



Planning Committee

Tuesday 26 January 2016 at 7.00 pm

Board Room 7&8 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Marquis (Chair)
Agha (Vice-Chair)
S Choudhary
Colacicco
Ezeajughi
Mahmood
Maurice
M Patel

Substitute Members

Councillors:

Chohan, A Choudry, Hoda-Benn, Hylton, Khan
and W Mitchell Murray

Councillors

Colwill and Kansagra

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354; joe.kwateng@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

**There will be a presentation to members only from 5.15pm
in Boardroom 2**

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda. Extract of Planning Code of Practice		
2. Review of SPG5 - Altering and Extending Your Home The attached report has been revised and now replaces the version sent to you earlier.	All Wards	5 - 8
3. Review of SPG17 - Design Guide for New Developments The attached report has been revised and now replaces the version sent to you earlier.	All Wards	9 - 12
4. Planning Policy Work Programme 2016-2017 The attached report has been revised and now replaces the version sent to you earlier.	All Wards	13 - 18
5. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 64.		

Date of the next meeting: Wednesday 10 February 2016

The site visits for that meeting will take place the preceding Saturday 6 February 2016 at 9.30am when the coach leaves the Civic Centre.



Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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Planning Committee
26th January 2016

Report from Head of Planning

For Action

Wards affected:
ALL

Review of SPG5 Altering and Extending Your Home

1 Summary

- 1.1 The current SPG5 'Altering and Extending Your Home' was adopted in 2002. The document has served its purpose well but due to its age requires updating. The update will reflect practical experience of its use, including what works well or not; take into account changes in permitted development rights/prior approvals; and increases in development activity not formerly prevalent e.g. basements.

2 Recommendations

- 2.1 That Planning Committee agree the need to review SPG 5 Altering and Extending Your Home.
- 2.2 That subject to incorporation of feedback from Planning Committee that a Altering and Extending Your Home Supplementary Planning Document is issued for public consultation.

3 Detail

- 3.1 The current SPG5 'Altering and Extending Your Home' was adopted in 2002. The document has served its purpose well but due to its age requires updating. In particular there have been far reaching changes to permitted development rights for residential extensions and ancillary buildings/structures and more recently the introduction of Prior Approvals. These potentially allow development to occur which is inconsistent with some aspects of the SPG particularly distances anticipated between buildings and/or up to the boundaries of properties. In some cases in determining applications following these changes, greater emphasis is now placed on the quality of amenity to

existing and future occupants and what is reasonable given these changes, rather than for example specific adherence to a distance set out in the SPG.

3.2 In addition, particularly in the southern part of the Borough where property prices are higher, there has also been an increased demand for basement extensions. Some guidance exists already in conservation area design guides and a Council position statement re: considerations/information to be supplied in association with basement planning applications. However, a review of SPG 5 would also allow opportunity to provide more up to date advice and the incorporation of a collective Council response to this issue, e.g. non-planning issues such skip permits, parking bay suspensions, etc.

3.3 Main changes proposed or needing to be considered in the document:

- a) Wherever possible shorter/greater clarity on the main messages, use appropriate images
- b) Adding a section on basement development
- c) The scope to alter the current thresholds for extensions

3.4 The issue of a need to review SPG 5 is being brought to Committee for discussion and an opportunity to input prior to it being issued for consultation as a Supplementary Planning Document.

4 Financial Implications

4.1 An SPD seeks to provide greater clarity on the Council's approach to dealing with householder applications. It should provide greater clarity for the Council and property owners/developers, thus improving the application process, reducing costs and delay and improving development quality.

5 Legal Implications

5.1 As a Supplementary Planning Document, once adopted it will replace the existing SPG5 Altering and Extending Your Home. As such it will become a material consideration of some weight in the determination of planning applications.

6 Diversity Implications

6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. 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.

The Council must, in exercising its functions, have "due regard" to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not.

6.2 No equality analysis assessment has been undertaken currently, however this will be incorporated into the review process prior to consultation. The SPG is not creating new policy, just providing clarity on approach within existing policy.

7 Staffing/Accommodation Implications (if appropriate)

7.1 None

8 Environmental Implications

8.1 The Supplementary Planning Document deals with development proposals within the Borough with a view to have a positive effect on impacts on the environment.

