

Appeal Decision

Site visit made on 4 August 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/R5510/W/20/3250434

Morrisons, 43-67 High Street, Yiewsley, West Drayton UB7 7QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Habourside Investments Ltd and WM Morrison Supermarkets PLC against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 2370/APP/2019/2880, dated 29 August 2019, was refused by notice dated 17 March 2020.
 - The application sought planning permission for demolition of the existing buildings and the redevelopment of the site to provide a part 4 to part 8 storey building comprising a replacement Class A1 1,643sq.m (GIA) foodstore, 144 residential units, basement car parking and associated works without complying with conditions attached to planning permission Ref 2370/APP/2018/2793, dated 21 August 2019.
 - The conditions in dispute are Nos 2, 3 and 7 which are listed, along with their reasons, in the attached Schedule 1: Disputed Conditions.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and the redevelopment of the site to provide a part 4 to part 8 storey building comprising a replacement Class A1 1,643sq.m (GIA) foodstore, 144 residential units, basement car parking and associated works at Morrisons, 43-67 High Street, Yiewsley, West Drayton UB7 7QQ in accordance with the application Ref 2370/APP/2019/2880, dated 29 August 2019 without compliance with condition numbers 2, 3 and 7 previously imposed on planning permission Ref 2370/APP/2018/2793 dated 21 August 2019 but subject to the conditions in the attached Schedule 2: Imposed Conditions.

Application for costs

2. An application for costs was made by Habourside Investments Ltd and WM Morrison Supermarkets PLC against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural Matters

3. In addition to policies within the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020 and the adopted London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 ('the LP'), the Council's reasons for refusal cite policies T4 and DF1 of the draft London Plan (Intend to Publish Version 2019) ('the ITPLP'). The Secretary of State's response to the Mayor of London's ITPLP, includes directions for

modification of some aspects of it, although the Mayor may instead put forward alternative changes in order to address the concerns raised.

4. Policies T4 and DF1 of the ITPLP are not subject to modification directed by the Secretary of State. With regard to paragraph 48 of the National Planning Policy Framework (the Framework) and the advanced stage reached, these policies attract significant weight in my decision. Although not relied on within the Council's reasons for refusal, given the matters which are at issue in this appeal, Policies T6 (Car parking) and T6.1 (Residential parking) of the ITPLP are also relevant. Neither these policies, nor the maximum parking standards for Outer London Opportunity Areas identified at Table 10.3 are subject to modification directed by the Secretary of State. I therefore similarly afford significant weight to these policies.
5. I have taken into account comments by the main parties on the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ('the Amendment Regulations') which came into force on 1 September 2020 and amend the Town and Country Planning (Use Classes) Order 1987 ('the Use Classes Order'). Under the Amendment Regulations, a new commercial, business and service' use class (Class E) is created which incorporates former use classes including shops (Class A1).
6. The parties suggest in the event the appeal were to be allowed that references to 'Class A1', including within the description of development, should be amended to the new Class E. However, I have determined the appeal in light of Regulation 4 of the Amendment Regulations which outlines that an application submitted prior to 1 September 2020 referring to uses or use classes specified in the Schedule to the Use Classes Order as at 31st August 2020 should be determined by reference to those uses or use classes. Accordingly, I have retained the references to Class A1 of the Use Classes Order.

Background and Main Issue

7. Planning permission was granted on the appeal site under application reference 2370/APP/2018/2793 ('the original permission') subject to a planning obligation under the provisions of section 106 of the Town and Country Planning Act 1990 (the Act), and planning conditions. These include condition 2 which sets out the approved plans for the development, condition 3 which sets out the supporting plans and documents, and condition 7 which requires a landscape scheme to include, amongst other things, details of car parking layouts including 101 residential car spaces and 69 retail car parking spaces.
8. The application which is the subject of this appeal was made under Section 73 of the Act for a minor material amendment to the original planning permission. The appellant is seeking to amend the plans approved at condition 2 in order to remove a lower basement level and reconfigure the upper basement level. The resulting changes include a small increase in the area of the upper basement level and a reduction in the number of residential car parking spaces from 101 to 23. In line with this change, some of the supporting information listed at condition 3 has also been updated, and there would be a change to the number of parking spaces from those cited within condition 7.
9. A completed Deed of Variation (DofV) securing planning obligations has also been submitted during the appeal and I return to this matter below.

