

Report of the Head of Planning & Enforcement Services

Address 30C NORTHOLT AVENUE RUISLIP

Development: Retention of two storey, with rooms in roofspace, four-bedroom terraced dwelling

LBH Ref Nos: 16490/APP/2011/1039

Drawing Nos: Design & Access Statement
Un-numbered Location & Block Plan
Un-numbered Floor Plans
Un-numbered Side Elevations
Un-numbered Front Elevations
Un-numbered Section

Date Plans Received: 03/05/2011 **Date(s) of Amendment(s):**

Date Application Valid: 03/05/2011

1. SUMMARY

The proposal is for retrospective planning permission for a mid-terrace property, that has not been built in accordance with the approved plans, which were for the erection of a row of four 2-storey 2-bedroom terraced houses, two with integral garages, together with frontage parking and vehicular crossovers (16490/APP/2006/1061). This particular property was constructed with 4-bedrooms, one of which is in the roof space, together with a revised front layout. Whilst it is considered that the proposed dwelling provides adequate amenities for future occupiers and the bulk and design is not considered materially different to that approved by the earlier grant of planning consent, the amended frontage layout, which allows for one off-street parking space for this residential unit results in the need to remove an existing highway tree (Cherry tree, ref. 00894 on the street tree register). It has been recommended that this tree is removed and replaced in a more suitable position. In addition to this requirement, as the property would result in a net gain of 7 habitable rooms, the director of education has stated an education contribution of £13,572 for nursery, primary, secondary, and post 16 education would be required in the South Ruislip Ward.

Confirmation has been sought from the applicant regarding a request that both of these matters are dealt with via the completion of a Section 106 agreement and no response has been received.

Without this agreement in place, the proposal is considered to result in a total lack of off-street parking provision for this particular unit together with an increased shortfall of education provision in the surrounding area. As such, the application is considered to fail to comply with policies BE38, AM14 and R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and is recommended for refusal.

Refusal of this application will result in prosecution proceedings recommencing.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed parking layout/position of cross-over fails to provide a safe and accessible provision for parking and would also result in the removal of a street tree (Cherry tree, ref. 00894 on the street tree register). The proposal would thus be detrimental to highway and pedestrian safety and the visual amenities of the street scene and the wider area in general contrary to Policies AM14, BE19 and BE38 of the Unitary Development Plan Saved Policies (September 2007) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 Non Standard reason for refusal

The size, siting and position of the parking bay together with the footway to the front door results in a large area of hardstanding on the frontage, which does not allow sufficient space for soft landscaping. The proposal is therefore detrimental to the visual amenities of the street scene and the character and appearance of the wider area, contrary to Policies BE13, BE19 and BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NON2 Non Standard reason for refusal

The development is estimated to give rise to a significant number of children of nursery and primary school age, and therefore additional provision would need to be made in the locality due to the shortfall of places in nurseries and schools facilities serving the area. Given a legal agreement at this stage has not been offered or secured, the proposal is considered contrary to Policy R17 of the Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

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.
R17	Use of planning obligations to supplement the provision of

AM14	recreation, leisure and community facilities
AM7	New development and car parking standards.
HDAS	Consideration of traffic generated by proposed developments.
LPP 3A.5	Residential Layouts
LPP 4A.3	London Plan Policy 3A.5 - Housing Choice
LPP 4B.5	London Plan Policy 4A.3 - Sustainable Design and Construction.
	London Plan Policy 4B.5 - Creating an inclusive environment.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the western side of Northolt Avenue and comprises a row of four newly constructed terraced properties. This application relates to Plot C a mid-terrace unit. Originally this site comprised a detached bungalow, which has been demolished to make way for this new development. The area is characterised by a mix of detached bungalows, two-storey detached, semi-detached and terraces houses. The site lies within the developed area, as identified in the Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007).