Background Papers

SPG5 Altering and Extending Your Home

<https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-guides/supplementary-planning-guides/altering-and-extending-your-home-spg-5/>

Contact Officers

Any person wishing to inspect the above papers should contact Paul Lewin, Planning Policy & Projects 0208 937 6710

Stephen Weeks
Head of Planning

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Planning Committee
26th January 2016

Report from Head of Planning

For Action

Wards affected:
ALL

Review of SPG17 Design Guide for New Developments

1 Summary

- 1.1 The current SPG Design Guide for New Developments was adopted in 2001. The document has served its purpose well but due to its age requires updating. Since 2001 planning policy has changed significantly, particularly in relation to urban areas. There is much greater emphasis on maximising development density and the promotion of the efficient use of land. This is particularly so in areas of high public transport accessibility consistent with London Plan Policy 3.2 Optimising Housing Potential.
- 1.2 The current SPG primarily has a focus on the inter-war suburban context of much of the Brent. In areas of the borough where widescale and significant change is not envisaged, it can still be seen as being of particular relevance. However, its content is not so helpful for the areas of larger transformational change, or in the transitional areas where there is an interface between existing areas or sites where higher densities are anticipated. The review of the document also provides the opportunity for it to be a promotional tool, giving a positive message about development potential within Brent and the need for high quality design.

2 Recommendations

- 2.1 That Planning Committee support the existing general approach within the guidance and the need to review and produce a new Design Guide Supplementary Planning Document to reflect its application within the Borough.

2.2 That subject to incorporation of feedback from Planning Committee, that a draft Design Guide Supplementary Planning Document is issued for public consultation.

3 Detail

3.1 The current SPG 17 Design Guide for New Developments was adopted in October 2001. Since then planning policy has changed significantly, particularly in relation to urban areas. There is much greater emphasis on maximising development density and the promotion of the efficient use of land. This is particularly so in areas of high public transport accessibility as set out in London Plan Policy 3.2 Optimising Housing Potential.

3.2 There have also been far reaching changes to permitted development rights for extensions and ancillary buildings/structures and more recently the introduction of Prior Approvals. These potentially allow development to occur which is inconsistent with some aspects of the SPG particularly distances anticipated between buildings and/or up to the boundaries of properties. In many cases in determining applications following these changes, greater emphasis is now placed on the quality of amenity to existing and future occupants rather than, for example, specific adherence to a distance set out in the SPG.

3.3 The current SPG primarily has a focus on the typical inter-war suburban context of Brent. In areas of non-significant change where spaces between existing buildings are relatively generous it is considered that numerous elements of the SPG can still be regarded as being of particular relevance. However, its content is not so helpful for the areas of larger transformational change, such as South Kilburn or Wembley where densities much higher than traditionally provided in Brent are anticipated. The same is true of the transitional areas such as Colindale or Wembley High Road where there is an interface between existing areas and those where significantly higher densities are anticipated.

3.4 The document also has the opportunity to be more 'positively' prepared, becoming more of a promotional tool to encourage the right type of development within Brent.

3.5 Main changes proposed in amending the document:

- a) Shorter/greater clarity on the main messages
- b) Identification of 3 types of area where differing approaches will be taken:
 - i) typical (majority of suburban character);
 - ii) transitional (higher density adjacent to the typical);
 - and
 - iii) transformational (significant areas remodelled at higher densities)
- c) Steps towards successful developments in Brent including

- i) Promoting the use of appropriate expertise
- ii) Quality of presentation standards and consultation expected
- iii) Pre-application and peer review
- iv) Ensuring a quality development

- d) Updating on 'standards' e.g. separation distances, heights within each of the 3 zones.

3.6 Consideration of the need to update the document, together with a proposed structure/focus is being brought to Committee for discussion and an opportunity to input prior to it being issued for consultation as a Supplementary Planning Document.

4 Financial Implications

4.1 An SPD seeks to provide greater clarity on the Council's approach to dealing with the design implications of applications. It should provide greater clarity for the Council and developers, thus improving the application process, reducing costs and delay and improving development quality.

5 Legal Implications

5.1 As a Supplementary Planning Document, once adopted it will replace the existing SPG17 Design Guide for New Developments. As such it will become a material consideration of some weight in the determination of planning applications.

6 Diversity Implications

6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. 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.

The Council must, in exercising its functions, have "due regard" to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not.

6.2 No equality analysis assessment has been undertaken currently, however this will be incorporated into the review process prior to consultation. The SPG is not creating new policy, just providing clarity on approach within existing policy.

7 Staffing/Accommodation Implications (if appropriate)

7.1 None

8 Environmental Implications

8.1 The Supplementary Planning Document deals with development proposals within the Borough with a view to have a positive effect on impacts on the environment.

