

Planning Board
17th November 2020

Agenda Item: 6
Reference No: 19/2733/O,
20/2000/NM, 20/2331/I106,
20/2172/I106

Applicant: Knight Dragon Developments Limited and L&Q Group
Agent: Lichfields

Site Address:
Greenwich Peninsula Masterplan and
Plots 18.02 and 18.03

Ward:
Peninsula
Application Type: Hybrid Application
Outline Planning Application and Full
Planning Application, S96A and s106A

Addendum Report

1. Drafting corrections to the Main Report

1.1 The following paragraphs set out drafting corrections made to the main report. Text that is underlined denotes additional text whereas text with a ~~strikethrough~~ denotes the removal of the text.

2. Drafting corrections made section 1:

Recommendation A:

2.1 The Board is requested to resolve to grant conditional consent for planning permission as outlined below:

Outline planning permission with all matters reserved, for the demolition of buildings and mixed-use redevelopment up to a maximum of 737,100sqm comprising:

- up to 533,900sqm of residential development which could include:
 - i up to 5,813 residential dwellings
 - ii up to 25,000sqm student accommodation (up to 500 rooms) and/or co-living units
- up to 19,600sqm Class A1-A5 use (food and non-food retail, restaurants, bars and cafes);
- up to 68,700sqm Class B1 (a) (b) (c) (business);
- up to 24,200sqm Class C1 (hotel) for up to 350 rooms;

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- up to 13,200 sqm Class D comprising D2 (Sport and Recreation), Class D1 (health care facilities/nursery/creche);
- up to 4,200sqm D1 (education facilities)
- up to 8,000sqm Theatre (Class Sui Generis);

residential and non-residential car parking, as well as a minimum of 2000 AEG parking spaces (for the O2), cycle parking; associated community facilities; public realm and open space; hard and soft landscaping; a new transport hub and associated facilities; realignment of the cultural route traversing the site (The Tide); highway and transport works and associated ancillary works (proposals to revise part of the approved Greenwich Peninsula 2015 Masterplan (15/0716/O).

And detailed planning permission, for a residential development comprising 476 residential units, up to 100sqm (GEA) A1/A2/A3/B1/D1/D2 floorspace plus ancillary car parking, access, landscaping and public realm works and associated infrastructure works.

Subject to:

- i) Conditions set out in Appendix 2 (as amended by Appendix 2 addendum) of the main report.
- ii) ~~To resolve to grant conditional outline planning permission with detailed consent subject to~~ The prior completion of a consolidated agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligations as summarised in the heads of terms set out in this report (see section 44 of the main report), modifications to planning obligations (see Recommendations C & D below and section 41 of the main report), any addendums, and the minutes of this Planning Board meeting.
~~(PROVIDED THAT if officers are satisfied that the applicant has agreed in writing to the extension of the statutory period for determination, officers are authorised to agree to the extension of the time for completion of the legal agreement and the issue of the decision notice) subject to the Head of Law and the Assistant Director of Planning and Building Control being authorised to make any appropriate amendments arising following negotiations and/or in the light of legal advice.~~
- iii) Referral of the application to the Mayor of London as required under the terms of The Town and Country Planning (Mayor of London) Order 2008

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- iv) Members confirming in their decision that account has been taken of environmental information, as required by Regulation 26 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- v) A statement being placed on the statutory Register confirming the main reasons and consideration of which the Planning Board decision was based were those set out in the report of the Director of Regeneration, Enterprise and Skills as required by Regulations 30 (1) (d.) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- vi) To authorise the Assistant Director of Planning & Building Control to:
 - a. make any minor changes to the detailed wording of the recommended conditions as set out in this report (Appendix 2), its addendums and the minutes of this Planning Board meeting, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice; and
 - b. finalise the detailed terms of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), as set out in this report, its addendums and the minutes of this Planning Board meeting.
- vii) In the event that the Section 106 Agreement is not completed within three (3) months of the date of this Planning Board meeting, to authorise the Assistant Director of Planning & Building Control to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured, and if so, 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 towards Affordable Housing, Transport, Highways works, Education Provision, Employment and Training, Environmental Sustainability, Open Space Provision, Sport and Leisure Facilities, Community Facilities is contrary to policies H3, H(e), EA(c), E1, E(c), CH1, CH2, IM1, IM4, and IM(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (Adopted July 2014) and the Planning obligations (s106) Guidance SPD (adopted July 2015).

viii) ~~Conditions set out in Appendix 2 of the main report.~~

RECOMMENDATION C and D: Modifications to Section 106 Agreements.

