

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 77A SWAKELEYS ROAD ICKENHAM

Development: Change of use of the first floor from residential (Use Class C3) to a dental practice (Use Class D1) including a first floor extension and associated external alterations.

LBH Ref Nos: 75522/APP/2020/1195

Drawing Nos: AGL40769
 77SWAKELEYSRD-004
 77SWAKELEYSRD-003
 77SWAKELEYSRD-001
 77SWAKELEYSRD-002
 Supporting Letter dated 30 June 2020

Date Plans Recieved: 13/04/2020 **Date(s) of Amendment(s):**

Date Application Valid: 05/05/2020

1. SUMMARY

The proposed development seek the conversion of the existing first floor flat to provide extended and improved dental facilities for the existing practice at ground floor level. Whilst the proposed development would result in the loss of a residential unit, it would retain and improve a health services use in a town centre location and as such the proposal is considered to be acceptable in principle.

The majority of the works are internal and the proposed external alterations are modest in scale and would not impact on the appearance of the existing building and the character of the Conservation Area. Nor would the proposal harm the amenity of the neighbouring properties. For the reasons set out within this report, the application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers and supporting information: 77SWAKELEYSRD-002 and 77SWAKELEYSRD-004 and Supporting Letter dated 30 June 2020 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part 1

(November 2012) and Hillingdon Local Plan: Part 2 (January 2020) and the London Plan (2016).

3 COM7 Materials (Submission)

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

4 COM12 Use Within Same Use Class

The premises shall be used as a dental surgery and for no other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020).

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 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 2	New Community Infrastructure
DMH 1	Safeguarding Existing Housing
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 4	Conservation Areas
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP 3.14	(2016) Existing Housing
LPP 3.17	(2016) Health and social care facilities
LPP 6.13	(2016) Parking

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 Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on

8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

4 15 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.

5 16 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.

6 115 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.

7 147 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).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated on the south side of Swakeleys Road which is made up of a parade of shops in Ickenham Village Centre. The application site comprises a dental practice occupying the extended ground floor with a 2 bedroom self contained residential flat at first floor level.

To the rear of the parade is a car parking area reserved for the occupants of businesses and flats of the parade. The site falls within Ickenham Village Conservation Area as identified in the Hillingdon Local Plan. The application site has a public transport accessibility rating of 2 (poor).

3.2 Proposed Scheme

This application seeks planning permission for the change of use of the first floor flat to allow the existing ground floor practice to expand their operations at first floor level. The applicant has provided a supporting statement which notes existing patients are being sent to central London for CT scans or Hillingdon Hospital for x-rays which results in delays to diagnosis and treatments. The facilities are required to operate a modern dental practice that allows investigations, diagnosis, treatment plan and final treatment preferably done under one roof.

The proposal involves the creation on an internal staircase and the enlargement of the first floor rear projection by 700mm in depth and 300mm in width and the removal of the existing first floor entrance door to the flat that would be replaced with a window.

3.3 Relevant Planning History

45399/APP/2016/1230 77 Swakeleys Road Ickenham

Single storey rear extension and installation of new staircase to side

Decision: 13-06-2016 Approved

Comment on Relevant Planning History

Consent for the single storey rear extension to the dental practice and a new external staircase was approved in 2016.

4. Planning Policies and Standards

The Development Plan for the London Borough of Hillingdon currently consists of the

following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
West London Waste Plan (2015)
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

The Mayor has considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required. These are set out at Annex 1 of the response, however the letter does also state that if the Mayor can suggest alternative changes to policies that would address the concerns raised, these would also be considered.

More limited weight should be attached to draft London Plan policies where the Secretary of State has directed modifications or where they relate to concerns raised within the letter. Greater weight may be attached to policies that are not subject to modifications from the Secretary of State or that do not relate to issues raised in the letter.

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 2	New Community Infrastructure
DMH 1	Safeguarding Existing Housing
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 4	Conservation Areas
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP 3.14	(2016) Existing Housing
LPP 3.17	(2016) Health and social care facilities
LPP 6.13	(2016) Parking

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- **11th June 2020**

6. Consultations

External Consultees

9 neighbours and the Ickenham Residents Association were consulted for a period of 21 days expiring on the 30 May 2020. No responses were received.

Internal Consultees

Planning Policy - Whilst the need to retain and increase residential floorspace should not be understated, Paragraph 4.5 recognises that exceptional circumstances may exist which outweigh the loss of residential units and deliver other Local Plan policy objectives.

In this case, the change of use would facilitate an increase in D1 floorspace to facilitate the expansion of a dental surgery in the Ickenham Local Centre, which is supported by other development plan policies.

Policy DMCI1 of the Local Plan: Part 1 (2012) outlines that the Council will support the retention and enhancement of existing community facilities. Policy DMCI 2 of the Local Plan: Part 2 (2020) also outlines that the Council will support proposals for the provision of new community facilities where they are located within the community/catchment that they are intended to serve.

Justification has also been provided by the applicant, which states that under the current situation, there is a requirement for patients to make additional long distance trips in order to receive certain types of necessary investigative scans. Some of these trips will undoubtedly not be taken by sustainable modes of transport and therefore approving the application will likely facilitate a reduction in unsustainable trips by patients. The expansion will allow for these investigative scans to be undertaken on site. This is consistent with Paragraph 7.23 of the Local Plan: Part 2 (2020) which outlines that new medical and health service uses are best located in town centres and areas well served by public transport, in order to reduce vehicle trip generation and improve accessibility to patients. No objection.

