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| Item No. 4 | Classification OPEN | Decision Level PLANNING COMMITTEE | Date 09/11/2004 |
| From Interim Development and Building Control Manager. | | Title of Report DEVELOPMENT CONTROL | |
| Proposal (04-AP-0338 & 04-AP-0337) Redevelopment of site to provide a part 7, part 8 and part 9 storey buildings for mixed use development comprising office (Class B1) space, 14 live/work units, 401 flats and a gymnasium together with associated car parking and landscaping. | | Address Mulberry Business Centre, Quebec Way SE16. Ward Surrey Docks | |

1. PURPOSE

- 1.1 To consider application number 04-AP-0338 which requires Planning Committee consideration because of the size of the development, the number of representations received and because it is subject to a section 106 agreement.
- 1.2 To consider how the Council would have determined application 04-AP-0337 had an appeal not been made against the deemed refusal of planning permission by reason of the Council's failure to determine the application within the statutory period.

2. RECOMMENDATION

- 2.1 Grant planning permission subject to a section 106 agreement for the application number 04-AP-0338 to secure affordable housing provision, financial contribution towards the improvement of existing and creation of new cycle network routes around the Canada Water area, setting up of a car share scheme, environmental improvement works around the vicinity of the site, details of the design of the south elevation of block 5 incorporating additional sound attenuation measures and traffic measures around the vicinity of the site.
- 2.2 That had the Council still been empowered to determine application number 04-AP-0337, a recommendation to grant planning permission would have been made for the same reasons as application number 04-AP-0338.

3. BACKGROUND

- 3.1 The application site is located on Quebec Way at its junction with Canada Street. The site is currently occupied by two storey industrial/warehouse buildings within a purpose built industrial complex. Some of the units are still occupied by existing businesses.

- 3.2 The site is adjoined immediately to the east by Harmsworth Quays Printing Press, a substantial industrial building with extensive parking and servicing areas fronting Surrey Quays Road. Immediately south of the site is a single storey retail warehouse. This site has the benefit of planning permission for an office and an office and telehotel development. The site is also the subject of a current planning application for predominantly residential development ranging from 7 to 12 storeys. It is also the subject of an appeal for an identical scheme. To the south west of the site is a cleared site with the benefit of planning permission for residential development in six blocks ranging from seven to ten storeys and to the west a block of flats. To the north across Quebec Way is a school.
- 3.3 In May 1985 the London Docklands Development Corporation granted planning permission for the erection of a purpose built industrial complex for 36 industrial units with ancillary office space comprising 4400 sq.m of single storey shells and 1200 sq.m of extra floorspace at mezzanine level. In March 1999 planning permission was refused for alterations to central parking and landscaped area to increase the number of car parking spaces. In May 2003, a Certificate of Lawfulness was granted for the introduction of a mezzanine floor into units 28 & 29. In July 2003, a Certificate of Lawfulness was granted for the use of units 28 & 29 as offices.
- 3.4 The proposal is for redevelopment of the site to provide part 7, part 8 and part 9 storey buildings for mixed use development comprising B1 office space, 14 live/work units, 401 flats and a gymnasium together with associated car parking and landscaping. The scheme has been amended with an increase in the commercial floorspace and the total number of three bed units to a total of 41.

4. FACTORS FOR CONSIDERATION

4.1 Main Issues

The main issues in this case are the principle of the development, the impact on the streetscape and the surrounding area and the compatibility with adjoining commercial and industrial uses.

4.2 Planning Policy

Southwark Unitary Development Plan 1995 [UDP]:

Application site is within:

- designated Regeneration Area
- Policy H.1.3 - New Housing - complies, the proposal will provide new housing.
- Policy H.1.4 - Affordable Housing -complies, this will be secured by a legal agreement.
- Policy H.1.7 - Density of New Residential Development - the density level is higher than current standards
- Policy H.1.8 - New Housing Standards - the proposal complies with the Council's floorspace/room size standards.

Policy B.1.2 - Protection Outside Employment Areas and Sites - complies, the proposal will result in a net increase to the current employment floorspace.

Policy T.6.3 - Parking Space in New Developments - there is a shortfall in the car parking spaces against the current UDP standards.