Background Papers

SPG 17 Design Guide for New Developments

<https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-guides/supplementary-planning-guides/design-guide-for-new-developments-spg-17/>

Contact Officers

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Stephen Weeks
Head of Planning



Planning Committee
26th January 2016

Report from Head of Planning

For Action

Wards affected:
ALL

Planning Policy Work Programme 16-17

1 Summary

- 1.1 The paper sets out potential projects for the coming year with indicative timescales of work. It is intended to allow an opportunity for the Planning Committee to understand the context and to provide an input to forming Planning's work programme for areas covering the policy review and development function. This will feed into the wider service planning process and, in particular, the Peer Review process for Planning programmed for March 2016.

2 Recommendations

- 2.1 That Planning Committee provides feedback on areas of the work programme indicated for 16-17 service planning purposes.

3 Detail

- 3.1 The Planning Division underwent a significant re-organisation in 14-15, including a reduction in posts. After initial delays in successful recruitment, all posts within Planning Policy & Projects are now filled with experienced staff. This, after a period of relative instability, provides a level of certainty about resources available to follow through on a work programme for the coming year.
- 3.2 Brent is one of the fastest growing London Boroughs in London. Its population has increased by 18% in 10 years (2001-2011), whilst in 2014/15 it had the 2nd highest number of housing completions. The recovery following the recession means that the pace of development has picked up and in the short term at least shows no signs of abating. This is undoubtedly positive in the opportunities it brings particularly through the regeneration of the Borough's Growth Areas. However, there is a need for clarity in terms of planning policy and guidance to ensure that new development is of high quality, providing benefits to the population and businesses of Brent.

- 3.3 There is also a need to ensure that existing high quality building assets that the Borough has are protected or enhanced. In terms of the work programme, the following seeks to identify significant individual pieces of policy/supplementary policy guidance that can be taken forward. It does not detail the day to day input of team members into determination of development applications, pre-application discussions or internal or external project teams. The need to engage in these processes and provide internal and external support nevertheless does require resource from the Policy and Projects Team which impacts on the work programme set out in the report.

Main Work Programme Key Priorities

Planning Policy

Local Development Plan

- 3.4 In terms of planning policy the main priority for 15/16 has been working through to the adoption of the Development Management Policies Development Plan to replace all remaining policies in the 'saved' Unitary Development Plan. This will be subject to Examination in Spring 16 and depending on the outcomes of this process is likely to be adopted in Summer/Autumn 16.
- 3.5 Once the Plan has been adopted it essentially creates a full Local Plan for Brent consistent with Government requirements of an adopted Plan by 2017. However, given the variance between the adopted Brent Core Strategy's Housing Target and the London Plan Housing Target for Brent (which increased by approximately 50% per annum) there is a logic in starting a formal review of the development plan. The current 5 year housing land supply assessment identifies sufficient sites to meet the London Plan housing target in the short term. However, to ensure that the Council and community have greater input and control over the amount, type and location of development in Brent there will be a need to pro-actively plan for the future.
- 3.6 In terms of process a number of options exist. A wholesale review of all documents and their amalgamation into a single document, such as formerly existed in the UDP, would probably provide a more coherent picture of the future development of Brent and be more 'user friendly'. Nevertheless, this would be a significant resource requirement associated with the supporting evidence base and staffing over a sustained period. Given likely resource constraints, smaller elements, e.g. full or partial reviews of individual documents such as the Core Strategy and Site Allocations Plans are likely to provide a more realistic alternative. A timetable for review is somewhat complicated by the likelihood that the London Plan will commence review in the autumn. In its extent this review is likely to be fairly full following the election of a new Mayor and probably will tackle housing targets given increased need identified to meet London's need. In terms of decision with regards to Brent's local plan review, there is probably merit in waiting to see what happens following the Mayoral election before committing to a particular route. However, work associated with a review of the Plan is likely to need to be prioritised in the Winter 2016/Spring 2017.

Supplementary Planning Documents

- 3.7 In terms of Growth Areas, the designation of Alperton as a Mayor Housing Zone has provided an extra impetus to bringing forward development in this area. Whilst an **Alperton Supplementary Planning Document** exists, it was adopted in 2011. It may need amendment to better reflect ambitions associated with Growth Area designation, developer aspirations related to the upturn in the economy and clarity to

assist land assembly to enable a more comprehensive approach to take place. This process in terms of evidence base is likely to be led by the Growth Area regeneration team, with planning policy delivering the revised Supplementary Planning Document. If a revised SPD is considered necessary, consultation on a revised document would be likely to occur in autumn 2016 with adoption spring 2017.

