consent as condition 6 and details were discharged last year. Under the current proposals the proposed addition of gate to plot 3 is not considered to harm the appearance of the boundary treatment approved and would be appropriate in its height and width.

10.8 In regard to the landscaping details, these were discharged last year under conditions 7 and 8. The proposed minor changes to the landscaping including the minimal relocation of car parking in the site is considered to be a minor change from the approved plans.

10.9 As such, subject to updating conditions 6, 7 and 8 the design and appearance of the scheme is considered to continue to be a well-designed one that would be compliant of the policies and guidance listed within this section of the report.

11. **Quality of Living Environment provided for future residents**

- 11.1 The nationally described space standards sets requirements for internal spaces within new dwellings.
- 11.2 The proposed internal flat alterations for the purpose of accessibility, furniture requirements and fit out would still result in the units being compliant of nationally described space standards. As such, it is considered the scheme would continue to be compliant.

12. **Arboriculture**

- 12.1 Policy G7 of the London Plan (2021) states development proposals should ensure that, wherever possible, existing trees of value are retained.
- 12.2 The application site benefits from a TPO tree and arboriculture elements were considered during assessment under the original consent (App ref: I4/3770/F). The following conditions were imposed under this planning permission:
 - Condition 28 (Tree protection measures)
 - Condition 29 (Tree protection)
- 12.3 The tree protection measures under condition 28 were granted last year and the current submission proposes seeks to re-satisfy the details approved with an updated landscaping plan within the revised arboriculture report. Given no major changes are proposed it is considered subject to the imposing of a compliance condition the scheme is considered to continue to comply with policy G7 of the London Plan.

13. **Residential Amenity**

- 13.1 Policy DH(b) 'Protection of Amenity for Adjacent Occupiers' of the Core Strategy 2014 states that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure.
- 13.2 Overall the proposed amendments are not considered to detrimentally impact surrounding occupiers and would not lead to the loss of privacy,

outlook, sense of enclosure and loss of sunlight and daylight. As such the proposal is considered to comply with relevant policies of the London Plan and the Council's Core Strategy.

14. **Transport and Access**

- 14.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular, it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.
- 14.2 London Plan policy T6 seeks for car parking to be restricted in line with levels of existing and future public transport accessibility and connectivity. Policy T6.1 sets out standards for parking and for cycle parking standards this is set out within policy T5.
- 14.3 Transportation elements were considered during assessment under the original consent (App ref: 14/3770/F). The following conditions were imposed under this planning permission:
- Condition 16 (Construction Method Statement)
 - Condition 25 (Car Parking Details)
 - Condition 26 (Cycle Parking Details)
- 14.4 Condition 16 has already been discharged and it is recommended the wording of this condition be updated to a compliance condition.
- 17.5 However, the Occupational Therapist has not confirmed compliance of the disabled car parking under condition 25 as such, it is recommended that the conditions be updated to part compliance condition and part submission of additional details required to be provided prior to completion.
- 14.6 In terms of the relocation of cycle parking and increase in cycle parking within the building this change would result in additional cycle parking spaces for prospective occupiers of the development. This is considered to be acceptable following no objection raised from highways.

14.6 As such, subject to the compliance of the relevant conditions the proposed development would be compliant of polices regarding transport and highways.

15. **Energy**

15.1 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

15.1 Policy SI 2 of the London Plan states major developments should provide an energy strategy to demonstrate how the zero carbon target will be met,

15.2 Policy EI of the Core Strategy (2014) states that carbon emissions will be reduced in accordance with the Mayor's energy hierarchy. The Greener Greenwich SPD provides guidance on how new development in Greenwich should be designed and built so that it has a positive impact on the environment and achieves the highest standards of sustainable design and construction.

15.3 Energy elements were considered during assessment under the original consent (App ref: 14/3770/F). The following conditions were imposed under this planning permission:

- Condition 17 (Energy Performance)
- Condition 19 (Renewable Energy)
- Condition 20 (Renewable Energy- evidence of installation)

15.4 Although condition 19 was discharged in April last year (app ref: 20/0477/SD), this was based on the energy strategy submitted in 2014. Under this energy strategy individual gas boilers and PV panels were consented and this was based on planning policy adopted at that time.

15.5 Current adopted planning policies seeks to further minimise energy demand through the energy hierarchy. It was sought to improve the energy performance of the development through changing to air source heat pumps from gas boilers however, it is noted for several reasons this was unfeasible.

15.6 Nevertheless, the CO2 emissions savings under the current application would be greater than that indicated in the 2014 energy strategy. Under the 2014

energy strategy this was 33.3% equivalent to 6.6 tonnes of CO₂ per year, whilst under the current energy strategy a site wide CO₂ emissions reduction of 43%, equivalent to 7.8 tonnes of CO₂ per year, over the compliant Part L 2013 base case have been estimated to be achieved, which is still above the minimum 35% required by part L 2013. But in order to account for carbon offsetting, a £18,576 contribution is to be paid and is to be secured via supplementary s106 legal agreement.