2.2 It is recommended that the Board grant the request to modify the S106 Agreement for:

- 1) the '2015 Masterplan' (reference: 15/0716/O dated 08/12/2015) (Recommendation C), and
- 2) the legal agreements for 'Plot MO121' (reference: 13/2865/F dated 31/03/2014 as varied on 20/09/2016 and the original S.106 Agreement dated 23 February 2004)). (Recommendation D).

for the reasons set out within the body of this report (see section 41) and subject to the approval of the 2019 masterplan (19/2733/O), such modifications, if approved, to be contained within the consolidated S106 Agreement referred to at Recommendation A above.

3. **Corrections to the Main report for the outline part of the application:**

3.1 **Pg. 8 Summary Table for Transportation - Outline should read:**

Proposed Parking Ratio	<u>Up to 0.1</u>
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3.2 **Pg. 8 Summary Table for Sustainability / Energy - Outline should read:**

Renewable Energy Source (%)	<u>60% reduction of Carbon Dioxide over Part L from Renewable Sources.</u>
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3.3 **Pg. 18 Para 5.2.3 - 8th bullet point should read:**
'Reduction in residential car parking spaces from a ratio of 0.25 to up to 0.1'

3.4 Pg. 22 Fourth bullet point in table should read:

- A minimum of 2,000 AEG parking spaces of which 1,300 spaces are for events and 700 spaces are for non-events.

3.5 Pg. 84 Para 10.5.1 should read:

‘The Outline Part of this application would deliver up to 5,813 new dwellings which is an additional up to 1,757 homes on the Peninsula to that consented by the 2015 Masterplan. The Detailed Part would also deliver 476 new dwellings in a range of tenures and types. In total, the application seeks permission for up to 6,289 new dwellings. The increase in residential units would deliver up to 17,487 homes within the Peninsula Masterplan area.’

3.6 Pg. 95 Para 14.5 should read:

‘The application is proposing to provide 2,638 affordable units within the 2019 Masterplan application (Outline and Detailed Parts). This will equate to 42% by unit or ~~44%~~ 45% by Habitable room...’

3.7 Pg. 96 Para 14.9.6 the table should read:

	Brickfields (L&Q) – Current Proposal (by unit)	Brickfields (L&Q) – Policy Compliant Tenure Scenario (by unit)
Total Affordable Homes (%)	58% <u>55%</u>	36%
London Affordable Rent	49% <u>44%</u>	70%
Intermediate	51% <u>56%</u>	30%

3.8 Pg. 97 Para 14.9.7 should read:

‘...L&Q have stated that they would only be eligible for grant on the additionality between the approved affordable housing position (22.7% in the 2015 Masterplan/858 homes) and the updated proposals (~~1,355~~ 2,090 homes including Plots 18.02 and 18.03). This means that only ~~c.500~~ c.1,200 homes would be eligible for GLA funding...’

3.9 Pg. 97 Para 14.9.9 should read:

‘Any changes would also affect the wider Masterplan resulting in a 56:44 53:47 tenure split in favour of London Affordable Rent’.

3.10 Pgs. 97-98 Para 14.9.10 table should read:

Tenure site wide	70:30 in favour of Social Rent	56:44 <u>53:47</u> in favour of London Affordable Rent
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AH Distribution by Neighbourhood				
	Min.	Max.	Min.	Max.
Brickfields (min/max)	630	1,380	1,890 1,889 (inc Plots 18)	60% by unit
Peninsula Central (min/max)	335	840	377	n/a

3.11 Pg. 98 Para 14.9.11 should read:

‘Although the proposals will see the continued delivery of affordable housing in all neighbourhoods, this may not mean on every single plot as currently required under the 2015 Masterplan s106 legal agreement (with the exception of 6 affordable free plots in Meridian Quays)...’