Policy E.1.1 - Safety and Security in the Environment - the proposal complies with this policy

Policy E.2.1 - Layout and Building Line - the proposal complies with this policy

Policy E.2.2 - Heights of Buildings - the building heights are considered acceptable having regard to the emerging proposals for the Canada Water area.

Policy E.2.3 - Aesthetic Control - the proposal is considered to comply with this policy.

Policy E.3.1 - Protection of Amenity - the future occupiers of some of the proposed dwellings could be affected by noise from adjoining commercial property.

The Southwark Plan [Revised Deposit Unitary Development Plan] March 2004

The application site is within:

- Site 32P in site proposals schedule [Mulberry Business Park] where Business use [Class B] is required with no net loss of employment floorspace and no other use permitted.
- Public Transport Accessibility Zone
- Canada Water Action Zone

Policy 1.5 - Mixed Use Developments - complies, the proposal will result in a net increase in commercial floorspace.

Policy 2.5 - Planning Obligations - complies, the development will secure community benefits through a legal agreement.

Policy 3.2 - Protection of Amenity - the future occupiers of some of the proposed dwellings could be affected by noise from adjoining commercial property.

Policy 3.3 - Sustainability Appraisal - the proposal complies with this policy.

Policy 3.11 - Quality in Design - the proposal complies with this policy.

Policy 3.13 - Urban Design - the proposal complies with this policy.

Policy 3.14 - Designing Out Crime - the proposal complies with this policy.

Policy 3.20 - Tall Buildings - the proposal complies with this policy.

Policy 4.1 - Density of Residential Development - the high density is considered consistent with the emerging plans for the Canada Water Area where higher densities are generally expected.

The London Plan (February 2004)

Policy 3A.5 - Large Residential Developments - the proposal complies with this policy.

Policy 3A.8 - Negotiating Affordable Housing in Individual Private Residential and Mixed Use Schemes - complies, this will be secured by a legal agreement.

Policy 3B.4 - Mixed Use Development - the proposal complies with this policy.

Policy 4B.1 - Design Principles for a Compact City - the proposal complies with this policy.

Policy 4B.3 - Maximising the Potential of Sites - the proposal complies with this policy

Policy 4B.9 Large Scale Buildings - Design and Impact - the proposal complies

with this policy.

Policy 3C.22 - Parking Strategy - the proposal complies with this policy.

Policy 4C.21 - Design Statements - the proposal complies with this policy.

Draft Supplementary Planning Guidance for Canada Water (September 2004)

PPG 24 - Planning and Noise

4.3 Consultations

Site Notice:30/03/2004

Press Notice:25/03/2004

Consultees:

DRE Traffic, DRE Public Protection, Crime Prevention Officer

Ward Councillors, Property Division, Canada Water Consultative Forum, Pauline Adenwalla, David Brunskill, Wolfe Crescent Residents Association, 1-27 (incl) Wolfe Crescent, 1-9 (incl) Durell House, 1-11 (incl) James House, 1-14 (incl) Carlton House, 1-11 (incl) James's House, 1-11 (incl) Monkton House, all Wolfe Crescent

1-7 (incl) Saundres House, 1-6 (incl) Amherst House, Brass Talley Alley

1-55 (incl) Basque Court, 1-11 (incl) Adelphi Court, Garter Way

6-10 (incl) and 12-21 (incl) Woodland Crescent,

1-6 (incl) Cedar House, 1-9 (incl) Yew House, 1-9 (incl) Rowan House, 1-9 (incl) Cypress House, 1-13 (incl) Sycamore House all Woodland Crescent.

1-4 (incl) Gorham House, Wolfe Crescent

1-11 (incl) Adelaide Court, Garter Way

1-30 (incl) Mulberry Business Centre

Canada Water Sites D & E, corner of Surrey Quays Road and Canada Street

The Head teacher, Alfred Salter Primary School, Quebec Way

Harmsworth Quays Printing Press, Quebec Way.

Replies from:

Crime prevention Officer - no objections subject to suitable conditions.

Traffic Group - no objections to the revised parking and access arrangement.

Public Protection - no objections subject to conditions and request that the redesign of the south elevation facing the service yard of the adjacent retail warehouse must be secured by a section 106 agreement should the adjacent site E not redeveloped.

Design Officer - raised no objections to the design and layout of the proposed development.