- 15.7 Following the above considerations sustainability and renewal have confirmed condition 19 and condition 17 part i have been satisfied. Subject to condition 17 part i and condition 19 being updated to compliance conditions and condition 20 being re-imposed it is considered the energy saving proposals would be acceptable in relation to current adopted planning policy.

16. **Waste and Refuse Collection**

- 16.1 London Plan Policy D6 part E seeks to ensure housing is designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables and food waste. Core Strategy Policy DH1 identifies that development needs to minimise the production of waste, to promote the reuse and recycling of waste materials and to ensure that waste disposal is environmentally responsible in order to achieve a high quality development.
- 16.2 Waste and refuse elements were considered during assessment under the original consent (App ref: 14/3770/F). The following conditions were imposed under this planning permission:
- Condition 27 (Refuse Collection)
- 16.3 The relocation of waste and recycling provision and proposed bins was deemed satisfactory by waste services. Following this it is recommended the condition be updated to a compliance condition.
- 16.3 Subject to imposing of a refuse condition to ensure all refuse details are carried out in accordance with the plans, the scheme would be compliant of policies regarding waste and recycling.

17. **Accessible Housing**

- 17.1 Policy D7 of the London Plan requires at least 10% of dwellings to meet building regulations requirement M4(3) and all other dwellings 90% to meet building regulations requirement M4(2).
- 17.2 Condition 5 under the original consent imposed a requirement that all dwellings within the development meet building regulations requirement M4(2). However, to ensure the development is compliant of current adopted planning policy the internal layout has been amended to propose some of the units meet building regulations requirement M4(3).
- 17.3 Following discussions with the Occupational therapist however, compliance of M4(2) and M4(3) has not been achieved prior to determination. Nevertheless, to ensure the development is compliant of accessible housing policy D7 of the London plan it is recommended condition 5 be updated and additional condition be imposed in respect of compliance with building regulations requirement M4(3).
- 17.4 Subject to the imposing of accessible housing conditions the development would comply with policy D7 of the London Plan.

18. **Fire Strategy**

- 18.1 London Plan policy D12 requires for major development proposals an independent fire statement, which is an independent fire strategy be produced by a third party, suitably qualified assessor.
- 18.2 Although minor alterations have been proposed internally to ensure the scheme is compliant of building regulations fire requirements, however to ensure the scheme is compliant of London Plan policy D12, it is recommended a condition be imposed requiring the submission of a fire statement.
- 18.3 Subject to the imposing of a condition requiring a fire statement from a suitably qualified assessor, the development would comply with policy D12 of the London Plan.

19. **Community Infrastructure Levy (CIL)**

- 19.1 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April, and it will be paid

on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has arranged boroughs into three charging bands. The rate for Greenwich is £35 per square metre.

19.2 The current application is liable to this requirement.

20. **RBG CIL**

20.1 The Royal Borough adopted its Local Community Infrastructure Levy (CIL) charging schedule, infrastructure (Regulation 123) list, instalments policy and exceptional circumstances relief policy on the 25th March 2015 and came into effect in Royal Greenwich on the 6th April 2015.

20.2 The current application is liable to this requirement.

21. **Legal Agreement**

21.1 The original application has already been subject of a Legal Agreement as part of the Full Planning consent (App ref: I4/3770/F) and this legal agreement has been subject to a deed to vary under section 106A(1) with the varied legal agreement dated 13/11/2020. The following obligations have been agreed:

Housing

- Secure 35% (5 units) affordable housing on-site;
- Secured the split of the affordable housing 100% Affordable LAR

Employment and Training:

- Commitment, participation and financial contribution towards GLLaB and business support.

Transport

- Contribution towards cycle training

Other Obligations

- The provision of an Equal Opportunities Statement;
- Payment of legal, engineers cost; and
- Payment of S106 monitoring costs.

Under the current application the following additional Heads of Term is proposed:

Carbon Offset

- £18,576 for cash in lieu contribution to the Local Authority to account for emissions from the development.

The current application will therefore require a Supplementary Legal Agreement to capture the above.

22. Implications for Disadvantaged Groups

22.1 The implications for disadvantaged groups identified below are an integral part of the consideration of the development and community benefits as set out in the report:

- Dwellings to be designed as wheelchair user dwellings underbuilding regulations requirement M4(3)

23. Conclusion

23.1 The proposed amendments are considered to not harm the character, and appearance of the building and landscaping. The works would still not have any adverse impact on the residential amenity afforded to adjoining occupiers or nearby pedestrians. Furthermore, the updating in the wording of the conditions would ensure the proposals would continue to be compliant of planning policies.

23.2 Accordingly, it is recommended that permission be approved for application reference 20/3957/MA in line with Section I of this report.

Background Papers:

Mayors Housing SPG (March 2016)

Technical Housing Standards – Nationally Described Space Standard

Royal Greenwich Planning Obligation Guidance SPD (July 2015)

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