

Report of the Head of Planning & Enforcement Services

Address THE FORGE ST STEPHENS ROAD YIEWSLEY

Development: Change of use from Class B1 (Business) to Class D1 (Non-residential Institutions) for use as Islamic Culture and Educational Community Centre (Retrospective).

LBH Ref Nos: 67384/APP/2010/2499

Drawing Nos: Design & Access Statement
1:1250 Scale Location Plan
Green Travel Plan
FIEC/FULL/PLAN/04
FIEC/FULL/PLAN/03
FIEC/FULL/PLAN/01
FIEC/FULL/PLAN/02

Date Plans Received: 27/10/2010

Date(s) of Amendment(s):

Date Application Valid: 08/12/2010

1. SUMMARY

Planning permission is sought for the change of use of an existing building from Class B1 (Business) to Class D1 (Non-residential Institutions) for use as an Islamic Culture and Educational Community Centre. The building is located in the Trout Road Industrial and Business Area (IBA) in the Hillingdon Unitary Development Plan Saved Policies (September 2007). The proposed use conflicts with Policy LE2 of the Unitary Development Plan. The 2009 Employment Land Study carried out as part of the Local Development Framework (LDF) process, recommends that this part of the IBA be retained for employment uses. The proposed use therefore conflicts with Policy LE2 of the Unitary Development Plan. Additionally, the proposal fails to provide adequate car parking facilities and is likely to lead to additional on street parking to the detriment of highway and pedestrian safety. Accordingly, it is recommended that planning permission be refused for these reasons.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Loss of industrial floorspace

The site is located in the Trout Road Industrial and Business Area, which is identified by the Council as an industrial business area which is to be retained, and the application has failed to demonstrate that there is no realistic prospect of the land being used for industrial purposes in the future. As such, the proposal is contrary to Policy LE2 of the Hillingdon Unitary Development Saved Policies (September 2007).

2 NON2 Sterilisation of Industrial and Business Area

The position of sensitive land uses, including community uses, adjacent to industrial units could affect the ability of the Trout Road Industrial and Business Area to function effectively, neutralising existing industrial uses within the estate. The proposal is

therefore contrary to Policy LE2 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NON2 Inadequate on-site car parking facilities

The proposal fails to provide adequate on-site car parking facilities for the proposed use and is therefore likely to result in additional on-street parking to the detriment of the free flow of traffic including commercial traffic associated with near by businesses and highway and pedestrian safety and a loss of residential amenity. The development is therefore contrary to Policies AM7, AM14 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R9	Proposals for the use of buildings for religious and cultural purposes
R16	Accessibility for elderly people, people with disabilities, women and children
LE2	Development in designated Industrial and Business Areas
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons

3

'You are advised that the streets surrounding the site are subject to a parking management scheme (West Drayton / Yiewsley Parking Management Scheme (Zone Y1)), which limits the ability to accommodate on street car parking associated with the proposed use.'

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a part single storey building with a floor area of approximately 280 sq metres located in the Trout Road Industrial and Business Area. The use for which planning permission is sought has already commenced. The applicant has advised that prior to it occupying the building, it was vacant for approximately 3 months prior to which it was used as a food distribution warehouse.

The site adjoins the Grand Union Canal on one side and Yiewsley/West Drayton Town Centre on the other and has a PTAL (Public Transport Accessibility Level score of 2. St Stephens Road comprises a mixture of residential and commercial properties including St Matthews C of E Primary School and is within a parking management area.

3.2 Proposed Scheme

Planning permission is sought for the change of use of the building from Class B1 (Business) to Class D1 (Non-residential Institutions) for use as an Islamic Culture and Educational Community Centre. The applicant has advised that the centre would provide Islamic education to both Muslims and non-Muslims and would enable migrants who have recently settled in the area to be educated. Classes would be provided on the first floor of the building including Computer, English language, Social and Community Services and Islamic Culture. The ground floor would provide a prayer area for the members attending the centre as well as a room for welfare and social services, a library and rest room for the elderly; a games room and computer room for the youth. No alterations are proposed to the external fabric of the building. On average, the centre is expected to receive between 20 and thirty persons daily and operate from 8.00am to 11.00pm seven days a week.

