

Report of the Head of Planning, Sport and Green Spaces

Address 51 BELMONT ROAD UXBRIDGE

Development: Change of use from office (Use Class B1) to 14 residential units (Use Class C3) together with ancillary car parking, cycle storage and waste and recycling storage (Prior Approval)

LBH Ref Nos: 34151/APP/2017/3332

Drawing Nos: 17553 DR-411-101 P00
17553 DR-411-102 P00
17553 DR-411-103 P00
17553 DR-411-104 P00
17553 DR-412-101 P00
17553 DR-412-102 P00
17553 DR-412-103 P00
17553 DR-412-104 P00
17553 DR-412-105 P00
17553 DR-412-111 P00
17553 DR-412-112 P00
17553 DR-412-113 P00
17553 DR-412-114 P00
17553 DR-412-115 P00
17553 DR-413-101 P00
Flood Risk and Drainage Report
Acoustic Assessment 70038462-AC001
Preliminary Risk Assessment 70038462
Transport Statement No1 September 2017

Date Plans Received: 14/09/2017

Date(s) of Amendment(s):

Date Application Valid: 15/09/2017

1. SUMMARY

The application seeks prior approval for the change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 14 self contained flats. The proposed scheme is to convert the top two floors of the office space on the site to 2 x studios, 8 x 1 beds and 4 x 2 beds. 13 car parking spaces will be allocated to the residential use and 11 allocated to the existing office space. 20 secure and covered cycle parking spaces are proposed along with waste and recycling facilities.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required. The application is not seeking full planning permission and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 only permits the Local Planning Authority to take the following factors into consideration in the determination of such an application:

(a) transport and highways impacts of the development;

(b) contamination risks on site;

(c) flooding risks on site; and

(d) impacts of noise from commercial premises on the intended occupiers of the development.

In considering an application for prior approval under Class O, Paragraph 10b of Section W states that the local planning authority shall "have regard to the National Planning Policy Framework... so far as relevant to the subject matter of the prior approval, as if the application were a planning application". As such, the prior approval application must be assessed against transport and highways impact, contamination, noise from commercial uses and flooding risks only. The local planning authority is not directed, as a matter of law, to determine applications for prior approval under Class O with reference to the Development Plan.

The local planning authority may also grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

The application has been assessed against the above criteria and subject to relevant conditions and the securing of an agreement to prevent resident parking permits being applied for through a Section 106 Legal Agreement, prior approval is required and the application is recommended for approval.

2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning and Enforcement to confirm Prior Approval is Required and Granted subject to:

A) Entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:

1. A legal agreement to prevent future occupants from applying for car parking permits.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.

C) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) If the Legal Agreements have not been finalised by 20th November 2017, delegated authority be given to the Head of Planning and Enforcement to refuse the application for the following reason:

'The applicant has failed to provide measures to mitigate the impacts of the development to prevent additional highway impacts which could result in undue demand on existing car parking facilities. The proposal therefore conflicts with the Town and Country Planning (General Permitted Development) (England) Order 2016, policies AM2 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP

Policies (November 2012), the Council's Planning Obligations SPD and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the London Plan (March 2016) and the NPPF.'

E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F) That if the application is approved, the following conditions be imposed subject to changes negotiated by the Head of Planning and Enforcement prior to issuing the decision:

1 NONSC Parking

Prior to occupation of the development, the following shall be provided on site:

1. 11 car parking spaces with markings, including spaces for visitor parking
2. 1 parking spaces to be assigned for use by disabled persons and marked as such
3. 2 parking spaces to be supplied with active Electric Vehicle Charging points
4. 2 parking spaces to be supplied with passive Electric Vehicle Charging points
5. 1 motorcycle parking space
6. Secure and covered parking spaces to be provided for 20 bicycles as a minimum

Thereafter, they shall be permanently retained and used for no other purpose.

REASON

To ensure adequate parking is provided and to promote sustainable modes of transport, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

2 NONSC Parking Allocation

Prior to occupation of the development, a Parking Allocation Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking shall be for residential use of the flats hereby approved and as agreed within the Parking Allocation Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure availability and management of parking, in accordance with policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and policies 6.3 and 6.13 of the London Plan (2016).