5 Wolfe Crescent - object on grounds of over-development, traffic generation, noise and pollution, and danger to children in nearby schools in terms of traffic problems.

7 Aberdale Court, Garter Way - concerned about the level of car parking provision, would prefer a reduction in the number of off street car parking provision proposed given that the area is served by good public transport.

14 Woodland Crescent - comment that the proposed development is too large and too dense. Would welcome development of the site but on a much smaller scale.

Flat 10, Spruce House - request additional information on appearance of the development, traffic, noise and how the development will impact on the area.

23 Wolfe Crescent - object on grounds of height, environmental pollution to

nearby dwellings, health and safety during construction given the proximity of the school, traffic generation, proximity of development to adjacent 24 hour industrial use, pressure on existing services such as schools & doctors surgery.

Cllr Rajan - object on grounds of the principle of the development which includes residential on a designated employment site, unsuitability of the site for residential use given its close proximity to Harmsworth Quays, noise from the print works, scale and massing inappropriate given the site's location adjacent to a primary school. Also concerned about potential overlooking, traffic generation and parking.

18 Woodland Crescent - raised objections to the proposal

16 Wolfe Crescent - object on grounds of the principle of the development, noise, height of the development, potential overshadowing, design, traffic generation, poor landscaping & loss of trees at perimeter of site and dwelling mix.

18 Wolfe Crescent - object on grounds of overdevelopment, height and design of the development, potential light and privacy infringement, risk to school children from additional traffic along Quebec Way with the proposed removal of the width restriction.

25 Wolfe Crescent - object on grounds of site being unsuitable for residential use given the commercial nature of the site, poor design and materials incompatible with surrounding buildings, height, potential privacy infringement from proposed balconies, increase traffic generation and danger to pedestrian safety, design of development will lead to potential vandalism given the alleyways.

2 Gorham House, Wolfe Crescent - object on grounds of inadequate car parking provision, site unsuitable for residential development, accommodation mix, height, strain on existing facilities such as medical and education, noise and general disturbance, danger to pedestrian safety, potential light and privacy infringement.

13 Wolfe Crescent - concerned about safety and security, pressure on existing services, height and density not in keeping with the surrounding area, traffic congestion and insufficient car parking provision, design.

10 Woodland Crescent - object on grounds of density, noise, pollution, light infringement, traffic and design.

17 Wolfe Crescent - object on the grounds of noise, traffic, highway safety, pollution, strain on public transport, less trees

14 Wolfe Crescent - object on the grounds of size of the development, traffic, highway safety, loss of hedges.

Wolfe Crescent Residents Association - object on grounds of inappropriate development for the site, unsuitable for intense residential development, height and density, access, servicing arrangement and parking, impact on residents of Wolfe Crescent given the proposed building height.

Canada Water Campaign Group - object on grounds of loss of employment site, site unsuitable for mixed use comprising mainly residential, overdevelopment, density, and poor design.

3 James House, Wolfe Crescent - object on grounds of inappropriate use of the site, noise from adjacent industrial use, height, potential traffic problems.

Hunters Farm, Blind Lane Newick, East Sussex - comment as owner of 4 Wolfe Crescent - the proposed development will not contribute positively towards building a local community and will not contribute positively towards cr Alfred Salter Primary School - concerned about the size of the development,

potential overlooking problems, traffic generation and pedestrian safety, removal of width restriction on Quebec Way.

Harmsworth Quays Printing Press - object on grounds of site being inappropriate for residential development being adjacent to a noisy 24 hr industrial operation which include traffic noise. Site should be uses other than residential to avoid amenity problems.

Thames Water - no objection

5 PLANNING CONSIDERATIONS

Land Use Considerations

- 5.1 The site is located within the Canada Water Action Area as identified in the emerging plan. It is also identified as a site for business purposes with no net loss of employment floorspace and no other uses allowed in the second deposit draft UDP. It is also identified as a site for business purposes in the Draft Supplementary Planning Guidance for Canada Water. The site however has no specific designation in the adopted UDP and in that respect a mixed use scheme with a net increase in the employment floorspace is considered in principle to be acceptable. Whilst the emerging UDP identifies the site as being suitable for employment purposes only, it should be borne in mind that the application was submitted prior to the publication of the draft plan and in the circumstances would be unreasonable to demand sole employment use on the site, particularly given that the site has no specific designation in the adopted plan.
- 5.2 The application site is bounded to the south by a single storey retail warehouse, which is the subject of a planning application for residential development and to the east by Harmsworth Quays Printing, a 24 hour industrial site immediately adjacent to a site with a proposed residential scheme. It should be borne in mind that because the application site is adjacent to an employment site, or the fact that the site itself is currently in employment use does not necessarily mean that any proposed use on the application site must of necessity also be solely, for employment especially in light of the adopted UDP. The introduction of a mixed use scheme on the site is clearly consistent with the adopted UDP in so far as the principle is concerned.