Highways - The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 and DMT 6 and Policies 6.3, 6.9, and 6.13 of the London Plan (2016).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMH 1 of the Local Plan: Part Two (2020) advises that the net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace.

Policy DMCI 1 of the Local Plan: Part Two (2020) outlines that the Council will support the retention and enhancement of existing community facilities.

Policy DMCI 2 of the Local Plan: Part Two (2020) states the Council will support proposals for the provision of new community facilities where they are located within the community/catchment that they are intended to serve.

The application proposal involves the loss of a residential unit which is contrary to Policy DMH 1 of the Local Plan: Part Two (2020). The proposed loss of a residential unit needs to be balanced against the need to modernise and expand the existing dental practice which operates at ground floor level. The applicant has explained in a supporting statement that currently patients are required to make long distance trips for CT scans and X-rays. The proposed change of use of the first floor will allow dental investigations, diagnosis, treatment plan and final treatment to take place under one roof.

The Policy Officer has commented on the application and raised no objection to the change of use. The Policy Officer notes this application is likely to facilitate a reduction in unsustainable trips currently undertaken by patients. The proposal is consistent with Paragraph 7.23 of the Local Plan: Part 2 (2020) which outlines that new medical and health service uses are best located in town centres and areas well served by public transport, in order to reduce vehicle trip. It is therefore considered that the principle of development is acceptable.

7.02 Density of the proposed development

Not applicable to this application.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.

Policy DMHB 4 also advises new development within or on the fringes of conservation areas will be expected to preserve or enhance the character and appearance of the area. It should sustain and enhance its significance and make a positive contribution to the local character and distinctiveness.

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping.

Policy DMHB 12 advises that development should be well integrated with the surrounding area. It should ensure public realm design takes account of the established townscape character and quality of the surrounding area.

The application does not seek to make any alterations to the front of the building. The proposed alterations to the rear first floor projection are relatively minor and would be in keeping with the character and appearance of the existing building and the surrounding

Conservation Area. The proposal would be in accordance with policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020).

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

The impact on the character and appearance of the area is addressed in Section 07.3 of the report.

7.08 Impact on neighbours

Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties or onto private open spaces. A minimum of 21m separation distance between windows of habitable rooms will be required to maintain privacy. The Council will also expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The proposal would include a slight enlargement of the existing first floor rear projection by 300mm in width and 700mm in depth. The projected element is situated within the rear patio areas and is sited next to the existing rear projection of no. 75a and set back 1.8m from the shared boundary with no. 79a.

The proposal also seeks to replace the door leading into the flat with a rear facing window serving the new internal staircase. The proposed alterations would not impact on the amenity of the neighbouring occupiers by reason of overbearing, loss of outlook or loss of privacy. The proposal complies with Policy DMHB 11 of the Local Plan: Part Two (2020).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policies DMT 1 and DMT 2 of the Local Plan: Part 2 (2020) require the Council to consider 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.

The proposal for an additional practice could potentially produce an increase in traffic generation to and from the site as compared to the existing surgery however any such activity would be distributed throughout the day thereby avoiding concentrated impact on any one period especially during the most sensitive morning and afternoon/evening peak traffic times. Hence any uplift would be considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Car parking

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a harmful impact on

the surrounding road network.

The proposal site does not benefit from on-plot parking provision which is the case for the existing four surgeries. The parking standard requires two spaces per consulting room hence a marginal provision of ½ a space would be anticipated for the extra consulting room. No additional parking is proposed to be accommodated on-site.

The highways officer notes there is little convenient 'free of charge' parking available in the local area as it is extensively covered by parking restrictions throughout the working week and on Saturday which deters any potential extraneous parking and traffic generated by the proposal. It is also likely that a proportion of patients would attend the surgery on a 'linked-trip' principle on-route to other destinations by, for example, being 'dropped off & picked up' which would further reduce potential new 'single destination' vehicular trips and resultant impacts generated by the proposal.

It is noted that the 'real-world' site PTAL encourages the use of sustainable travel modes in lieu of the private motor vehicle given the number of local bus services available within the proximity of the address. As a consequence, a proportion of new dental patrons would therefore be expected to be reliant on sustainable modes of travel such as walking, cycling (especially those living within the local catchment area) and the relatively convenient and efficient public transport services that serve the area.

It is considered that the site can adequately sustain activities linked to this proposal without measurable detriment to the locality hence the absence of on-plot parking is considered acceptable in this instance.

Cycling Provision

In terms of cycle parking there would be a requirement to provide at least 1 space for staff together with 1 space per 10 patients in order to accord with the Council's adopted minimum cycle parking standard. Whilst details of cycle parking is not shown, this can be secured by a planning condition.

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from 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. Facilities should be designed in accordance with the guidance given in Approved Document M to the Building Regulations 2010 (2015 edition).

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 or objections were received to this application.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not relevant to this proposal.

7.22 Other Issues

None.

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.

10. CONCLUSION

This application seeks the change of use of the first floor level from a residential unit to provide extended dental facilities. Although the proposal would result in the loss of a residential unit, the proposal would retain, expand and improvement a health services in a town centre location and as such it is considered be acceptable in principle. The external alterations proposed would not harm the character and appearance of the host building or the Conservation Area. The proposal would not harm neighbouring amenity or the local highways network. For the reasons explained in this report, the application is recommended for approval subject to the inclusion of recommended conditions.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (2016).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Liz Arnold

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**77A Swakeleys Road
 Ickenham**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

75522/APP/2020/1195

Scale:

1:1,250

Planning Committee:

North

Date:

August 2020



HILLINGDON
 LONDON