3 NONSC Noise Protection

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from noise generated by commercial premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet an acceptable internal noise design criteria against external noise as agreed with the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise generated by commercial premises in accordance with policy OE5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

4 NONSC Non Standard Condition

- (1) If during development works contamination not addressed in the submitted land contamination report is identified, an updated brief shall be submitted and an addendum to the remediation scheme shall be agreed with the Council prior to implementation; and
- (2) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the Council dispenses with any such requirement specifically and in writing.
- (3) If during development works asbestos is identified, an updated brief shall be submitted and an addendum to the remediation scheme shall be agreed with the Council prior to implementation.

REASON

To ensure that risks from any contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (2012) and policy 7.21 of the London Plan (2016).

INFORMATIVES

1 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

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In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an

application which is likely to be considered favourably.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on Belmont Road in Uxbridge Town Centre. The building is currently three floors of office use with undercroft/basement parking for 39 cars. The site has a PTAL rating of 6A and is within a developed area, as designated by the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application seeks prior approval for the change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 14 self contained flats (2 x studios, 8 x 1 beds and 4 x 2 beds). The proposed scheme is to convert the top two floors of the office space on the site to 14 flats. 13 car parking spaces will be allocated to the residential use and 11 allocated to the existing office space. 20 secure and covered cycle parking spaces are proposed along with waste and recycling facilities.

3.3 Relevant Planning History

Comment on Relevant Planning History

None relevant to the current application

4. Planning Policies and Standards

Town and Country Planning (General Permitted Development) (England) Order 2016

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- OE5 Siting of noise-sensitive developments
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- OE11 Development involving hazardous substances and contaminated land - requirement for ameliorative measures
- LPP 5.12 (2016) Flood risk management
- LPP 5.13 (2016) Sustainable drainage

LPP 5.21	(2016) Contaminated land
LPP 6.13	(2016) Parking
NPPF1	NPPF - Delivering sustainable development
NPPF10	NPPF - Meeting challenge of climate change flooding coastal
NPPF6	NPPF - Delivering a wide choice of high quality homes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 41 local owner/occupiers and the application was also advertised by way of site notices.

No responses have been received.

Internal Consultees

HIGHWAYS

This prior approval application is for a change of use of an existing office accommodation in Belmont Road Uxbridge to 14 flats. Belmont Road is a classified road on the Council Road Network, within Uxbridge Town Centre and within a Controlled Parking Zone. The site has a PTAL value of 6a (excellent) which suggests that there is reduced reliance on private car trips to and from the site. The existing office development on the site has off-street car parking for 39 cars in a basement area and a ground level area. The proposed scheme is to convert the top two floors of the office space on the site to 14 flats (2xstudio+8x1b+4x2b). 13 of the car parking spaces will be allocated to the residential use and 11 allocated to the existing office space. It is assumed that other spaces are used for refuse/recycling and cycle storage. The application is supported by a Transport Statement by WSP dated September 2017. The TS shows that the trip generation of the proposed development is less than the existing uses. The proposed car parking for the residential use should have 20% active and 20% passive EVCP (conditioned). The cycle parking proposed is mentioned but should be covered and secure (conditioned). The refuse/recycling areas are mentioned but should also be conditioned. The excellent PTAL value of the site and the small number of family units would suggest that car ownership at the site would be low and it is suggested that the development would not have access to the Council's Resident Parking Zone in the area (subject to a formal agreement). On the basis of the above comments I do not have significant highway concerns over the proposed change of use.

Case Officer's comments:

The suggested conditions are recommended to be attached to any consent. Plan reference 17553 DR-412-111 P00 details the use of the existing car parking spaces as areas for cycle parking and waste/recycling facilities.