3.2 Proposed Scheme

The proposal relates to retrospective planning permission for a mid terrace property, that has not been built in accordance with the approved plans (16490/APP/2006/1061), for the erection of a row of four 2-storey 2-bedroom terraced houses, two with integral garages, together with frontage parking and vehicular crossovers.

This particular property was constructed with 4-bedrooms, one of which is in the roof space. The house has a maximum width of 5.6m and is 10m deep. The unit has been finished with a pitched roof with an eaves height of 5.1m and a ridge height of 8.6m high.

The footprint is identical to that approved by the earlier grant of planning consent, together with the eaves height, however the overall ridge height has been increased by 0.5m.

One off-street parking space is shown on the frontage.

3.3 Relevant Planning History

16490/APP/2006/1061 30 Northolt Avenue Ruislip

ERECTION OF A ROW OF FOUR TWO STOREY TWO BEDROOM TERRACED HOUSES, TWO WITH INTEGRAL GARAGES, ALL WITH PARKING AT THE FRONT, TOGETHER WITH FORMATION OF THREE ADDITIONAL VEHICULAR CROSSOVERS (INVOLVING DEMOLITION OF EXISTING BUNGALOW)

Decision: 16-06-2006 Approved

16490/APP/2007/1034 30 Northolt Avenue Ruislip

RETENTION OF TERRACE OF 4, TWO STOREY THREE-BEDROOM DWELLINGS (INCLUDING ROOFSPACE ACCOMMODATION), TWO WITH INTEGRAL GARAGES, ALL WITH PARKING AT THE FRONT, TOGETHER WITH FORMATION OF THREE ADDITIONAL VEHICULAR CROSSOVERS (INVOLVING DEMOLITION OF EXISTING BUNGALOW)

Decision:

16490/APP/2011/1037 30a Northolt Avenue Ruislip

Retention of two storey, three-bedroom, end terrace dwelling with integral garage and associated amenity space and parking

Decision:

16490/APP/2011/1085 30d Northolt Avenue Ruislip

Retention of two storey, three-bedroom, end terrace dwelling with integral garage and associated amenity space and parking

Decision:

16490/APP/2011/245 30b Northolt Avenue Ruislip

Retention of two storey, with rooms in roofspace, four-bedroom terraced dwelling with 2 rooflights to front and 2 rooflights to rear

Decision:

Comment on Relevant Planning History

Planning application 16490/APP/2006/1061 was granted on the 16th June 2006, for the erection of a row of four 2-storey 2-bedroom terraced houses, two with integral garages, together with frontage parking and vehicular crossovers. However, the development was not constructed in accordance with the approved plans and a subsequent enforcement investigation commenced.

During the period of the enforcement investigation, the site was subdivided and each of the four residential units are now in separate ownership. Due to the non-compliance with the originally approved plans prosecution proceedings were instigated, and these have resulted in four individual applications being submitted to try and gain retrospective permission for the units as constructed.

Failure to receive permission would result in the prosecution proceedings recommencing.

4. Planning Policies and Standards

Supplementary Planning Guidance: Educational Facilities

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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.
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
HDAS	Residential Layouts
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

13 letters were sent out to local interest groups and neighbours of the application site. Two letters of representation have been received specifically referring to this application, however, this proposal is one of four applications seeking retrospective consent for the erection of four terrace houses. As such, a further two letters have also been received which are also considered relevant to this application. The comments were as follows:

1. I object to retrospective permission being granted for this application, the properties do not conform with either the original or the revised applications submitted to the council.
2. The developer was made aware at the time that Completion Certificates for this development would not be granted, but he carried on regardless.
3. There is another house (Plot C) with roof lights for which planning permission has not been granted.
4. The Design and Access Statement comments the design of the proposal has taken cues from an adjacent development in Baring Road. Therefore this should not be considered.
5. The roof windows, if allowed, will overlook the upper bedrooms of the houses opposite and compromise privacy.
6. The developer having submitted plans, had them approved and then disregarded them and continued to build without consideration of residents. I feel if consent is now granted, there will be nothing to stop developers from building what they want, regardless of conditions or approvals given.
7. My original objections sent previously still stand.
8. Yet another perfectly good bungalow to be destroyed. This is why the area is going downhill and

the feel and look of it has changed. There is not a need for big houses within that road and no room for the cars that it would bring.

