Report of the Head of Planning, Sport and Green Spaces

Address CRIMSON COURT 1390 UXBRIDGE ROAD HILLINGDON

Development: Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated cycle store (part retrospective)

LBH Ref Nos: 11982/APP/2015/1426

Drawing Nos: Planning Statement SK-1022-2 1022-49 Rev. C 1022-16 1022-46 Rev. B 1022-50 1022-17 1022-47 Rev. A 1022-48 Rev. A

Date Plans Received:20/04/2015

Date(s) of Amendment(s):

Date Application Valid: 20/04/2015

1. SUMMARY

The application seeks approval for the same development approved under application reference 111982/APP/2014/3599, with the exception of the amenity space, which is now proposed to be removed and replaced by 3 parking spaces for the ground floor office use of the building. The application therefore seeks approval for the 3 flats with no amenity space provision. The removal of the amenity space follows an objection from the Metropolitan Police in terms of its security and lack of surveillance in association with the Secured By Design Condition. It is considered, on balance, that given that the first and second floor flats are not required to provide amenity space, and the site's location in close proximity to two areas of public open space, that an exception could be made in terms of outdoor amenity space provision at the site and the application is recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers, 1022-46 Rev. B, 1022-47 Rev. A, 1022-49 Rev. C and 1022-50 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

2 RES7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, ,

including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

3 NONSC Non Standard Condition

The windows to the communal access corridor shall be obscure glazed, and non opening below a height of 1.8m, and shall be retained as such for the life of the development.

REASON

To prevent overlooking or near by occupiers and to accord with policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 RES9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

- 2.a Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments
- 2.d Car Parking Layouts
- 2.e Hard Surfacing Materials

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (2015).

5 RES18 Lifetime Homes/Wheelchair Units

All residential units within the development hereby approved shall be built in accordance with Lifetime Homes Standards as set out in the Council's Supplementary Planning Document HDAS: Accessible Hillingdon.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (2015) Policies 3.1, 3.8 and 7.2

6 RES24 Secured by Design

The dwellings shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been

achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (2015) Policies 7.1 and 7.3.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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).

2 153 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon, Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 5.3	(2011) Sustainable design and construction
LPP 7.4	(2015) Local character

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 l2 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

6 I5 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

8 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council¿s Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

9

The applicant is advised that there would be no requirement to discharge details secured previouslv condition which have been approved under application bv 11982/APP/2014/4466 (Details pursuant to discharge conditions 3 (Materials) and 4 (Landscape Scheme) of planning permission Ref: 11982/APP/2014/3599 dated 08/12/2014 (Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store) providing the development is/has been carried out strictly in accordance with the details approved under this permission.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a three storey building located on the northern side of Uxbridge Road which lies within the Developed Area as identified within the Hillingdon Local Plan (Saved UDP Policies (November 2012). Works are well advanced in respect of recently granted prior approval application to change the use of the first and second floor to residential and the extension and conversion of the roof into 3 additional flats.

3.2 Proposed Scheme

The application seeks retrospective planning permission for the installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated cycle store and represents a revision to application reference 11982/APP/2014/3599.

The planning history is of significance to this proposal.

Condition 7 (Secured by Design) of planning permission Ref: 111982/APP/2014/3599 required secured by design compliance. Whilst this condition pertains to the 3 flats approved under application reference 111982/APP/2014/3599 within the roofspace, the entire application relates to the building which contains the flats that were recently created via a prior approval application. The Metropolitan Police have confirmed that the secured by design accreditation cannot consider the third floor flats in isolation and that there are concerns raised in relation to the location of the amenity space, which could be resolved by way of an amended layout. The amended layout involves the removal of the shared amenity consideration space which was material in the of application reference 111982/APP/2014/3599. As such, this current application seeks approval for the same development approved under application reference 111982/APP/2014/3599, with the exception of the amenity space, which is now proposed to be removed.

The application therefore seeks approval for the 3 flats with no amenity space provision.

3.3 Relevant Planning History

11982/ADV/2014/35 Milupa House 1390 Uxbridge Road Hillingdon Installation of non-illuminated signage

Decision: 29-07-2014 Approved

- 11982/ADV/2014/44 Milupa House 1390 Uxbridge Road Hillingdon Installation of 1 x non-illuminated fascia sign
- Decision: 26-08-2014 Approved

11982/APP/2013/1093 31-42 Paget Road Hillingdon

Alterations to fenestration on all elevations

Decision: 24-06-2013 Approved

11982/APP/2013/2723 Milupa House Uxbridge Road Hillingdon

Change of use from B1 (office) to residential (C3) (Application for Prior Approval under Schedule 2 Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended))

Decision: 20-11-2013 PRN

11982/APP/2014/1795 Milupa House 1390 Uxbridge Road Hillingdon

Installation of perimeter fence and gates to front elevation, extension of existing bin store and minor alterations to exterior of the existing building.