ENVIRONMENTAL PROTECTION UNIT

I am concerned that the plant located at the rear of Belmont Medical Centre is a source of noise disturbance which will in turn give rise to an undesirable noise impact on the occupants of the proposed residential dwelling. The submitted noise report did not address this particular noise issue adequately or sufficiently. The Belmont Medical Centre opens at 08.15 and closes at 19:10 hours

which means that the occupants of the proposed residential development will be subjected to about 11 hours of plant noise per day. The road traffic on Belmont road is usually very busy.

Please advise the applicant that there is no objection to the planning application for Prior Approval for change of use of first and second floors from offices to 14 no. dwellings, subject to the submission of a satisfactory plant noise assessment highlighting robust noise mitigation measures that will ensure that the occupants of the proposed development are not subjected to noise disturbance.

I would also recommend the following conditions/informative respectively:

Sound insulation scheme

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road traffic and other noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet an acceptable internal noise design criteria is against external noise as agreed with the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

Reason: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by road traffic and other noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

Noise affecting residential property

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

Reason: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Control of environmental nuisance from construction work (Informative)

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155)

Case Officer's comments:

As per the Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 the only source of noise that the Local Planning Authority can

take into consideration is that produced by commercial premises. Therefore the first condition requested by the Environmental Protection Unit will be amended to cover this source only. The requested condition to limit noise generated from plant within the development is not an issue that the Local Planning Authority is permitted to consider as part of this type of application and therefore cannot be attached to any determination of the application.

FLOOD AND WATER MANAGEMENT OFFICER

The site is located in Flood Zone 1 according to the Environment Agency Flood Maps and is not in an area considered to be at risk of surface water flooding. The change of use will not involve any alterations to the footprint of the building.

There will not be any alteration to the footprint of the building therefore there is no objection on drainage or flood risk reasons.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Under Part 3 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), from 30 May 2013 development consisting of the change of use of a building to a use falling within Class C3 (dwellinghouses) from a use falling within Class B1(a) (offices) constitutes 'permitted development', subject to a number of criteria; namely permitted development rights do not apply if:

- the building is on article 1(6A) land;
- the building was not used for a use falling within Class B1(a) immediately before 30th May 2013, or, if the building was not in use immediately before that date, when it was last in use;
- the site is or forms part of a military hazard area;
- the site is or forms part of a military explosives storage area;
- the building is a listed building (or within its curtilage) or a scheduled monument;
- permitted development rights have been removed.

The site and buildings do not meet any of the criteria listed above. As such the site benefits from permitted development rights.

7.02 Density of the proposed development

Not applicable as this is not an application for planning permission.

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

Not applicable as this is not an application for planning permission.

7.04 Airport safeguarding

Not applicable as this is not an application for planning permission.

7.05 Impact on the green belt

Not applicable as this is not an application for planning permission.

7.06 Environmental Impact

Not applicable as this is not an application for planning permission.

7.07 Impact on the character & appearance of the area

Not applicable as this is not an application for planning permission.

7.08 Impact on neighbours

Not applicable as this is not an application for planning permission.

7.09 Living conditions for future occupiers

Not applicable as this is not an application for planning permission.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Council's Highways Engineer has reviewed the proposals and provided comments on

the measures required to mitigate against the detrimental impact of the development. A condition is recommended to be attached to any consent to ensure that the appropriate number of car parking spaces (including disabled spaces and active & passive electric vehicle charging points), motorcycle spaces and cycle parking spaces are provided. A parking allocation condition is also recommended to ensure the car parking spaces remain allocated to the residential use.

In order to prevent undue burden on parking within the surrounding area, the applicant will be required to enter into a Section 106 agreement to ensure that future occupants of the development would not apply for car parking permits. The Applicant has agreed to this obligation which would be secured through a S106 Legal Agreement.

Due to the limited size of the proposals at 14 units (predominantly studios and 1 beds) and only 772 sq m. in scale, a public realm contribution is not considered to be required to mitigate the impact of the proposals.

Subject to the completion of the Legal Agreement and proposed conditions the Highway's impact of the development is acceptable.

7.11 Urban design, access and security

Not applicable as this is not an application for planning permission.

7.12 Disabled access

Not applicable as this is not an application for planning permission.

7.13 Provision of affordable & special needs housing

Not applicable as this is not an application for planning permission.