10. Having regard to the above and the evidence before me, the main issue is the effect that variation of the parking arrangements would have on the safety and convenience of pedestrians and users of the highway network in the vicinity of the site, and on the quality of life of existing residents and future occupiers of the development.

Reasons

11. The original permission relates to the site of an existing supermarket within the Yiewsley/West Drayton Town Centre and Heathrow Opportunity Area. The appeal proposal would not alter the number of retail parking spaces or levels of cycle parking provided. However, where the original planning permission provided for 101 residential parking spaces including 14 accessible spaces, 23 on-site spaces including 4 accessible spaces are now proposed.
12. Parking standards within Policy DMT 6 of the Local Plan and Policy 6.13 and Table 2 of the LP suggest a maximum residential parking provision for the development of around 226 spaces and 216 spaces respectively. Emerging parking standards at Policy T6.1 and Table 10.3 of the ITPLP indicate a lower maximum provision, and in Outer London Opportunity Areas suggest a maximum of 0.5 spaces per dwelling. The 23 residential parking spaces would be below these maximums. As a result, there would be no inherent conflict with these policies and they are not relied on within the Council's reason for refusal.
13. The Council does not seek the maximum residential parking provision of up to 226 spaces under Policy DMT 6. However, it considers the intended parking, with a ratio of 0.16 spaces per dwelling, to be unprecedented in this area, and insufficient to meet the needs of the ward profile and residents and to avoid parking stress along surrounding streets.
14. In support of this, the Council refers to data from the 2011 Census indicating that Hillingdon as a borough has one of the highest rates of car ownership in London, and it suggests that there is an average of one vehicle available per household in the Yiewsley ward which the site is within. Notwithstanding this, data within the Council's highways evidence indicates that 34% of households within the smaller 'output area' that includes the site have no car or van. Moreover, these overall averages mask variations in vehicle availability between different household types. The more detailed breakdowns within the appellant's evidence show that when only households residing in flats, maisonettes, apartments or caravans are considered, around 41% of households within the Yiewsley ward had no access to a vehicle in 2011.
15. Although the Census data is now some years old, it seems clear that whether or not they have access to parking, a significant proportion of households in this area do not have access to a vehicle, particularly those in flats or other smaller dwellings which are of particular relevance given the nature of the development. I have not been provided with any clear evidence that these households are unable to access either local services or destinations to which they need to travel. As a result, I have significant doubts that ownership of a vehicle, and thus provision for parking, would necessarily be an overriding requirement in this area.
16. I also note examples of developments in the Yiewsley/West Drayton area where the Council advises parking ratios have been between 0.85-1 space per dwelling. I have no reason to doubt that this level of parking has historically

been provided. Even so, surveys by the Council of parking within 2 of these developments indicated a significant number of spaces available, albeit that I note these were snapshots and during the daytime.

17. In any case, current levels of parking, vehicle ownership and use in this area do not amount to sufficiently robust evidence that parking to cater for a similar level of ownership or use is necessary, far less that it should be encouraged. In this regard, there are clear policy objectives within the LP, Hillingdon Local Plan Part 1 Strategic Policies 2012 and Local Plan Part 2 as well as the National Planning Policy Framework (the Framework) seeking to reduce private car dependency, congestion, vehicle emissions and impacts on air quality. These objectives are further embodied within the Mayor's Transport Strategy 2018 (MTS) which seeks a modal shift to 56% of trips in Hillingdon and 80% of trips in London by walking, cycling or public transport by 2041.
18. The evidence before me also includes research which shows a strong link between access to parking as a predictor of vehicle ownership, which is in turn closely related to vehicle use. TfL and the Greater London Authority (GLA) have both strongly supported the proposed reduction in parking on the site and I note comments by TfL that congestion, emissions and public health are challenges which all boroughs must contribute to addressing. Further, that reducing residential parking is essential in order to effectively manage the road network in London and deliver the new homes that the city requires.
19. Overall, I find the case that reducing levels of parking encourages reduced vehicle trips and a mode shift to walking, cycling and public transport to be compelling. With regard to the submitted evidence, I have no doubt that current levels of vehicle ownership and use in the area around the site are, at least in part, a factor of the historic availability of parking. It seems to me that providing similar levels of parking in future would perpetuate the ownership and use of private vehicles contrary to wider policy objectives noted above.
20. Nevertheless, Local Plan Policy DMT 1 requires that the transport needs of development are met and impacts addressed in a sustainable manner. I recognise that vehicle ownership and use, and as a consequence the related need for parking, will also be influenced by the accessibility of employment, services and facilities to meet community needs by non-car modes of travel. Policy DMT 2 further seeks to minimise the impact on the surrounding highway, including impacts on local amenity and safety.
21. The site is close to the outer boundary of London, and I acknowledge that the MTS advises that trips in such locations tend to be longer with different start and end points which is a challenge to efficient public transport, and that some people have no choice but to drive. I also note the Council's comments that there is a lack of orbital and north-south public transport links in this area, and that existing residents travel to destinations outside of London by car, highlighting expensive and inconsistent public transport outside of London. Be that as it may, I nevertheless agree with the comments of the Inspector in a recent appeal at Stanford House, 9 Nestles Avenue¹ that PTAL ratings are a good indicator of the level of services available. I note that there are differences in the circumstances and considerations relevant to that appeal, but I see no reason that the general principle should not equally apply here.

