

Regeneration and Planning Development Management London Borough of Camden Town Hall Judd Street London WC1H 9JE

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Application Ref: **2016/2651/P** Please ask for: **David Peres Da Costa** Telephone: 020 7974 **5262**

10 March 2017

Dear Sir/Madam

Mr Leo Cunningham-Baily

Quod

London W1F 0AX

Ingeni Building 17 Broadwick Street

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:

Land at Kiln Place (Blocks 1-64 65-80 81-96 97-104 105-116 117-164; entrance ways into 81-96; land between 81-96 and 117-164; land between Kiln Place and Meru Close; land to east of Kiln Place and playground between blocks 65-80 and 81-96) London NW5

Proposal:

Variation of conditions 5 (tree protection), 6 (detailed drawings / samples), 9 (cycle store), 13 (landscaping), 17 (sustainability assessment) 18 (SMP), 23 (local employment), 24 (local procurement), and 26 (level plans) of planning permission 2014/6697/P dated 31/05/2015, (for Development of 15 residential units on 6 sites across Kiln Place estate, following demolition of foyer entrances and refuse storage area and other associated works) namely to change the trigger for conditions 5, 9, 13, 17, 18, 23, 24 and 26 to allow for site clearance, preparation and the earlier completion of playground and improvements to the entrances of 81-96 Kiln Place; and to omit unnecessary detail for condition 6. Drawing Nos: Site location plan; Letter prepared by Quod dated 11th May 2016;

Drawing Nos: Site location plan; Letter prepared by Quod dated 11th May 2016; Amendments to Conditions Note prepared by Quod dated 6th September 2016; Email from Quod 19th January 2017

The Council has considered your application and decided to grant permission subject to the following condition(s):



Condition(s) and Reason(s):

1 The development hereby permitted must be begun not later than the end of three years from 31 March 2015, the date of the original permission ref 2014/6697/P.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan; Planning Statement by Quod Planning dated October 2014; 116_L_001 Rev K; 002 Rev F; 101 Rev J; 102 Rev E; 201 Rev J; 202 Rev E;; 116 P 01P Rev H; 116 S 01 Rev D; 02 Rev B; 03 Rev B; 04 Rev A; 05 Rev B; 06 Rev A; 116 E 01 Rev E; 02 Rev B; 03 Rev C; 04 Rev B; 05 Rev C; 06 Rev B; 07 Rev B; 08 Rev C; 09 Rev B; 10 Rev A; 11 Rev A; 12 Rev C; 13 Rev B; 14 Rev A and 15 Rev B; 23318 01 Rev 2; Additional elevations and images; Tree survey overlay drawing; Arboricultural Method Statement by Tree Aware Ltd dated 26/9/2014; Arboricultural Impact assessment by Tree Aware Ltd dated 26/9/2014; Tree Survey by Tree Aware Ltd dated 23/01/2014; Habitat Survey by Ramboll dated October 2014; Design and Access Statement by Peter Barber Architects dated October 2014; Flood Risk Assessment by Ramboll dated October 2014; Daylight/Sunlight report dated 16/9/2014; Energy Strategy and CFSH Report by Ramboll dated 30/09/2014; Transport Statement by Ramboll dated September 2014; Construction Management Plan by JMP dated 16/7/2014; Geotechnical and Environmental desk study by Ramboll dated October 2014; Noise and vibration impact assessment by Ramboll dated October 2014 and Waste Assessment by Ramboll dated 20/10/2014.

Reason: For the avoidance of doubt and in the interest of proper planning.

3 A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

4 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the trees.

5 Prior to the commencement of either:

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a) the development;

b) works in connection with the provision of new entrances to 81-96 Kiln Place; or c) works in connection with the playground;

Details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

6 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

7 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

8 At least 28 days before development commences:

(a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and

(b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

9 Prior to the commencement of development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, details of secure and covered cycle storage areas for 22 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11of the London Borough of Camden Local Development Framework Core Strategy and policy DP17of the London Borough of Camden Local Development Framework Development Policies.

10 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

11 The development shall be carried out in accordance with the noise mitigation measures to ensure acceptable internal noise levels within the proposed residential units as set out in the Noise and vibration impact assessment by Ramboll dated October 2014 and no unit shall be occupied until the mitigation measures relevant to all units have been installed. Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

12 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating at least 50% attenuation of all runoff.