3.12 Pg. 99 Para 14.9.16 should read:

‘...The applicant has worked out that using the above mechanism and by taking into account the amount of affordable housing to be provided in Brickfields will result in at least 56% of all of the plots (28 out of 50 plots) on the Peninsula containing affordable housing.’

3.13 Pg. 102 Para 14.10.7 should read:

‘While the application does not meet the Council’s affordable housing requirements in terms of proposed quantum, tenure, mix and the move away from affordable housing on every plot (with the exception of 6 plots on Meridian Quays), the application will deliver the following housing benefits...’

3.14 Pg 127 para 19.5.9 should read:

'It is also acknowledged that the design concerns alone are not sufficient to warrant a refusal and need to be considered alongside the public benefits of the scheme (see section ~~46~~ 47).'

3.15 Pg 152 Para 21.8.14 should read:

'...as well as the wider benefits resulting from the Greenwich Peninsula Masterplan development as set out in the section ~~46~~ 47 – Conclusion of the report...'

3.16 Pg. 188 Para 28.15.4 should read:

'In regards to the window assessment on the daylight and sunlight of the existing/consented residential buildings surrounding the site, it is acknowledged that there are some significant failures to some of the properties in particular receptor 30 and 37. It should also be noted that in regards to Receptor 30 (Plot 201), this remains unbuilt, and its extant planning permission was granted in the context of the already approved 2015 Masterplan which comprised similar massing and tall building elements. However, It must also be acknowledged that this is not unreasonable in a high-density urban environments with tall buildings that there will be some reduction in daylight and sunlight particularly at the lower levels and does not necessary represent a reason for refusal...'

3.17 Pg. 188 Para 28.15.6 should read

'In considering the public benefits of the scheme as outlined in ~~paragraph 46~~ section 47 below (Conclusion), it is considered that, on balance, in this case the harm is outweighed by these benefits.'

3.18 Page 237 Para 42.1 should read:

'...The Mayoral CIL formally came into effect on 1st April 2019, 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~~ £25 per square metre.'

3.19 Pg. 247 Para 47.6 should state:

'The application is proposing to provide up to 2,648 affordable units within the 2019 Masterplan area (Outline and Detailed Parts). This will equate to up to 42% by unit or ~~44%~~ 45% by Habitable Room. The affordable housing offer for the Peninsula wide would increase to 28% by unit or 30% by habitable room. Although the increase in affordable housing is welcomed, it is acknowledged that the increase in affordable homes (950 units) will be intermediate tenure only with a concentration of affordable housing (50%) in the Brickfields neighbourhood. The proposal will provide a tenure split of ~~52:48~~ 51:49 in favour of London Affordable Rent by unit. Members will need to consider whether a higher proportion of affordable housing is more desirable than a policy compliant tenure split in order to deliver housing, including affordable housing on the Peninsula.'

4. **Corrections to the Main report for the Detailed Part (plots 18.2 and 18.03):**
- 4.1 **Pg. 6, Para 5.3.3, Para 19.6.3, Para 19.7.1, Para 47.17 (Detailed Part) should read:**
Block A – ~~36 storeys~~ 30 storeys
Block B – ~~36.68m~~ 38.3m
Block E – ~~10,382.7~~ 10,293.6
Non-residential floorspace – 100 sqm
- 4.2 **Pg. 6, Para 5.3.3, Para 19.6.3, Para 19.7.1, Para 47.17 (Outline Part) should read:**
Dwelling Mix – References to unit numbers should be 'up to'
Intermediate / Shared Ownership (no. / %) – ~~1,338 (20%)~~ 1,138 (20%)
- 4.3 **Pg. 8, Para 34.26.1 (Detailed Part) should read:**
No. Proposed Residential Car Parking Spaces – ~~47~~ 44
Ratio – ~~0.1~~ 0.09
- 4.4 **Pg. 8 Summary Table for Sustainability / Energy - Detailed should read:**