3.3 Relevant Planning History

Comment on Relevant Planning History

None. The site previously comprised an established business/industrial unit. The use for which planning permission is sought has already commenced.

4. Planning Policies and Standards

Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)
Planning Policy Statement 4 (Planning for Sustainable Economic Growth) (December 2009)
Planning Policy Guidance Note 13 (Transport) (April 2001)
The London Plan (February 2008)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement - Accessible Hillingdon (January 2010)
Planning Obligations Supplementary Planning Document (July 2008)
Local Development Framework Employment Land Study July 2009

The relevant policies of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are referenced in the relevant section below.

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- | | |
|--------|---|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |
| PT1.24 | To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing. |
| PT1.26 | To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations. |
| PT1.30 | To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities. |
| PT1.31 | To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps. |

Part 2 Policies:

- | | |
|------|--|
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| OE3 | Buildings or uses likely to cause noise annoyance - mitigation measures |
| R9 | Proposals for the use of buildings for religious and cultural purposes |
| R16 | Accessibility for elderly people, people with disabilities, women and children |
| LE2 | Development in designated Industrial and Business Areas |
| AM1 | Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations |
| AM2 | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity |
| AM7 | Consideration of traffic generated by proposed developments. |
| AM9 | Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities |
| AM14 | New development and car parking standards. |
| AM15 | Provision of reserved parking spaces for disabled persons |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **19th January 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

64 neighbours including the Yiewsley Community Involvement Group were consulted on the application. 8 individual replies including a reply from the Garden City Residents' Association and 2 petitions containing 30 and 40 signatures respectively have been received objecting to the application on the following grounds:

1. Increase in traffic and on-street parking.
2. Building will principally be used as a mosque.
3. Obstruction to emergency services from on-street parking.
4. Noise and general disturbance from increased activity.
5. Building was not vacant for long and is not derelict.
6. Application misses an opportunity to enhance the appearance of the site.
7. Hours of operation are excessive and would result in a loss of residential amenity.
8. Dangerous location of site on a sharp bend.
9. Danger to unsupervised children leaving the centre via the canal towpath.
10. No need for a third educational facility given the location of St Stephens and St Matthews Schools.
11. St Stephens Road is already very congested.

A further 20 individual replies and a petition containing 57 signatures have been received in support of the application on the grounds that it would meet a local need and promote community cohesion. In addition, a reply has been received from the Chair of Hillingdon Inter Faith Network commenting as follows:

1. Were the site to remain as B1 (Office) the traffic flow during peak times would potentially increase, when in use, causing greater danger/pressure.
2. Apart from a few places for staff/disabled, there are patently no parking facilities. This is similar to the three nearest Christian places of worship. To deny change of use due to on-site parking facilities could be deemed an equal opportunity issue.
3. The public car park within 2/3 minutes walk has a capacity of over 150 places. This is greater than at the Pump Lane centre. I would beg to suggest that the site is one of the best in Yiewsley for the needs of the group.
4. Council demographics demonstrate the growth in size of the muslim community across the Borough. It is important to support the faith leaders of these communities in building community cohesion. This site would seem to provide for their immediate needs and provide a much needed community base.
5. It is important for the wider community to encourage community cohesion for the wider community to have local places of worship where they can see/contact/be invited to visit. This centre is much needed in the Yiewsley/West Drayton area. By approving this proposal, the Council would be supporting the wider community.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

I refer to your request for comment on the above application.

In the design and access statement it is stated that The Forge building is leased for 2 years and it is hoped to gain permission on a temporary basis until a more suitable freehold premises are located.