¹ Appeal reference APP/R5510/W/19/3230503

22. The site currently has a PTAL of 3 which is categorised as 'moderate'. It is very close to West Drayton station which provides links to destinations including central London, Heathrow and west towards Reading, as well as bus stops served by a number of different local routes. These routes include a frequent 24-hour service, and relatively frequent services on most other routes which enable direct access to a range of service, employment or education centres.
23. While there will be some delay to its opening fully, the Elizabeth Line (Crossrail) will further improve connections from West Drayton in future, including into central London destinations and interchanges as well as to areas west of London. The line may reflect existing routes, but the increased frequency of services and reduced need to change trains to access some destinations will nevertheless enhance convenience, the practicality of various route options and the attractiveness of journeys for future occupiers. TfL and the GLA additionally advise that the opening of this line is expected to increase the PTAL rating of the site to 4 which is categorised as 'good'.
24. I accept that the PTAL rating of the site as existing and anticipated in future is below the highest grades of 5 or 6 where Table 10.3 of the ITPLP indicates development should be car free. Even so, the existing and future connectivity of the site by public transport indicated by these PTAL ratings would in my view undoubtedly provide future occupiers an alternative to travel by private car in order to access a range of destinations, services and employment options. In addition, facilities within walking or cycling distance of the site within the town include a GP surgery, library, primary school, shops and services. Given the range of employment, facilities and locations which are accessible by non-car modes of travel, I am not persuaded that occupiers would need to rely on ownership or use of a private vehicle to be able to access necessary services.
25. The DofV also includes a replacement Residential Travel Plan (RTP) setting out measures intended to reduce resident car journeys and encourage walking, cycling and public transport use. TfL's Travel Plan Guidance 2013 provides relevant advice. Irrespective of the number of residential parking spaces on site, all occupiers would make travel choices and I therefore consider it important that targets and monitoring reflect the development as a whole according to the number of dwellings. Travel targets and a requirement for 'ITRACE' surveys at years 1, 3 and 5 of occupation of development are now included in the replacement RTP, and would ensure its effectiveness.
26. There is additionally provision within the DofV for 2 car club spaces on St Stephen's Road, with free membership of the scheme for the first occupiers of each dwelling for 2 years. This is strongly welcomed by the GLA and would enable occupiers to conveniently access a vehicle for occasional journeys.
27. I note that operation of the car club spaces would be subject to consultation, and the Council's contention that car clubs in the borough have had mixed success and the requirement for consultation. Nevertheless, even setting aside the car club, I am satisfied that the level of parking on the site would not be a barrier to the ability of occupiers to access employment, education or other necessary services. While occupiers would not therefore need to rely on private vehicle use or ownership, their choices in this respect would also be influenced by the availability of parking.
28. The majority of dwellings would not have access to parking on the appeal site given the level of residential parking proposed. Much of the surrounding area is

subject to a permit-controlled parking management scheme (PMS), or is time-restricted by yellow lines. The DofV provides that a restriction on the original planning permission preventing occupiers of the development from acquiring residential parking permits would continue to apply should permission be granted, and that this restriction would be made clear to potential occupiers at the outset.