Density Considerations

- 5.3 The density of the proposed development is calculated at 954 habitable rooms per hectare. This is in excess of standard densities set out in the existing UDP, up to 210 hrph in normal circumstances, although the plan does allow for higher densities in parts of the borough where the existing character and/or planned redevelopment proposals might permit it.
- 5.4 The density levels as set out in the first deposit draft indicate that the Canada Water area is capable of achieving density levels of between 650-1100 hrh. The proposed scheme has been designed with that density threshold in mind, and is consistent with other recently approved schemes around the area. It should also be noted that there are outstanding objections to the urban density threshold in the 2nd Deposit Draft of the emerging UDP, yet to be addressed.

However the density level in the proposed development is contrary to the level set in the second deposit draft UDP of 300-700 hrh.

5.5 At the time of submission however, the required density level in the first draft of the UDP was 650-1100 hrh and in the circumstances it would not be justifiable to require amendment to the scheme to reflect the level set in the second deposit draft particularly given the design quality of the scheme. In addition, the emerging UDP allows for density levels to be higher than the stipulated requirement on the basis that the site has good PTAZ rating and the proposed development is of exceptional design quality. It is considered that the merit of the development with a high quality design when weighed against the density consideration makes the proposal on balance acceptable.

5.6 The emerging Southwark Plan has identified the Canada Water area as an Action Area and a Public Transport Accessibility Zone (PTAZ). Within a PTAZ density levels are set at the Urban Zone level of 300-700 habitable rooms per hectare and where development should typically be 4 to 6 storeys in height. However, within a PTAZ the Urban Zone density may be exceeded on some sites where the increased scale of the development is appropriate in terms of design and amenity but the development must provide

- an exemplary standard of design and a significant contribution to environmental improvements in the area, particularly relating to public transport/cycle/pedestrian movement, safety, security and public realm improvements.

The proposed scheme is considered to be a high quality scheme that comprises a simple palette of materials including render, copper cladding panels, metal window units, timber panels and glazing which is considered will enhance and make a positive contribution to the area.

Massing and Design

5.7 The development involves the demolition of the existing buildings and replacement with interconnected apartment blocks varying in massing and height from 4 to 10 storeys. It is considered that this approach respects the general character of the area. Most blocks are arranged with a dual aspect and comprise a mix of one, two and three bed units. The units near Harmsworth Quays are single aspect served by a linear internal circulation corridor. Vertical circulation cores comprising lifts and stairs are located towards the end of each block and connect to street level and to the basement level parking garage for residential levels over which is accessed from Canada Street.

5.8 The blocks are positioned close to the existing boundaries and in effect enclose the site on all four sides. The differing setbacks allow vehicular access for servicing and drop off to these frontages particularly to the east and south. On the eastern boundary of the site and adjacent and parallel to Harmsworth Quays the existing location of the vehicular site access into the site is retained and provide access and parking/servicing for the commercial units along this facade. Along the primary street facades as well as the southern boundary, the ground floor accommodation comprises a single level of commercial units, predominantly single aspect orienting out to the street. The south boundary extends further the concepts of the primary street facades by the use of quieter mews style space where pedestrians have priority but servicing of the

commercial units can also be achieved.

5.9 With regards to the internal courtyard areas, a further apartment block stepped in height is located in the centre of the site and provides at ground level a series of work units with living accommodation over. This arrangement effectively creates three internal semi private landscaped courtyards that are interconnected, with the orientation of two in the north-south direction and the other in the east-west direction. These courts link to provide a continuous volume defined in plan and also by the varying heights of the accommodation blocks which surround it. The design concept and massing of the proposed development addresses the close proximity of the primary school by deliberately stepping away at this interface.