The Forge is within a commercial and suburban area. Due to residents living in close proximity, I would be concerned about activities which would cause any noise disturbance. This is also of concern due to the hours of opening being from 6am - 11pm for 7 days a week. It has also been stated that the evening period may be the busiest time at the centre.

The community and culture centre will be providing social, religious, recreational and educational activities. The activities for youth age 16-21 include a number of recreational activities throughout the week, such as table tennis, badminton, football and cricket.

Further information is required to be submitted regarding whether these activities will take place within the games room or whether any recreational activities are to take place in outside areas within the grounds. The timetable for these activities should also be submitted.

There is also concern as to whether any religious festivals and celebrations are to take place at the centre, as noise complaints from chanting, drumming and amplification of music and speech have been received by the Environmental Protection Unit, regarding religious centres in close proximity to residential properties.

Further information is required to be submitted regarding a timetable of religious festivals and celebrations and an assessment of any noise that may impact on local residents. Mitigation measures should also be submitted if deemed necessary.

According to the application form, no plant, ventilation or air conditioning plant is required. However, if these are considered necessary, then details will be required to be submitted to the local planning authority and Environmental Protection Unit.

Officer comments:

In response to the above comments the applicant has advised that recreational activities such as table tennis, snooker and access to the internet would take place within the building. These activities would be available for the youth 7 days a week, 9.00am until 5.30pm. Other activities such as badminton, football and cricket would take place outside the grounds due to insufficient space and would be organised by the committee at a later stage in more suitable locations. The applicant has also stated that the centre would not be used for religious festivals which have chanting, drumming or amplification of any type of music and would be prepared to insulate the walls of the building with appropriate material. It is considered that these matters could be controlled by suitable conditions in the event of planning permission being granted.

HIGHWAY ENGINEER

1. Floor Area 280 sq m. Previous use B1 (office). Max. Parking requirement for B1 use is 2.8 i.e. 3 spaces.

2. Current proposal - 4 parking spaces shown. Parking space 2 is sub standard as it would encroach over the carriageway of the public highway. Standard parking space needs to be 2.4 x 4.8 m. With space PS 2 deleted PS 1, and PS 3 could be used as disabled bays. Therefore the development is only able to provide 2 independently accessed parking spaces.

3. Whilst the information submitted acknowledges that there is a shortfall in the on site parking provision it does not provide a figure for the likely demand for parking generated by the proposed use. It relies on on-street parking ,pay and display bays on the street and public car parks. No information has been provided on the availability of spaces in such areas during the times the development would be in use.

4. The travel plan states that majority of patrons will walk to the facility. That may well be the case however no evidence of the community residing within the local area has been provided. The nearest free parking is on the lay-by opposite the school in St Stephens Road which is heavily used at present.

Based on the information submitted to date it is our concern that the development has failed to satisfactorily demonstrate that it will not cause on-street parking to the detriment of highway and pedestrian safety.

ACCESS OFFICER

The plans submitted would suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. Whilst it is appreciated that this is an existing building, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

1. Level access should be provided and a minimum door width of 1000mm for a single door, or 1800mm for a double door, achieved.
2. All signage for directions, services or facilities should be provided in a colour contrasting with the background. Signage and lighting levels should be consistent throughout the building and care taken to avoid sudden changes in levels.
3. Internal door widths should provide a minimum clear opening width of 750mm to facilitate adequate access for wheelchair users. Internal doors should also have 300mm unobstructed space to the side of the leading edge.
4. The proposed plan does not currently include any WC provision for disabled people and at least one accessible unisex toilet is required on the ground floor. It may be more beneficial to provide one large cubicle that would be accessible to everybody, as opposed to two smaller toilet compartments, which would exclude wheelchair users.
5. Toilets should be designed in accordance with the guidance given in Approved Document M to the Buildings Regulations 2004.
6. Alarm systems should be designed to allow deaf people to be aware of its activation. (Such provisions could include visual fire alarm activation devices, and/or a vibrating pager system.)
7. Consideration should be given to ensure that arrangements exist to provide adequate means of escape for all, including wheelchair users. Fire exits should incorporate a suitably level threshold and should open onto a suitably level area.