- 3.8 Similarly in the South Kilburn Growth Area, the area has an adopted **South Kilburn Supplementary Planning Guidance** from 2005. This guidance is in many respects very dated given the changes that have happened in National, London and Brent planning policy and progress that has occurred to date. In terms of the South Kilburn estate, the Council as landowner has had a far greater control over development that has occurred than was assumed to be the case when the Guidance was adopted. This has and will undoubtedly continue to improve the quality of development achieved and could be better reflected in new advice. A review of the South Kilburn estate masterplan will take place to take account of the opportunities that exist on the remaining sites currently identified as having the potential for development, or for the provision of necessary social infrastructure and open space. This process in terms of evidence base is likely to be led by the South Kilburn Estate regeneration team, with the planning policy and projects team delivering the revised Supplementary Planning Document. Consultation on a revised document would be likely to occur in autumn 2016 with adoption spring 2017.

Urban Design

- 3.9 **SPG17 Design Guide for New Developments** was adopted in 2001 and is subject to another paper on this agenda. The intention is to consult on the document in Spring 2016.
- 3.10 **SPG5 Altering and Extending Your Home** was adopted in 2002 and is subject to another paper on this agenda. The intention is to consult on the document in summer 2016.
- 3.11 **Other Area Work Areas – subject to confirmation**
- 3.12 **The Shopfront and Signs SPG 7** was adopted in 2003. Again its age means that it could do with a refresh. This is regarded as less of a priority project. Whilst work has commenced, time allocated to it is on very much an ‘as and when’ basis related to when workloads allow. As such if it is issued for consultation, it is likely to be Winter 2016/Spring 2017.
- 3.13 **Commenting on a planning application (SPG 2)** also includes the guidance used to decide consultations on planning applications and a revised version of this is planned to be reported in April 2016;
- 3.14 **Heritage Assets**
- 3.15 The draft **Mapesbury Design Guide** was subject to consultation a couple of years ago prior to the restructure. As has occurred with the Sudbury Design Guide, the intention is to amend the document following consultation responses received, re-consult and then adopt the document. Consultation is planned for summer 2016.
- 3.16 The **Roe Green Conservation Area** in terms of its current quality/cohesiveness and development activity or advice sought about potential development is one that is considered to be a priority for additional advice provided through a Design Guide. Without the clarity on what are identified to be the key elements that contribute to the character of the area and guidance on what is acceptable development there is

considered to be an increased risk of a diminution in the quality of the area. Work is planned to start on this Autumn 2016, with adoption Spring 2017.

- 3.17 **Potential further Conservation Areas:** there have been resident led queries in a part of the north of the Borough and, in areas of the **south of the Borough**, it is considered that some of the Victorian terraced areas merit investigation of their potential for conservation area status. These streets are essentially residential in character, so such designations are unlikely to fetter regeneration aims and could well channel investment in the dwelling stock that is occurring in ways that is sympathetic or could enhance the character of the area.

4 Financial Implications

- 4.1 The majority of the work will be undertaken using existing identified resource within the Planning Policy and Projects budget envelope. For the review of the Local Plan, a business plan is likely to be required to obtain the additional funds for background studies and depending on which option pursued possibly additional staff too. For the Growth Area documents, budgets associated with the delivery of the respective areas will cover the costs of any relevant studies.

5 Legal Implications

- 5.1 Regulations cover the adoption processes for both Development Plans and Supplementary Planning Documents. If adopted in accordance with the regulations substantial weight must be given to the Development Plan, which is set out in statute the starting point for deciding the acceptability of development. Less weight can be applied to Supplementary Planning Documents, but nevertheless they are usually a significant material consideration.

6 Diversity Implications

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. 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.

The Council must, in exercising its functions, have “due regard” to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 Equality analysis assessment has been carried out on the Development Management Policies document. This identified positive implications of policies for younger people and ethnic minority groups. No equality analysis assessment has been undertaken currently on the other proposed work items but will be incorporated into the process prior to consultation.

7 Staffing/Accommodation Implications (if appropriate)

- 7.1 None

8 Environmental Implications

- 8.1 The potential work programme will address the management of development proposals within the Borough with a view to have a positive effect on impacts on the environment.

Background Papers

SPG5 and SPG17 Papers on this agenda.

Contact Officers

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Head of Planning

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