29. The PMS and time-restricted yellow lines do not currently operate at all hours of the day and week. Even so, the inability to park freely at all times would in my view limit the likelihood of occupiers considering this to be a practical or realistic option. There is a small amount of unrestricted parking near to the site on St Stephen's Road, but I observed that much of this was occupied by vehicles which do not look to have moved for a significant period of time, considerably limiting scope for occupiers to rely on these spaces as available.
30. Given the restrictions on parking around the site, occupiers may instead look to parking on roads outside of the PMS area as an alternative, and the Council has highlighted Otterfield Road and Providence Road as particular locations of concern. Otterfield Road is around 300m away from the site while Providence Road is around 400m away. I accept that this would not necessarily deter all occupiers, but consider that the distance together with the lack of in-person surveillance of vehicles would lead very few potential occupiers to regard this as a practical alternative parking location. I further note that these distances would exceed the 200m walk distance threshold referred to as an area that residents may want to park within the commonly used 'Lambeth method' for parking surveys which is included within the evidence before me. The distance to town centre car parks, with the closest car parks on Fairfield Road and Falling Lane at around 250m and 450m from the site, together with charging and the inability to guarantee access to a space or permit to park in future means I similarly find that occupiers are unlikely to consider this a suitable or practical alternative.
31. Given the limited provision for parking on the site and minimal realistic options for parking in the surrounding area at all times, it is reasonable to assume that the vast majority of dwellings would attract occupiers who do not own or use, nor intend to own or use a car and I have already found that the accessibility of the site would offer suitable alternative modes of travel to support this as a realistic option. I recognise that this would not suit all potential future residents, but occupiers would make decisions whether or not the development would be suitable for their requirements and lifestyle according to their circumstances, and those who did require a vehicle would instead look to alternative developments nearby with greater parking provision.
32. For these reasons, I find that the evidence before me does not demonstrate that a higher level of parking would be required on the site to meet needs, and I find that the proposal would help to facilitate behaviour change away from use of private vehicles. Levels of vehicle ownership and use by occupiers of the development would therefore be markedly different to overall averages for the area, and it would be inappropriate to apply these historic averages to the development in order to predict how much parking is required as the Council has sought to do.
33. For the same reasons, I do not consider reference to Census 2011 data a sound basis on which to challenge the vehicle mode share and trip rates within the

updated Transport Assessment August 2019 (TA). I accept that they differ from historic averages in the area, but the lower predicted vehicle use reflects the circumstances of the development proposed. I am not therefore persuaded that they are unreasonable, nor that the TA significantly underestimates vehicle usage so as to result in high levels of displacement parking in the surrounding area.

34. Although the Council suggests that the trip rates within the TA would result in a peak of 14 vehicles wishing to park which cannot be accommodated on the site, the 'parking accumulation spreadsheet' on which this is based has not been provided and so I cannot be sure of the assumptions behind it. I note that the purpose of the trip rate assessment within the TA was to test junction capacity, rather than estimate actual traffic generation, but in any event, further details of the management of parking on the site are required by condition 18 of the original permission. The appellant has confirmed that dwellings would be marketed with no parking, with the option to purchase an on-site space if available. Those occupiers who have not purchased a space would therefore be aware that no parking would be available on-site, and the suggestion that vehicles would travel to the site to find no available parking, resulting in a need to seek alternative parking elsewhere therefore seems to me to be flawed and an unrealistic proposition.
35. Even if some occupiers without access to parking on the site did have a vehicle, whether initially or due to a change in circumstances, that does not signify that displaced parking would necessarily cause harm. At my visit, I saw some parking spaces available on both Otterfield Road and on Providence Road which the Council highlights as of concern being the closest unrestricted parking to the site beyond St Stephen's Road, as well as a greater number of spaces on other roads outside of the PMS area nearby. I also observed ample available spaces within the Falling Lane and Fairfield Road car parks, as well as many spaces on-street within the PMS area.
36. I accept that my visit during a weekday late morning was just a snapshot, and the situation may be different in the evening and overnight when residents are more likely to be at home. However, the appellant's Local Car Parking Demand Survey dated 13 December 2019 (LCPDS) considers the availability of parking on-street near to the site and within the Fairfield Road car park, and the Additional Parking Survey (APS) subsequently reviewed parking on Otterfield Road, Providence Road and part of Edgar Road in January 2020.
37. The LCPDS identified significant available parking capacity during the evenings and overnight when residential demand is likely to be greatest, including a substantial number on sections of single-yellow lines which would allow parking outside of the hours of restrictions. The APS also identified 7 available spaces in the early morning on the first survey day and 13 the second day; and 31 and 29 spaces respectively in the early evening on the surveyed unrestricted roads. The LCPDS additionally included a 48-hour parking accumulation assessment of the Fairfield Road car park which identified a minimum of around 74 spaces available. These spaces would offer some scope for occasional visitor parking, even if the number of spaces were to be reduced by up to 30 in future as the Council have suggested is the subject of ongoing discussion.
38. The Council has not disputed or offered any substantive challenge to the results of these surveys, and coupled with my site visit observations I consider that