9. The development was in contravention to planning law. The houses are currently let out to many people and should probably be registered as houses in multiple occupation.

10. The houses are poorly built. Garages were built with no permissions for dropped kerbs.

11. Due to the height of these properties, they overshadow our house.

12. We would not have purchased our property if we knew this development would take place.

13. We are concerned we have not been fully consulted on all applications

14. Now we are facing with a building comprising 14 bedrooms, rather than 3, this has increased parking, traffic and noise, particularly as these as rented houses.

MOD-RAF Northolt: No safeguarding objections

NATS: No safeguarding objections

Internal Consultees

Trees and Landscape Officer: The LPA should add condition TL5 and TL6 (reworded in accordance with your suggestion) to provide appropriate treatment to the front of plot 30C.

Planning Officer Comment: A request was forwarded to the applicant seeking a revised front layout plan, to provide an acceptable solution to this frontage area (In line with what has been agreed at the adjoining property, Plot B). No response has been received and the current on-site situation is not considered acceptable.

Director of Education; Based on the creation of 1 x 7-room private house, the requested amount is £13,572.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP Saved Policies (September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The proposal is located within the 'developed area' as identified in the UDP Saved Policies (September 2007) and there is no objection in principle to additional housing in this location. Furthermore, it is considered that the erection of four terraced properties on this site has been established by the previous approval for the original development (16490/APP/2006/1061).

7.02 Density of the proposed development

With regard to residential density, the proposed site, as constructed has a residential density of 337 habitable rooms per hectare (hrpha). Therefore, this exceeds the London Plan's recommended guidelines having regard to the sites Public Transport Accessibility Level (PTAL) score of 2 (which thereby recommends 200-250 hrpha, 50-80 units per hectare). Whilst, the proposal exceeds these guidelines, consideration also needs to be given to the future internal and external living environments and whether a cramped situation has resulted. It is considered that whilst the proposal exceeds the recommended density requirements, adequate amenities have still been provided for future occupiers of these properties and as such the proposal is considered to comply with the Policy 4B.3 of the London Plan.

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

Not applicable to this application

7.04 Airport safeguarding

NATS (NERL Safeguarding) and the MOD (RAF Northolt) have been consulted and do

not raise any safeguarding objections to the proposal

7.05 Impact on the green belt

Not applicable to this application

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

Section 4.27 of the SPD: Residential Layouts, states careful consideration should be given to building lines, and these should relate well to the existing street pattern.

The footprint of this development is identical to that approved by the earlier grant of planning consent (16490/APP/2006/1061), together with the eaves height. However it is noted that the overall ridge height has been increased by 0.5m.

The design of the building is not considered materially different to that earlier approval and whilst the resulting ridge line has been increased on that shown on the originally approved plans, the overall scale of the development and its impact on the street scene, in comparison to existing properties is considered to be acceptable and has not resulted in a detrimental impact on the visual amenities of the area.

The proposed development is not considered to result in an incongruous or cramped form of development and as such, the application is considered to comply with Policies BE13 and BE19 of the Adopted Unitary Development Plan (UDP) Saved Policies (September 2007).

7.08 Impact on neighbours

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance. This proposal would comply with this advice as properties directly to the rear of this proposal have a separation distance of over 28m.