The development shall incorporate the systems as approved which shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 13 No development shall take place on either;
 - a) the development;
 - b) works in connection with the playground; or

c) works in connection with the provision of new entrances to 81-96 Kiln Place other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, until full details of hard and soft landscaping and means of enclosure of all un-built, open areas prepared in consultation with the Councils transport department have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

14 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

*Affordable housing shall be provided in accordance with the conditions and approved documents as set out in this decision. All affordable housing units shall be constructed and fitted out as units which are suitable for occupation as affordable housing and shall only be occupied and shall be retained in perpetuity for no purpose other than for the provision of social rented housing, in line with the definition for such as set out within Camden Supplementary Planning Document "Affordable Housing and Housing in Mixed-Use Development" and the requirements of the London Plan in relation to Social Rented Housing as such may be; not disposing of any interest in the Affordable Housing Units (except by way of mortgage) other than to any other Registered Social Landlord registered with the Regulator or any other body organisation or company registered with the Charity Commissioners for England and Wales and approved by the Homes and Communities Agency or the Regulator or the Council.

Reason: To secure sufficient provision of affordable and other tenures of housing in a balanced and sustainable manner across the development in accordance with the requirements of policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.

*Prior to first occupation of any of the residential units, the landowner shall ensure through agreement that occupiers of the new units are informed of the Council's policy that they shall not be entitled (unless they are the holder of a disabled person's badge issued pursuant to s. 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a residents parking bay; shall not be able to buy a contract permanently to park within any car park owned, controlled or licensed by the Council nor shall they be entitled to be granted a Business Parking Permit.

Reason: In order to ensure that the development does not contribute to increased car use and parking congestion in accordance with the requirements of policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.

17 * Code for Sustainable Homes

Prior to implementation of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition

or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, the applicant and/or developer shall submit to the local planning authority a design stage Sustainability Assessment setting out the manner in which the development will achieve Code for Sustainable Homes (CfSH) level 4 for the residential units.

The development shall be implemented in accordance with the Assessment as approved.

Prior to first occupation of the residential units, a post-completion certificate which demonstrates that the phase has achieved Level 4 shall be submitted to and approved in writing by the local planning authority.

Reason: In order to secure the appropriate energy and resource efficiency measures in accordance with the requirements of policies CS13 (Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies.

18 * Service Management Plan

Prior to implementation of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, a Servicing Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the proposed layout and access routes and how they will accommodate appropriately sized servicing vehicles.

The development shall not be serviced other than in accordance with the SMP as approved.

Reason: To avoid obstruction of the surrounding streets and ensure the safety of pedestrians, cyclist and other road users, in accordance with the requirements of policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP17 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

19 * Local employment

Prior to commencement of the development other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, the applicant and/or developer shall:

a) have entered into an agreement with Kings Cross Construction Skills Centre to ensure that all job vacancies during the construction phases are registered with

KSCSC at the same time as other recruitment efforts and all reasonable endeavours are used to ensure that no less than 20% of the work force is comprised of residents of the London Borough of Camden,

b) have entered into an agreement with the Kings Cross Construction Skills Centre (KXCSC) to ensure provision of no less than 2 construction trade apprentices employed for at least 52 weeks each

c) confirm that the necessary measures to support and ensure the recruitment and training of each apprentice have been put in place;

d) have entered into an agreement with the Kings Cross Construction Skills Centre (KXCSC) to ensure provision of no less than 3 work placements of no less than 2 weeks each;

Reason: To ensure the development provides sufficient employment and training in line with the requirements of policy CS8 of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 of the London Borough of Camden Local Development Framework Development Policies.

20 *Local procurement

Prior to implementation of the development, other than site clearance and preparation, relocation of services, utilities and public infrastructure and demolition, or works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, a programme for local procurement shall be submitted to and approved in writing by the local planning authority. The programme shall detail opportunities for local businesses to bid/tender for the provision of goods and services to the Development in accordance with the Council's Local Procurement Code and the developer shall use reasonable endeavours to provide opportunities for local businesses to bid/tender for the provision of facilities management services and other post construction supply of goods and services.

On or prior to Implementation, the developer shall meet with the Council's Economic Development Local Procurement Team (or any successor department) at least one month before tendering contracts to agree the specific steps that will be taken to give effect to the Local Procurement Code.

The construction of the Development shall not be carried out otherwise than in accordance with the approved programme for local procurement.

Reason: To ensure the development provides sufficient employment and training in line with the requirements of policy CS8 of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 of the London Borough of Camden Local Development Framework Development Policies.