Advice from a suitably qualified Fire Safety Officer concerning emergency egress for disabled people should be sought at an early stage.

Recommended Informatives:

8. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance.
9. Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur.
10. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

Conclusion:

In its current form, the ground floor would be unsuitable for use by disabled people. On the basis that the above observations could be incorporated into revised plans, no objection would be raised in terms of accessibility.

Officer comments:

It is considered that the above requirements could be secured by an appropriate condition in the event of planning permission being granted.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy R9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) supports in principle buildings to be used for religious and cultural purposes subject to other policies of the Plan. However, the site is located within the Trout Road Industrial and Business Area and this Policy needs to be tempered with Policy LE2 which states that in industrial and Business Areas the Local Planning Authority will not permit development for uses other than for business, industrial and warehousing purposes unless it is satisfied that:-

(i) There is no realistic prospect of the land being used for industrial or warehousing purposes in the future; and

(ii) The proposed alternative use does not conflict with the policies and objectives of the Plan.

(iii) The proposal better meets the Plan's objectives particularly in relation to affordable housing and economic regeneration.

The 2009 Employment Land Study carried out as part of the Local Development Framework (LDF) process, has recommended that this part of the IBA be retained for employment uses.

The applicant's agent has advised as follows:

'...The site was placed on the market in early 2009 when it became vacant. During that time marketing was to some 700 agents and 2000 companies at prices at or below the market level. No industrial users were forthcoming at any price, the only expression of interest being from the applicant. I concur with the applicant that the condition of the building, narrow road and close proximity to residential dwellings do not help attract business users.

Whilst I acknowledge that the site could be used for other purposes within Class B1, in view of the period and intensity of the previous marketing, the lack of potential industrial occupiers, the proximity of the larger and more modern part of the IBA, as well as the restricted road access, I consider it unlikely that such a user would come forward, particularly in the current economic climate.

I therefore consider that there is little prospect of the site being used for industrial purposes having regard to the age and layout of the building, marketing/advertising and the existence of more suitably located and modern industrial premises in the area, and therefore criterion (i) of Policy LE2 would be met...'

The Policy Team has advised that it would normally expect a viability assessment to be submitted with the application to address issues raised in Policy LE2. Such assessments

generally contain evidence that attempts have been made to market the site over a long period of time. No detailed assessment has been submitted with the application. It is therefore considered that the applicant has failed to demonstrate that there is no realistic prospect of the land being used for industrial purposes in the future. As such, the proposal is contrary to Policy LE2 of the Hillingdon Unitary Development Saved Policies (September 2007) and it is recommended that planning permission be refused for this reason.

Furthermore, the position of sensitive land uses, including community uses, adjacent to industrial units could affect the ability of the Trout Road Industrial and Business Area to function effectively, neutralising existing industrial uses within the estate. This would again be contrary to Policy LE2 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and it is recommended that planning permission also be refused for this reason.

7.02 Density of the proposed development

Not relevant to the application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not relevant to the application.

7.04 Airport safeguarding

Not relevant to the application.

7.05 Impact on the green belt

Not relevant to the application.

7.07 Impact on the character & appearance of the area

Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) states that proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building. No alterations are proposed to the external fabric of the building. The proposal therefore accords with this Policy.

7.08 Impact on neighbours

The proposal raises two potential issues in relation to the impact on neighbours. Firstly, noise and secondly traffic generation and consequent impact on on-street parking facilities in the area. The issue of noise is dealt with in Section 7.18. Traffic generation and potential impact on on street parking are dealt with in Section 7.10.