5.10 The proposed development introduces a range of new circulation patterns both externally and along the street frontages and within the development itself. A new public realm comprising of hard and soft landscaping is proposed at ground floor level and will be generated by a combination of pedestrian and vehicular circulation patterns. The issue of safety is achieved with the separation of vehicular and pedestrian routes, whilst at the same time facilitating the need for vehicular servicing of the commercial units.

Materials

5.11 The various blocks are seen as individual yet form an integral part of the whole development comprising a palette of simple materials with the intention of creating an overall sense of consistency. The key materials proposed include a combination of render, copper cladding panels, metal window units, timber panels and glazing. The primary elevations combine simple external fin walls with full width timber lined balconies to each unit. The facades are contrasted with simple rendered or fully copper clad gable elements that are further defined by the set back stair and lift cores and the full height circulation corridor routes.

5.12 The north facade and that fronting Canada Street also include a more defined framing of the copper clad balcony projections which generate a strong horizontal definition and separation to the upper three storey element. The ground floor comprises mainly clear and translucent glazing combined with entrance doors and metal panels and a linear louvred recess at first floor level. This arrangement creates a strong horizontal band supporting the mass of the units above and clearly defines the different uses. The extensive glazing allows for transparency on the ground floor and is a key consideration in terms of creating an active and dynamic frontage thereby making a positive contribution to the area. The entrances to the residential units are framed in a combination of aluminium and glazing and are set back with small canopies over. The roofing system proposed will generally be of upside down construction with ballasted topping to the insulation.

Traffic and Parking

5.13 The site is located within close proximity of Canada Water and Surrey quays Underground stations and a number of bus services terminate at Canada Water station or the Surrey Quays Shopping centre. The submitted Traffic

Impact Assessment study indicates that the development is unlikely to result in highway network problems. The report also indicate that a residents' car club will be promoted during the marketing of the development. This will however be secured by a legal agreement.

- 5.14 The proposed development makes provision for 193 car parking spaces, 330 cycle spaces and 10 motor scooter spaces in the basement. In addition a total of 29 car parking spaces and 80 cycle spaces is proposed on the ground floor. Access to the basement car park is off Canada Street whilst a second entrance is proposed off Quebec Way. The level of provision is considered acceptable given that the site and location benefit from good transport links with a number of bus routes linking the area to other parts of the borough and Central London. Canada Water interchange is within five minutes walk of the site and provides opportunities for travel via the tube on the Jubilee line and the East London line or via a number of bus routes. It also complies with the main thrust of government advice as set out in PPG 13 that local authorities should not normally impose minimum parking standards on residential development but rather encourage more sustainable modes of transport. The applicants have also agreed to provide funds for the setting up of a car share scheme.

Affordable Housing

- 5.15 The development will provide 25% affordable housing in compliance with the adopted UDP, although falling short of the required 35% affordable housing provision in the second deposit draft. Notwithstanding this, the level of affordable housing provision, in the circumstances, is considered to be acceptable especially given that the application was submitted ahead of the publication of the second deposit draft UDP. The application was submitted at a time when the adopted UDP and the first deposit draft of the UDP required a minimum 25% provision of affordable housing. As a result it is not considered that it would be reasonable or justified to require the provision of additional affordable housing to reflect the required level in the second deposit draft UDP. The Applicants submit that they are in negotiations with Tower Housing Association with regards to provision of the affordable housing on site.

Dwelling Mix and Residential Space Standards

- 5.16 The proposed development comprise a total of 401 residential units, which is a reduction to the total number of units from 434 as originally submitted. Of the total number of units, 220 are one bed, 146 are two bed and a total of 41 of these units are three beds. The scheme has been amended with a significant increase in the total number of three bed units. More than 10 % of the development now account for three bed family size units. The room sizes for the various flat sizes are in compliance with the Council's minimum floorspace standards and the general layout is considered to be satisfactory. Although the proposal fails to meet the required amenity space provision, this is set against the merits of the scheme and the constraint of the development type, which includes a large element of commercial and servicing area on the ground floor area. This to a certain extent restricts the level of outdoor amenity space that can be achieved. Some of the units however, have been provided with balconies and a gymnasium is also proposed in terms of addressing the amenity space issue.