7.14 Trees, landscaping and Ecology

Not applicable as this is not an application for planning permission.

7.15 Sustainable waste management

Not applicable as this is not an application for planning permission.

7.16 Renewable energy / Sustainability

Not applicable as this is not an application for planning permission.

7.17 Flooding or Drainage Issues

The Council's Flood and Water Management Officer has reviewed the submitted details and confirmed they have no objections to the application.

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit have reviewed the submitted documents in terms of the risk of contamination and have have raised no objections to the proposal.

The proposal is therefore acceptable in terms of contamination.

Noise from Commercial Premises

The Council's Environmental Protection Unit have reviewed the proposal in terms of the potential detrimental impact from noise generated externally from the site. As set out in Section 6 of this report, subject to a condition requiring details of how future occupiers will be protected from noise generated by adjacent commercial premises no objections have been raised.

The proposal is therefore acceptable in terms of noise.

7.19 Comments on Public Consultations

None received

7.20 Planning obligations

In order to mitigate against the impact of the proposals, the following obligations will be sought:

1. Agreement that future occupants will not be able to apply for car parking permits.

7.21 Expediency of enforcement action

Not applicable

7.22 Other Issues

None

8. Observations of the Borough Solicitor

The Town and Country Planning (General Permitted Development) (England) (Order 2015/596) ("GPDO 2015") effectively grants planning permission by giving deemed planning permission for certain development without the applicant having to make a formal application for planning permission although the applicant must submit a prior approval application in accordance with the GPDO 2015. Part 3 of Schedule 2 to the GPDO 2015 gives deemed planning permission for certain changes of use. The prior approval application before Members relates to Class O of Part 3 of Schedule 2 of the GPDO 2015. The GPDO 2015 provides limitations in terms of what matters can be taken into account when determining a prior approval application. In relation to Class O of the GPDO 2015 those relevant matters include:

- (a) Transport and highways impacts of the development;
- (b) Contamination risks on the site;
- (c) Flooding risks on the site; and
- (d) Impacts of noise from commercial premises on the intended occupiers of the development.

Members cannot stray outside these matters when determining a prior approval application. Members must have regard to any representations made and the National Planning Policy Framework, if relevant.

Members can grant prior approval either unconditionally or subject to conditions that are reasonably related to the subject matters of the prior approval application.

Planning obligations can be required if it is necessary to make the details which are the subject of the prior approval application acceptable.

Members should also ensure that their involvement in the determination of the prior approval application adheres to the Members Code of Conduct as adopted by Full Council and also the relevant guidance.

Members can refuse an application for prior approval where the development does not comply with any conditions, limitations or restrictions applicable to the proposed development under the GPDO 2015 or where insufficient information has been provided to enable Members to establish whether the proposed development is permitted under the GPDO 2015.

Equalities & Human Rights

Section 149 of the Equalities Act 2010 requires Members when making decisions 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 prior approval application. Equalities impacts are not necessarily decisive but the objective of advancing equalities must be taken into account in weighing up the merits of a prior approval application. The weight to be given to any equality issues are a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether their decision would affect human rights in particular the right to a fair hearing, the right to respect of 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

None

10. CONCLUSION

The application seeks prior approval for the change of Use from Use Class B1 (Offices) to Use Class C3 (Dwelling Houses) to provide 14 self contained flats. The proposed scheme is to convert the top two floors of the office space on the site to 2 x studios, 8 x 1 beds and 4 x 2 beds. 13 car parking spaces will be allocated to the residential use and 11 allocated to the existing office space. 20 secure and covered cycle parking spaces are proposed along with waste and recycling facilities.

The proposal falls to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2016 which allows for such development subject to a determination by the Local Planning Authority as to whether Prior Approval will be required.