With regard to any loss of light and outlook that has arisen as a result of this proposal. It is noted the same footprint has been used to that approved by the earlier grant of planning consent (16490/APP/2006/1061) and whilst the resulting ridge line has been increased by 0.5m, the hipped roof form that has been used means that the proposal has not resulted in a material impact on adjoining properties, over and above the impact that would have been created by the originally approved scheme, which was considered to be acceptable. Therefore, the house is not considered to result in a significant increase in over dominance, visual intrusion and over shadowing and as such, the proposal would comply with the intentions of policies BE20 and BE21 of the UDP Saved Policies (September 2007).

The Council's SPD HDAS: Residential Layouts, requires a minimum distance of 21m to ensure that no overlooking to adjoining residents will occur. In this case the dwellings to the rear are situated over 28m away and therefore a material loss of residential amenity would not result. With regard to the front facing windows these would be considered to face onto public areas and therefore also would not be considered to result in a material loss of privacy. As such, the proposed house would not result in an unacceptable loss of

privacy to existing or future occupiers and therefore would comply with Policy BE24 of the Borough's adopted UDP Saved Policies (September 2007).

of the Borough's adopted UDP Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given in the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for the new dwelling is over 120m². The SPD states the minimum amount of floor space required for a 4-bedroom two storey house would be 92m² and therefore the proposal would comply with this advice.

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that three bedroom properties should have a garden area of at least 60m² and four bedroom properties should have a garden space of 100m². The layout plans show areas of 93m² provided for the four bedroom units (Plots B and C) over 100m² provided for the three bedroom units (Plots A and D). Whilst there is a marginal shortfall for the four bedroom properties it is not considered enough to warrant the refusal of planning permission on these grounds alone. As such the proposal would comply with the intentions of Policy BE23 of the UDP Saved Policies (September 2007) and the SPD: Residential Layouts.

7.10 Traffic impact, car/cycle parking, pedestrian safety

This application comprises 1 of 4 retrospective applications submitted for a row of four terraced properties. These properties were not constructed in accordance with the approved plans and during the construction period the parking layouts/integral garages were altered.

The councils adopted policy seeks to provide a maximum of 2 parking spaces per residential dwelling. The development as constructed provided integral garages to the two end terrace units, and one parking space on the front of each of the mid-terrace units. This has resulted in a shortfall of 2 spaces for the development as a whole. However, it is noted there is a parking management scheme in place in the street and it is not considered the shortfall of 2 spaces would result in demonstrable harm. Furthermore, it is considered if the proposal (with regard to the parking layout) had been implemented as per the approved drawings, this would have resulted in a large amount of hardstanding, without the ability to mitigate this impact with any soft landscaping, thereby resulting with the appearance of a row of parked cars on the frontage. As such it is considered the provision of one space on this frontage would be acceptable, in principle, in this case.

However, the amended frontage layout would result in a highway tree having to be removed (Cherry tree, ref. 00894 on the street tree register). It has been recommended that this tree is removed and replaced in a more suitable position so that an acceptable vehicular access point can be constructed. No agreement has been forthcoming for this aspect and as such, without the agreement the proposal results in a total lack of parking provision for this unit, thereby failing to comply with policies AM7 and AM14 of the UDP Saved Policies (September 2007).

7.11 Urban design, access and security

These issues have been considered in Section 7.07.

7.12 Disabled access

The proposed floor plans show the provision of WC facilities at ground floor level and that the dwelling would exceed the minimum floor space standards required to meet Lifetime Homes Standards. As such, the proposal is considered to comply with the intentions of Policy 3A.4 and 3A.5 of the London Plan and the Council's Accessible Hillingdon SPD

January 2010.

7.13 Provision of affordable & special needs housing

The proposal does not meet the threshold to require the provision of this type of housing.

7.14 Trees, Landscaping and Ecology

This is a recently constructed mid-terrace house in a residential area. The front garden is predominantly block paved with a very narrow strip for planting between the pedestrian access to the front door and a space for off-street parking. There are no significant landscape features on the site which constitute a constraint on development. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area. The proposal is a retrospective application to regularise the situation regarding one of the four properties - which were not constructed in accordance with the approved plans.