Renewable Energy Source (%)	66% <u>reduction of Carbon Dioxide over Part L from Renewable Sources.</u>
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4.5 Pgs. 11, 92, 93 Para 3.2.1, 13.4.1 and 13.4.7 (and instances elsewhere within report) should read:

‘The site lies within the part of the Masterplan defined as Lower the Brickfields Neighbourhood Area.’ and ‘Brickfields South Neighbourhood’

4.6 Pg. 11 Para 3.2.2 should read:

Two new roads ~~will be~~ have been formed in the vicinity of the site as part of the Masterplan. ~~Anglers Crescent~~ Neal Street will run along the north western site boundary and ~~Rope Walk (School Road)~~ Hendon Street will run along the south western site boundary.’

4.7 Pg. 15 Para 4.11 should read:

16/1796/R - Reserved Matters Approval for Access, Appearance, Landscaping, Layout and Scale pursuant to Condition 13 of Outline Planning Permission 15/0716/O for ~~2220~~ 220 residential units with associated landscaping, amenity space, parking, access works and associated infrastructure Plot 18.03 (Approved 16.02.17). This permission was not implemented and has now lapsed.

4.8 Pg. 28 Para 5.3.4 should read:

The proposal also includes 44 car parking spaces, of which 14 are to be wheelchair parking bays and ~~824~~ 823 cycle parking spaces (for residents, visitors and for the commercial space).

4.9 Pg. 29 Para 6.3 should read:

The main changes to the detailed part of the site included: amendments to balcony design, reconfiguration of the 9th floor in ~~the mansion blocks~~ Block F and the increase of wheelchair units in the London Affordable Rented units.’

4.10 Pg. 48 Third paragraph of detailed comments should read:

The proposed split is 41% rented and ~~54~~ 59% intermediate

4.11 Pg. 59 Third bullet point of detailed comment should read:

Living roofs such as sedum or brown roofs will be incorporated on buildings A and B of Plot ~~8.02~~ 18.02

4.12 Pg. 92 Para 13.4.2 should read:

~~Fifteen~~ Fourteen and a half percent (~~+15~~ +14.5%) of all units are to be family accommodation, equating to a total ~~71~~ 69 units. Of these, ~~56~~ 53 are affordable units with ~~45~~ 44 being ~~sœcial~~ London Affordable Rented and ~~11~~ 9 being shared ownership and the remaining ~~15~~ 16 being private. As such, 20% of all the affordable units are family units, with ~~41~~ 40% of the ~~sœcial~~ London Affordable Rented being family and ~~7~~ 6% of the shared ownership.

4.13 Pgs. 92-93 Para 13.4.3 table should read:

Family Units	18.02 & 18.03 consented RMAs (16/1776/R & 16/1796/R)	Proposed	Difference
Units	462	476	+ 14
Studio	0	51	+ 51
1 bed	124	192	+ 68
2 bed	194	164	- 28 <u>30</u>
3 bed	144	51	- 93
4 bed	0	18	+ 18

4.14 Pg. 93 Para 13.4.4 should read:

The proposed scheme reduces the total number of 2 and 3 bed units but does Introduce ~~18~~ 17 4-bed town houses and a 4-bed flat in Block F. The proposed scheme reduces the total number of 2 and 3 bed units but does introduce 18 4-bed ~~town houses~~ homes. The proposed scheme therefore increases the number of non-family units (studio, 1 bed and 2 beds) by ~~91~~ 89 units and decreases the family provision by 75 units.

4.15 Pg. 93 Para 13.4.6 should read:

The total number of family units within the London Affordable Rented units is high at ~~41~~ 40%, which is a positive element of the scheme.

4.16 Page 94 should read:

Para nos. 13.3.8 and 13.3.9 should be 13.4.8 and 13.4.9

4.17 Pg. 102 Para 14.11.1 should read:

Of the London Affordable Rented units ~~4~~ 40% will be delivered as family housing.'