the suggestion of existing parking stress in the area has not been substantiated. Given the limited number of future occupiers that I consider are likely to depend on parking in the surrounding area and the apparent availability of parking nearby, I see no reason that the development would lead to protracted searches for spaces or parking in inappropriate locations by either existing or proposed residents. I also have no firm indication that other schemes in the area would seek to vary already agreed parking arrangements which could result in cumulative impacts together with the development.

39. I note the location of the site near to an entrance to St Matthew's Primary School, but potential harm to the safety of pupils and others would be restricted by the lack of realistic capacity for additional parking to that which already takes place on St Stephen's Road. Similarly, while the Council refers to a petition requesting a review of traffic calming on Otterfield Road with apparent mention of parked cars hindering visibility of those seeking to cross the road, there is no substantive evidence that the development would be likely to exacerbate an existing highway safety problem.
40. Moreover, while not currently part of the adopted development plan, emerging Policy T6 of the ITPLP highlights that an absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets. Controls would be subject to consultation, and I note that implementation of controls on part of St Stephen's Road was not supported historically. However, I have no firm reason to find that new or extended controls within the wider area would fail to offer an effective means to manage parking if necessary, noting provision within the DofV removing eligibility of future occupiers for resident parking permits.
41. While I have had regard to concerns raised by the Council and interested parties, there is no compelling evidence that displacement parking, should it arise, would cause or exacerbate existing parking stress or lead to injudicious parking of vehicles on the local highway network. As a consequence, I do not find that the proposal would adversely affect the safety or convenience of users of the highway network in the vicinity of the site including pedestrians, or the quality of life of existing residents or future occupiers of the development.
42. Drawing matters together, I find with particular regard to the accessibility of the site that occupiers would be able to access necessary services by non-car modes. Opportunities for occupiers to park freely at all times would be very limited, acting as a significant disincentive to vehicle ownership and use, and encouraging instead a modal shift towards walking, cycling and public transport use. Even if some overspill parking did occur, albeit that I consider this would be fairly limited, the evidence does not demonstrate that this would cause unacceptable harm.
43. I appreciate concern that the development could be used to set a precedent for other proposals with similar provision for parking. However, each proposal must be treated on its individual merits. My findings reflect the specific circumstances of the appeal site including with regard to its location in very close proximity to the station as well as bus stops and local services and the available evidence on parking conditions and available controls locally. No detailed examples of directly comparable sites have been put forward, but even if such proposals did emerge, given the absence of identified harm, I see no

reason that this should be unacceptable or that it would justify withholding permission in this case, particularly noting the strong policy support for reducing parking provision.

44. I therefore conclude on this main issue that the proposed variation of the parking arrangements would not unacceptably harm the safety or convenience of users of the highway network in the vicinity of the site including pedestrians, or the quality of life of existing residents or future occupiers of the development. Accordingly, I find no conflict with Policies DMT 1 or DMT 2 of the Local Plan or Policy 6.3 of the LP. Nor do I find conflict with Policy T4 of the ITPLP to which I give significant weight. These policies require, amongst other things, that the transport needs of development are met, that transport impacts are addressed in a sustainable manner and that development does not contribute to the deterioration of air quality, noise, local amenity or safety.

Other Matters

45. I have given careful consideration to representations made about the proposal. No changes are proposed to the scale or design of the building above ground, and I am satisfied that the effect of the development on the living conditions of neighbouring occupiers would remain acceptable including with regard to sunlight and daylight. There is also no change to the number or mix of dwellings on the site. The DoFV secures obligations previously agreed to provide infrastructure found necessary to support the development, and there is no substantive evidence before me to demonstrate that other existing services and facilities locally are already under undue pressure, or that they would not have the capacity to accommodate future residents. Congestion and noise associated with vehicle movements to and from the site would also be reduced given the lower residential parking now proposed.
46. The removal of the lower basement level means that any effects during the construction period would be likely to be less than under the original planning permission. Any effects would also be short-term, and could be mitigated by careful construction management, including measures to control dust and noise and construction traffic. For these reasons, I do not find that there would be interference to rights under Articles 1 or 8 of the European Convention on Human Rights, as enshrined within the Human Rights Act 1998.
47. I am satisfied that none of the matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and the comments by interested parties do not alter my findings on the main issue.