7.09 Living conditions for future occupiers

Not relevant to the application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Highways Engineer has advised that the development is only able to provide 2 independently accessed car parking spaces. Whilst the information submitted with the application acknowledges that there is a shortfall in the on site parking provision it does not provide a figure for the likely demand for parking generated by the proposed use. It relies on on-street parking, pay and display bays on the street and public car parks. No information has been provided on the availability of spaces in such areas during the times the development would be in use.

The travel plan submitted with the application states that majority of patrons will walk to the facility. However the applicant has submitted a list of patrons attending the centre and this indicates they live up to a mile from the centre and beyond a reasonable walking distance. The nearest free parking is on the lay-by opposite the school in St Stephens

Road which is heavily used at present.

Based on the information submitted it is considered that the development has failed to satisfactorily demonstrate that it will not cause on-street parking to the detriment of highway and pedestrian safety. It is therefore recommended that planning permission also be refused for this reason.

With respect to cycle parking a bike store is shown at the rear of the building. This could be secured by an appropriate condition in the event of planning permission being granted.

7.11 Urban design, access and security

The proposal would not have any urban design implications. The issue of access is dealt with in Section 7.12. The provision of appropriate security measures to the site, including CCTV, could be secured by an appropriate condition in the event of planning permission being granted.

7.12 Disabled access

The Access Officer has made a number of recommendations concerning the provision of adequate facilities for people with disabilities. These could be secured by an appropriate condition in the event of planning permission being granted.

7.13 Provision of affordable & special needs housing

Not relevant to the application.

7.14 Trees, landscaping and Ecology

The proposal relates purely to the change of use of an existing building and would have no impact on existing landscaping.

7.15 Sustainable waste management

An area for bin storage is shown at the rear of the building. Details of this could be secured by an appropriate condition in the event of planning permission being granted.

7.16 Renewable energy / Sustainability

In the light of the age of the building and the fact that the application is purely a change of use with no changes proposed to the external fabric of the building, no specific renewable energy/sustainability measures are considered appropriate in this instance.

7.17 Flooding or Drainage Issues

No flooding or drainage issues have been identified.

7.18 Noise or Air Quality Issues

The Environmental Protection Unit has raised a number of potential noise issues in relation to the proposed use. The applicant has advised that all noise generating activities would be confined to within the building and is prepared to implement appropriate insulation measures to avoid noise breakout. In addition, it has confirmed there would be no religious festivals at the premises. It is considered that these matters could be controlled by appropriate conditions in the event of planning permission being granted. No specific air quality issues have been identified.

7.19 Comments on Public Consultations

The planning issues raised are dealt with in the body of the report. A number of the concerns raised are supported in the proposed reasons for refusal.

7.20 Planning obligations

The provision of a Travel Plan would be secured by a condition in the event of planning permission being granted. No other planning obligations are considered appropriate in this instance.

7.21 Expediency of enforcement action

The issue of enforcement action is the subject of a separate report to the Committee.

7.22 Other Issues

None identified.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

The building is located in the Trout Road Industrial and Business Area (IBA) in the Hillingdon Unitary Development Plan Saved Policies (September 2007). The 2009 Employment Land Study carried out as part of the Local Development Framework (LDF) process, recommends that this part of the IBA be retained for employment uses. The proposed use therefore conflicts with Policy LE2 of the Unitary Development Plan. Additionally, the proposal fails to provide adequate car parking facilities and is likely to

lead to additional on street parking to the detriment of highway and pedestrian safety. Accordingly, it is recommended that planning permission be refused for these reasons