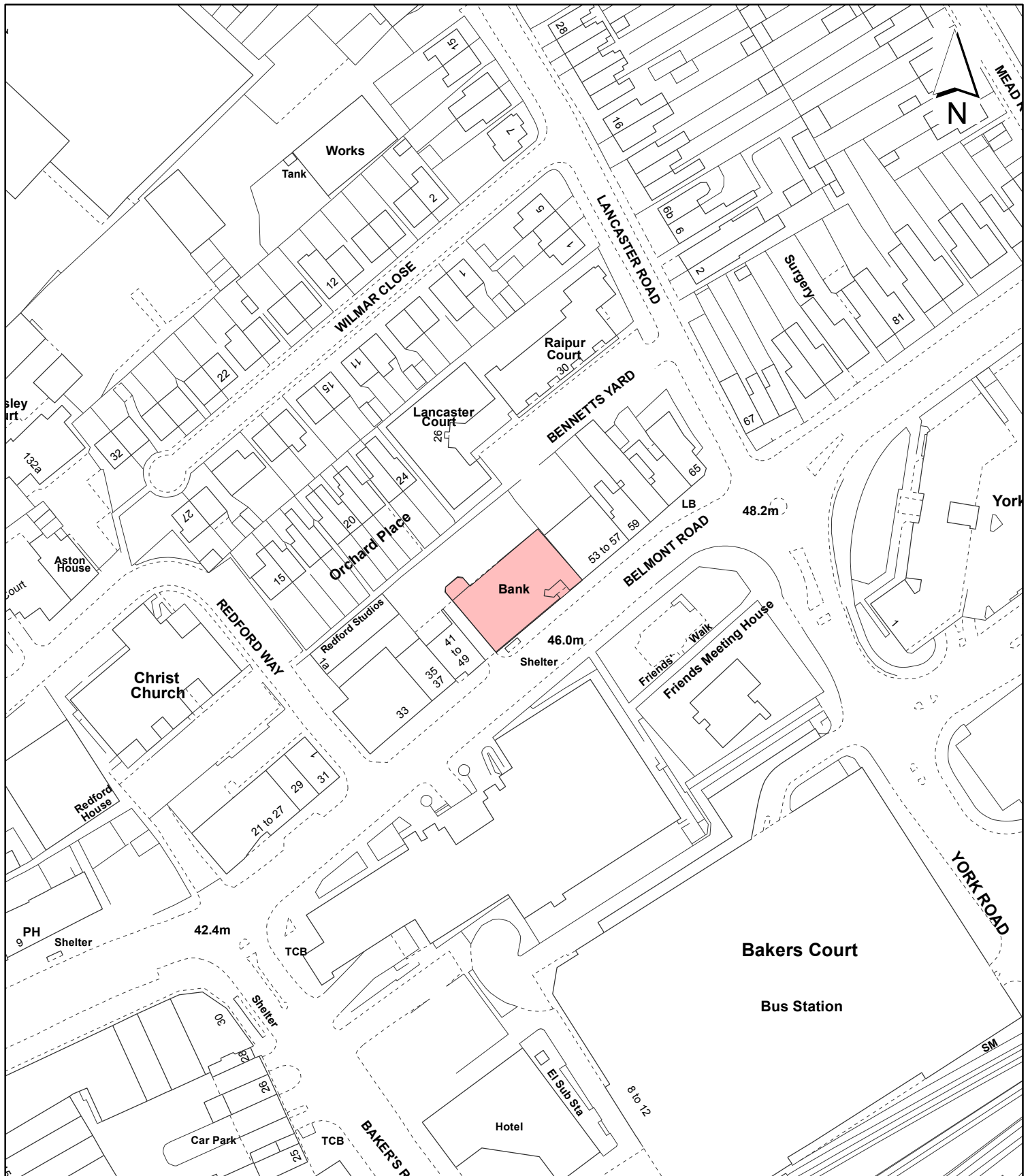
The application has been assessed against the relevant criteria and subject to conditions and the signing of a Section 106 agreement to prevent future occupants applying for parking permits, prior approval is required and the application recommended to be approved.

11. Reference Documents

Town and Country Planning (General Permitted Development) (England) Order 2016

Contact Officer: Ed Laughton

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
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Site Address:

51 Belmont Road

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
34151/APP/2017/3332

Scale:
1:1,250

Planning Committee:
Major

Date:
November 2017



HILLINGDON
 LONDON