4.18 Pg. 104 Para 14.11.5 should read:

As mentioned above, as the site is GLA land, London Plan policy requirement for 50% of the total number of ~~units~~ Habitable Rooms to be provided as an affordable unit type is triggered. This requires a total of ~~238~~ 632 affordable ~~units~~ habitable rooms to be provided. The applicant is compliant with this requirement (providing ~~56% in total by unit~~ 60% by habitable room). The proposal is therefore providing an additional ~~27 units~~ 125 habitable rooms beyond the London Plan policy requirement for 50%.

4.19 Pg. 111 Para 16.4.5 should read:

The applicant has demonstrated that further provision can be accommodated within the ~~basement~~ off-street car parking spaces

4.20 Pg. 127 Para 19.6.4 should read:

Each unit has access to a balcony or a garden, and the townhouses also have individual roof terraces.

4.21 Pg. 127 Para 19.6.5 should read:

Each plot is composed of apartment blocks fronting West Parkside (Blocks A,B, E, F, ~~G~~). Block G fronts onto John Harrison Way.

4.22 Pg. 189 Para 28.16.2 should read:

A total of 912 windows were assessed across the proposed development for APSH. Of these, 632 (69%) resulted in units above the BRE Guide and a further 48 failed by a small margin. As such a total of 680 (75%) either pass or slightly fall below the requirements. It is further noted that none of the windows tested in Block C and D (London Affordable Rent tenure) failed. A total of 912 windows were assessed across the proposed development for WPSH

4.23 Pg. 2019 Para 34.26.4 should read:

20% of all bays will require active electric vehicle charging spaces and all 20% of remaining spaces will have passive electric vehicle charging spaces.

4.24 **Pg. 233 41.1 – Clarification**

In addition to the planning applications considered in this report, the applicant has made a separate request by letter to modify obligations contained in both the S106 Agreement relating to the 2015 Masterplan (15/0716/O dated 8th December 2015) and the legal agreement relating to Plot MO121 which is situated outside of the 2015 Masterplan area and is subject to three associated legal agreements, the first being the Original 23 February 2004 agreement, the second dated 31st March 2014 (the “PR2 Supplemental Agreement”) pursuant to 13/2865/F and the third dated 20 September 2016 (the “MO121 Deed of Variation”). The request by letter was made for modifications under s106A(1)(a) of the Town and Country Planning Act 1990 which allows S106 deeds to be modified at any time by agreement with the Council. The letter is described as an ‘application’ for reasons stated in the letter as including transparency but it should be noted that there is no legal requirement for any application to be made under S106A(1)(a). Since the effects of the 2019 hybrid application (ref: 19/2733/O) span both the 2015 masterplan area and the site of Plot MO121, officers have engaged with the applicant to ensure any necessary modifications to the existing legal agreements are suitably captured to ensure the development proposed in the new 2020 Masterplan, if approved, would be acceptable in planning terms. In addition, to ensure effective monitoring and enforcement of the 2020 Masterplan as a whole, consolidating the agreements into a single deed, is considered to be the most suitable approach.

4.25 **Pg. 245 Para 45.11 should read:**

The table in Appendix X 4 sets out the original condition and the proposed amendments, with a brief summary of the acceptability of these amendments.

5. **Additional Paragraph to Section 47 conclusion:**

- 5.1 The proposed development would constitute ‘less than substantial harm’ to the heritage assets. In accordance with NPPF “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”. It is considered that the scheme would deliver the following public benefits: increased provision of housing and affordable housing; new social

infrastructure, additional employment opportunities, new public realm and pedestrian connections as well as the wider benefits resulting from the Greenwich Peninsula Masterplan development as set out within this section of the report.

6. **Clarification in regards to the affordable student accommodation and affordable co-living (para 11.12 and 12.6).**

6.1 28.3% by habitable room has been accepted as the maximum reasonable affordable housing the scheme can provide and this baseline position will be reflected in the s106 legal agreement for the affordable student accommodation and co-living elements. Once the student accommodation and/or co-living comes forward at reserved matters stage, the proposal will be subject to a viability review in order to see if more affordable housing can be provided. The final wording on the equivalent affordable housing calculation to be included in the s106 legal agreement is to be agreed.