With regard to the proposed frontage parking for the property, section 4.37 of the SPD: Residential Layouts, states careful consideration should be given to the boundary treatment and the retention of mature and semi-mature trees, and that car parking at the front will not always be achievable, as a result of retaining and enhancing the local character of the area. It is considered that the development as constructed, has resulted in an excessive area of hardstanding failing to provide areas of soft landscaping to mitigate this impact.

Furthermore, the revised layout, as constructed, results in a highway tree situated directly to the front of the vehicular access point to the unit. It is recommended that this existing highway tree (Cherry tree, ref. 00894 on the street tree register) is removed and replaced in a more suitable position. However, no agreement has been forthcoming in this respect and therefore if the vehicular access point was fully implemented this would result in a visually important feature to the street scene being lost to the detriment of the same.

As such the application is considered to fail to comply with Policies BE13, BE19 and BE38 of the Adopted Unitary Development Plan (UDP) Saved Policies (September 2007).

7.15 Sustainable waste management

As the property is a residential house, refuse collection would not involve wheelie bins or an external bin storage area.

7.16 Renewable energy / Sustainability

The SPD: Residential Layouts: Section 4.9 states, each habitable room should have an outlook and source of natural light and the proposal would comply with this advice and with Policy 4A.3 of the London Plan (2008).

7.17 Flooding or Drainage Issues

The proposal is not within a flood plain and no drainage issues have arisen.

7.18 Noise or Air Quality Issues

Not applicable to this development

7.19 Comments on Public Consultations

With regard to points 1-4, 6, 9, 12, whilst these points are noted, planning applications are required to be considered on their own merits. The remaining points are addressed in the main body of the report.

7.20 Planning Obligations

Presently S106 contributions for education are sought for developments when the net gain

of habitable rooms exceeds six. The development would result in a net gain of 7 habitable rooms and the director of education has stated an education contribution of £13,572 for nursery, primary, secondary, and post 16 education would be required in the South Ruislip Ward.

Confirmation has been sought from the applicant regarding this request and no response has been received, as such, without agreement to enter into a Section 106 for an education contribution, to meet the shortfall of provision in the surrounding area, the application is considered to fail to comply with policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

There is a highway tree situated directly in front of the vehicular access point/parking area for this property, this tree would need to be removed and replaced, in order to provide adequate parking provision for the unit. The estimated cost to remove the existing tree, grind out the stump, supply and plant a new street tree is £300.

Confirmation has been sought from the applicant regarding this request and no response has been received, as such, without agreement to enter into a Section 106 to cover these costs, the application is considered to fail to comply with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.21 Expediency of enforcement action

The property, together with the adjoining ones, is the subject of a valid enforcement notice and if this application is refused, then enforcement action would recommence.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

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

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

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

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

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other

opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

The proposal is a retrospective application for the erection of a mid-terrace 4-bedroom dwelling. It is considered that the design of the proposed dwelling, the building lines, together with the size and bulk, is not materially different to that approved by the earlier grant of planning consent and therefore this aspect of the scheme is considered acceptable. However, the proposed parking space would result in the removal of a street tree which would result in the loss of an important feature in the street scene, and therefore a detrimental impact on the same. Furthermore, it has been requested that a revised front layout plan is submitted to show the provision of areas of soft landscaping to the front of this unit and again no response has been received. This proposal is considered to meet the requirement to need a legal agreement seeking a contribution towards education provision within the ward and no such contribution has been agreed. Therefore, the application is recommended for refusal.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Polices September 2007
HDAS: Residential Layouts:
HDAS: Accessible Hillingdon
The London Plan (2008)
Consultee and Neighbour responses

Contact Officer: Catherine Hems

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Notes

 Site boundary

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Site Address

**30C Northolt Avenue
 Ruislip**

Planning Application Ref:

16490/APP/2011/1039

Planning Committee

North

Scale

1:1,250

Date

**July
 2011**

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

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