Section 106 Agreement

5.17 In addition to the provision of affordable housing on site, the applicant has agreed to make a financial contribution to the Council to fund various projects which are considered to be directly linked to the proposed development. The monies agreed are:

- £65,000 towards the improvement of existing and creation of new cycle network routes around the Canada Water area and traffic measures around the vicinity of the site.
- £40,000 towards setting up of a car share scheme, which also includes provision of 6 dedicated car spaces within the development.
- £16,000 towards environmental improvement works around the vicinity of the site.

The design of the south elevation of block 5, incorporating sound attenuation measures will also be secured by the legal agreement.

Noise Considerations

5.18 The application site is adjacent to a 24-hour printing press and a retail warehouse and as such future occupiers are likely to be exposed to potential noise nuisance. The applicants prior to submission of their application addressed this issue. A noise survey and assessment was undertaken in accordance with the guidance set out in PPG 24, Planning and Noise to ascertain what measures will be required to avoid noise nuisance. Noise measurements were taken from three positions around the site over a cumulative 24 hour period on a weekday.

5.19 The survey carried out shows that at ground level , daytime and nighttime noise levels fall into noise exposure category (NEC) B. The guidance in PPG24 states that within NEC B, noise should be taken into account when determining applications and where appropriate conditions imposed, to ensure adequate level of protection against noise. Within NEC C, planning permission should not normally be granted, but where it is considered that permission should be given, for example because there are no quieter sites available, conditions should be imposed to ensure commensurate levels of protection against noise.

5.20 A significant feature in the applicant's design of the scheme is the level of protection from noise source. The design of the scheme indicates that no habitable rooms of the proposed residential properties will overlook Harmsworth Quays Printing Works. This is achieved by use of a single aspect block that runs parallel to the Print Works with all proposed properties facing toward the inner courtyard area of the site. This design ensures that all habitable rooms within the block will thereby be protected from industrial noise by a considerable buffer consisting of commercial space, a communal access corridor and non habitable rooms (kitchens and bathrooms).

5.21 The independent noise assessment concludes that this sort of arrangement arguably renders BS4142:1997 based assessment of these noise sources redundant as most ordinary reasonable persons are unlikely to find such

limited noise intrusion intolerable and are unlikely to complain. However, following discussions with the applicants they are willing to provide further noise attenuation measures which can be secured by condition or through a legal agreement, to ensure that the issue of noise transmission is effectively dealt with.

5.22 The assessment further indicates that other blocks in the Mulberry Business Park development that would have habitable rooms facing Harmsworth Quays print works complex will be further away than block 4, and will be screened by block 4 from both plant and behind the louvers and the ink delivery storage yard. The report estimates that the combined effect of the extra distance and screening is likely to give predicted additional attenuation of these noise sources at least approximately 15dBA.

5.23 The permission granted for Harmsworth Quays Printing included a condition which stipulates maximum noise levels permitted as part of their operations. Condition 11 of the planning permission dated 17/10/1986 (S/86/97) stipulates that "The building shall be so designed and used that noise from fixed plant shall be limited to a maximum Corrected Noise Level, as defined in B.S. 4142. OF 40 db (A) outside any residential development on Surrey Quays Housing Site 6A. The permission granted was for the development of offices, newsprint and printing and publishing complex only and no other use. This removed the permitted development rights of the applicants in so far as changing into another use within the same Use Class. Subsequent permissions for extension to the building as part of the printing operations included conditions restricting the noise levels.

5.24 An independent noise survey was commissioned on the Council's behalf. This survey provided a detailed assessment and analysis of the survey undertaken. The report findings clearly indicated that Harmsworth Quays Printing is a noise source given its 24 hour operation and also took account of the noise report by Harmsworth Quays as an objector. In addition the service area of the existing retail warehouse is a potential source of noise particularly at night time. The applicants indicate that suitable sound attenuation condition is sufficient to deal with this issue. However the applicants have agreed that an alternative design approach of the facade facing the service area will be secured by a section 106 agreement in order to overcome potential noise problems from within the service area in the event that the adjacent site remains undeveloped.

6. EQUAL OPPORTUNITY IMPLICATIONS

6.1 Lifts available to all floors making the development accessible for people with mobility difficulties.

7. LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

7.1 The proposed development is within close proximity of good public transport services.

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