7. **Clarification in regards to the re-provision of Coach Parking:**

7.1 Para 5.2.42 and 34.16.6 (and pgs. 35 and 65 in response to TfL and RBG Highways comments) of the report refers to coach parking being provided within the Multi-storey Car Parks (MSCP) on Plot 15.01 and Plot 8. To clarify, these two plots have been identified by the applicant as the possible location to accommodate the coach parking spaces. However, the applicant is contractual obliged to provide 2000 car parking spaces for AEG within the two MSCP which may prevent coach parking spaces being provided within these two plots. If no coach parking is provided, the alternative is the Council using its powers to make Traffic Regulation Orders (TRO) which could include a blanket ban on coach parking or an alternative arrangement that will minimise disruption. The agreement would require the applicant to bear the Council reasonable costs in facilitating the TRO (inc. a study which underpins the coach parking that is required). The final wording to be included in the s106 legal agreement is yet to be agreed and if no agreement is reached between the applicant and the Council, the application will need to be brought back to Members for further consideration on this matter.

8. **Clarification on the Review Cap for the review mechanism:**

8.1 The affordable housing review mechanism will allow additional affordable homes (or a payment in lieu where agreed with the borough) up to a cap of 50% on GLA land and 35% on the remainder of the site. Since the report was published, it has been agreed that the review cap will be based on a blended rate of 50% affordable housing on the publicly owned land and 35% on the KD land. The GLA have indicated an initial calculation that creates a blend of 48.13%. Although the applicant has agreed to the principle of the blended cap being based on the site area, a figure has not yet been agreed.

9. **Additions to the Head of Terms – Rolling Minimum:**

9.1 A total of 28% affordable housing will be secured in the s106 for the whole of the Peninsula Masterplan. A clause will be included which requires a rolling minimum of 28% of affordable housing to be maintained as the site is developed. The exception to this would be if there were any delays or amendments to the Silvertown Tunnel which would impact on the delivery of development which would allow the developer to drop to 25%. This would not remove the requirement of the developer to delivery 28% overall for the site. The applicant is seeking more caveats to allow the percentage to drop to 25%, however what these would be and the justification for them is still being discussed. The final wording to be included in the s106 legal agreement is to be agreed.

10. **Additions to the Heads of Terms in section 44 of the report:**

Affordable Housing

Clause/Contribution	Details/Amount
Rolling Min. of Affordable Housing	Rolling Minimum of 28% is maintained as the site is developed with a fallback position drops to 25% in the event of delays to the Silvertown Tunnel.

Transport

Implementation of a CPZ	Implementation of Traffic Orders and CPZ inc.
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	<u>Financial contribution toward CPZ administration (£11,289 per neighbourhood)</u> <u>Financial contribution towards CPZ implementation (£56,445 each year until the completion of the development towards the cost of the Council setting up and continuing to enforce the CPZ)</u>
Coach Parking	<u>Coach Parking to be provided in the MSCP (plot 8 and 15.01) or a</u> <u>Financial contribution towards the implementation of Traffic Regulations Orders (capped at £20,000).</u>

Education

Primary School on Plot 22	<u>Provision of a 2FE Primary school on Plot 22.02 or subject to the wording of the s106, a financial contribution of a min. £7,911,841 towards the cost of contrition a primary school (final figure to be based on national average costs published in the DfE school place scorecards (adjusted by BCIS location factors)).</u>
Primary School on Meridian Quays	<u>Provision of a 2FE Primary School in Meridian Quays or subject to the wording of the s106, a financial contribution of a min. £7,911,841 towards the cost of contrition a primary school (final figure to be based on national average costs published in the DfE school place scorecards (adjusted by BCIS location factors)).</u>
All Through School (StMM)	<u>Financial Contribution of £24,144,000 towards All Through School (St Mary Magdalene)</u>

Other

Payment of s106 monitoring costs	<u>Financial contribution of £1,947,518 towards the cost of monitoring the development.</u>
<u>Sponsor Route Agreement</u>	<u>Financial contribution of £1,617,030 received towards bus service improvements.</u>

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