21 *Prior to implementation, including demolition, a Construction Management Plan (CMP) including an Air Quality Assessment) shall be submitted to and approved by the local planning authority. The CMP shall set out all measures that the Owner will adopt in undertaking the demolition of the existing buildings and the construction of the Development using good site practices in accordance with the Council's Considerate Contractor Manual.

Such plan shall include measures to for ensuring highway safety and managing transport, deliveries and waste (including recycling of materials) throughout the demolition and construction periods and which demonstrates consideration of and liaison with other local concurrent developments. The CMP shall also include details of a community working group involving local residents and businesses, a contractor complaints/call-line and measures to be carried out to mitigate the impact of the noise arising from construction and demolition activities on local residents and businesses, a waste management strategy and means of monitoring and reviewing the CMP from time to time.

The measures contained in the Construction Management Plan shall at all times remain implemented during all works of construction and demolition. Where separate Construction Management Plans are submitted for the demolition and the construction phases the provisions of this condition will apply to both plans.

Reason: In order to protect the pedestrian environment and the amenities of the area generally and to ensure the continued free flow of traffic in the area in accordance with Policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP17 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

*No part of the development, with the exception of works in relation to the provision of new entrances to 81-96 Kiln Place, or works in connection with the playground, shall commence until such time as the Council has confirmed in writing that it has received plans demonstrating the levels at the interface of the development with the boundary of the Property and the Public Highway.

Reason: To ensure that the scheme promotes the use of sustainable transport means in accordance with policy CS11 of the London Borough of Camden Local Development Framework Core Strategy.

23 In the event that any owners of the land have the legal locus to enter into a Section 106 Agreement no works shall be progress on site until such time as they have entered into such an Agreement incorporating obligations in respect of the matters covered by conditions marked with * in this notice of planning permission.

Reason: In order to define the permission and to secure development in accordance with policy CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.

Informative(s):

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1 Reason for granting permission

The application is to vary the trigger for eight of the pre-commencement conditions attached to the parent permission (ref 2014/6697/P). The change to the wording of the trigger would allow preparatory works to begin on site prior to the approval of details currently reserved by condition. The preparatory works include site clearance and preparation, relocation of services, utilities and public infrastructure and demolition.

The proposed changes would also allow the provision of the playground and the improvements to the entrances of 81-96 Kiln Place to progress sooner. Condition 5 (tree protection) and 13 (landscaping) would be separated into 3 parts so that it is clear they can be partially discharged. That is to say prior to the commencement of either:

a) the development;

b) works in connection with the provision of new entrances to 81-96 Kiln Place, orc) works in connection with the playground;

the details of tree protection and landscaping would be required.

Condition 6 (detailed drawings) would be amended to omit unnecessary detail at point (b).

Condition 9 (cycle storage), 17 (sustainability assessment), 18 (SMP), 23 (local employment), 24 (local procurement) and 26 (level plans) would be amended so that the preparatory works (set out above), the provision of the playground and the improvements to the entrances of 81-96 Kiln Place could commence before details for these conditions were submitted and approved.

It is noted that planning permission (ref 2016/0760/P) was granted 03/05/2016 to discharge conditions 19, 20, 21, 22, 28 and 29.

The proposed amendments to the conditions would not result in scheme substantially different from that which has been approved.

The planning and appeal history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

As such, the proposed development is in general accordance with policies CS5, CS8, CS11, CS13, CS14, CS15, CS16 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP13, DP16, DP17, DP22, DP23, DP24, and DP26 of the London Borough of Camden Local Development Framework Development Policies.

2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission 2014/6697/P is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website http://www.camden.gov.uk/ccm/content/contacts/council-

contacts/environment/contact-the-environmental-health-team.en or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

5 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 7 The matters covered by conditions marked with an * are matters which would

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usually be incorporated into a Section 106 Agreement. On Council own schemes because the Council cannot enter into an agreement with itself the usual practice would for the permission to reference the Section 106 requirements for information.

If the Council retains ownership of the application site although the reference to Section 106 requirements would not be legally binding they would act as a record of the requirements the Council as planning authority expects the Council as landowner to comply with. If the Council disposes of a relevant interest in the Application Site (which for the avoidance of doubt will not include disposals to individual tenants and occupiers) the incoming owner will be required to enter into a Section 106 giving effect to those requirements which will then become a legally binding document.

8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent

Yours faithfully

flavid T. Joyce

David Joyce Director of Regeneration and Planning