Decision: 29-07-2014 Approved

11982/APP/2014/2239 Milupa House 1390 Uxbridge Road Hillingdon

Installation of brick canopy above flat entrance, free standing letter boxes and alterations to ease elevation

Decision: 26-08-2014 Approved

11982/APP/2014/3599 Milupa House 1390 Uxbridge Road Hillingdon

Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store

Decision: 08-12-2014 Approved

11982/APP/2014/4466 Milupa House 1390 Uxbridge Road Hillingdon

Details pursuant to discharge conditions 3 (Materials) and 4 (Landscape Scheme) of planning permission Ref: 11982/APP/2014/3599 dated 08/12/2014 (Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store)

Decision: 11-02-2015 Approved

11982/APP/2014/771 31-42 Paget Road Hillingdon

Alterations to fenestration on south east and north west elevations

Decision: 30-04-2014 Approved

11982/APP/2015/524 Milupa House 1390 Uxbridge Road Hillingdon

Removal of condition 7 (Secured by Design) of planning permission Ref: 111982/APP/2014/3599 dated 08/12/2014 (Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store)

Decision: 08-04-2015 Refused

Comment on Relevant Planning History

The following planning history is considered to be of relevance to this application:

11982/APP/2015/524: Removal of condition No. 7 (Secured by Design) of planning permission Ref: 111982/APP/2014/3599 dated 08/12/2014 (Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store). Refused for the following reason:

The removal of condition 7 of planning permission reference 111982/APP/2014/3599 is not considered acceptable as the condition is considered necessary to address the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to

ensure the development provides a safe and secure environment in accordance with London Plan (March 2015) Policies 7.1 and 7.3.

11982/APP/2014/2239: Installation of brick canopy above flat entrance, free standing letter boxes and alterations to east elevation. Approved.

11982/APP/2014/3599 - Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store - Approved.

Prior approval was recently granted under application under application reference 11982/APP/2013/2723 for the change of use from B1 (office) to residential (C3) (Application for Prior Approval under Schedule 2 Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)).

Application reference 11982/APP/2014/1795 was also recently approved for the installation of a perimeter fence and gates to front elevation, extension of existing bin store and minor alterations to exterior of the existing building.

Application reference 11982/ADV/2014/44 non illuminated sign. (approved).

UDP / LDF Designation and London Plan

(2012) Built Environment

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

Part 1 Policies:

PT1.BE1

Part 2 Policie	S:
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
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HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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- LPP 3.3 (2015) Increasing housing supply
- LPP 3.4 (2015) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2015) Housing Choice
- LPP 5.3 (2011) Sustainable design and construction
- LPP 7.4 (2015) Local character

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- **5.2** Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

26 neighbouring properties were consulled by letter dated 23.4.15 and a site notice was displayed which expired on 25.5.15. No responses have been received.

The application has been called to committee by a Ward Member.

Internal Consultees

None.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has already been established with the recent grant of planning permission reference 11982/APP/2014/3599.

7.02 Density of the proposed development

The density of development has been recently established with the recent grant of planning permission reference 11982/APP/2014/3599.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The impact of the development in visual terms was accepted under application reference 11982/APP/2014/3599. The alteration of the amenity space to three parking spaces is considered acceptable in terms of its visual impact and as such would not have a negative

impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The proposed amendment to the planning permission involves the removal of the approved shared amenity space to the north of the building fronting Paget Road and would replace this with 3 additional parking spaces for the office use. It is considered that the additional office car parking will not result in an unacceptable loss of amenity to nearby occupiers and as such would not result in an unneighbourly form of development in accordance with policies BE19, BE21, BE24 and OE1 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

The existing units on the first and second floor do not have access to amenity space and are not required to do so under the Prior approval process. The original scheme included 75m2 of amenity space in accordance with the Council's HDAS Guidance contained within HDAS: Residential Layouts. However, The Metropolitan Police have objected to the location of this amenity space due to poor surveillance and have advised that it would attract anti-social behaviour. The application therefore proposes to remove this area of amenity space on the basis that the site is located in close proximity to the Connaught Recreation Ground and Hayes End recreation Ground. It is considered, on balance, that given that the first and second floor flats are not required to provide amenity space, and the site's location in close proximity to two areas of public open space, that an exception could be made in terms of outdoor amenity space at the site.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policiy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The revised layout would result in the provision of 3 additional parking spaces above that which was approved under application reference 11982/APP/2014/3599 and includes secure cycle storage. The proposal is considered acceptable in accordance with policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

- 7.11 Urban design, access and security No additional issues raised.
- 7.13 Provision of affordable & special needs housing

Not applicable to this application.

- 7.14 Trees, landscaping and Ecology Not applicable to this application
- 7.15 Sustainable waste management Not applicable to this application.
- 7.16 Renewable energy / Sustainability
 - Not applicable to this application.
- 7.17 Flooding or Drainage Issues

Not applicable to this application.

- 7.18 Noise or Air Quality Issues Not applicable to this application.
- 7.19 Comments on Public Consultations No comments have been received.
- **7.20 Planning obligations** Not applicable to this application.
- 7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks approval for the same development approved under application reference 111982/APP/2014/3599, with the exception of the amenity space, which is now proposed to be removed and replaced by 3 parking spaces for the ground floor office use of the building. The application therefore seeks approval for the 3 flats with no amenity space provision. The removal of the amenity space follows an objection from the Metropolitan Police in terms of its security and lack of surveillance in association with the Secured By Design Condition. It is considered, on balance, that given that the first and second floor flats are not required to provide amenity space, and the site's location in close proximity to two areas of public open space, that an exception could be made in terms of outdoor amenity space provision at the site and the application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (2015).
Supplementary Planning Document HDAS: Accessible Hillingdon.
National Planning Policy Framework.

Contact Officer: Nicola Taplin

Telephone No: 01895 250230