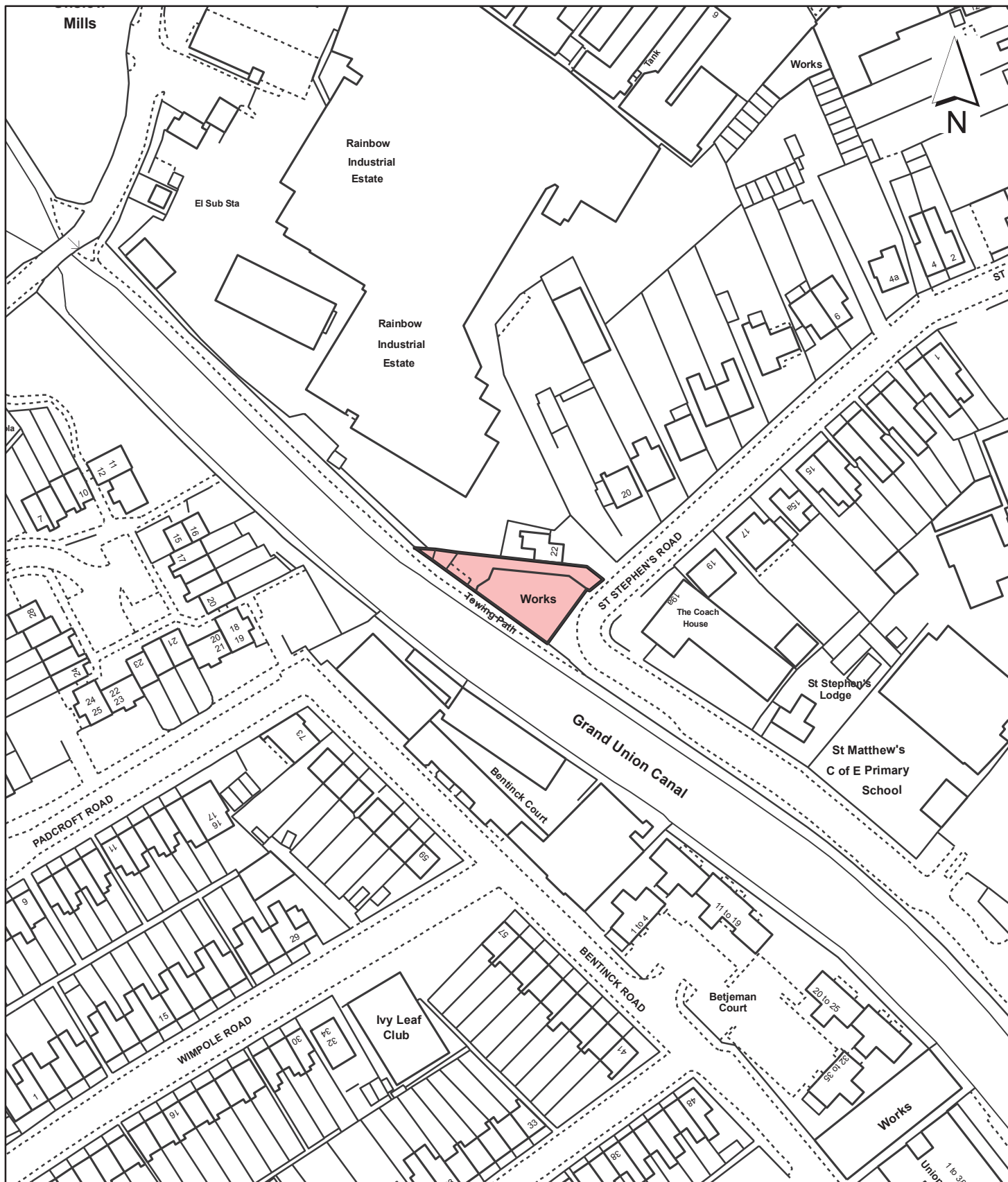
11. Reference Documents

Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)
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Planning Policy Guidance Note 13 (Transport) (April 2001)
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Local Development Framework Employment Land Study July 2009

The relevant policies of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are referenced in the relevant section below.

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Notes



Site boundary

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Site Address

**The Forge
St. Stephens Road
Yiewsley**

Planning Application Ref:

67384/APP/2010/2499

Planning Committee

Central and South

Scale

1:1,250

Date

**July
2011**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

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