Planning Obligation

48. The original permission was subject to an agreement under the provisions of section 106 of the Act which secured a number of planning obligations ('the principal agreement'). The DoFV dated 11 August 2019 secures the majority of these obligations unchanged in the event that permission is granted. However, Schedule 1 of the DoFV provides for an adjusted air quality and green infrastructure contribution which reflects the reduced number of parking spaces and the updated Residential Travel Plan discussed within the main issue above. Clause 7 of the DoFV additionally secures that upon commencement of development, the original planning permission shall not be implemented.

49. From the evidence before me, these obligations remain necessary to make the development acceptable in planning terms, and the amendments made by the DoFV ensure that the obligations secured are directly related and fairly and reasonably related in scale and kind to the development. I am therefore satisfied that these obligations accord with the tests at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) ('the CIL Regulations') and reflected at paragraph 56 of the Framework. The proposal would therefore make appropriate provision for affordable housing and for infrastructure in accordance with Policy DMCI 7 of the Local Plan, Policy 8.2 of the LP and Policy DF1 of the ITPLP.
50. Schedule 1 of the DoFV additionally includes obligations which were not part of the principal agreement. These comprise a car club scheme, and a highway improvement contribution towards highway improvement works in accordance with an appended drawing. The highway improvement contribution is supported by a breakdown of costs provided by the Council, and the DoFV also provides that any unexpended or uncommitted part of the contribution would be refunded in accordance with provisions of the principal agreement.
51. The car club scheme would support a reduced reliance on private vehicles and pressure on parking in the area. On the basis of the evidence before me, I am satisfied that the obligations relating to a highway improvement contribution towards those highway improvement works associated with the provision of 2 car club spaces on St Stephen's Road, and outlined at 3.2 of Schedule 1 of the DoFV which secure appropriate membership and advertisement of the car club, are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development. Accordingly, these obligations would meet the tests within Regulation 122 of the CIL Regulations and the Framework.
52. The further provision of new marked parking bays on St Stephen's Road are indicated to provide time-limited parking during the day for local residents and shoppers rather than for the development, and it is not clear from the available information how these works would be necessary to make the development acceptable in planning terms. Accordingly, and for the avoidance of doubt, I find that the highway improvement works beyond those related to the car club spaces would fail to meet the tests in Regulation 122 of the CIL Regulations and the Framework. I have not therefore given any weight to this element of the highway improvement works obligations, and it plays no part in my decision.

Conditions

53. The Government's Planning Practice Guidance makes clear that permission granted under Section 73 of the Act should restate the conditions imposed on the earlier permission that continue to have effect, but should not extend the time limit under which the original permission must be started.
54. I have imposed a revised time limit for commencement in accordance with the original permission (condition 1). I have also imposed replacement conditions which contain the updated plan numbers (condition 2); updated supporting documentation (condition 3); and updated details of residential parking requirements as part of landscaping (condition 7). In doing so, I have had regard to the suggested conditions set out within the agreed Statement of

Common Ground (SoCG), as well as subsequent clarification from both main parties confirming the relevant supporting documentation at condition 3.

55. Condition 14 requires provision for cycle facilities. The SoCG highlights that the revision of the drawing referred to within this condition should reflect the updated plan number at condition 2. For the sake of clarity and to ensure the condition relates to the development permitted, I have therefore substituted a replacement condition 14 which contains the updated plan number.
56. I have no information before me about the status of the other non-disputed conditions imposed on the original permission, but in the event that some have been discharged, that is a matter which can be addressed by the parties. I have therefore imposed all those that I consider remain relevant as they appeared on the original permission decision. The appellant has agreed the wording of the pre-commencement conditions. I have not repeated the Council's 'Informatives', but the appellant should be aware of these from the Council's documentation.

Conclusion

57. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule 1: Disputed Conditions

Condition 2

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:- 2 - 100 Rev. F, 2 - 101 Rev. DD, 2 - 102 Rev. U, 2 - 103 Rev. H, 2 - 104 Rev. R, 2 - 105 Rev. R, 2 - 106 Rev. S, 2 - 109 Rev. X, 2 - 110 Rev. U, 2 - 111 Rev. G, 2 - 112 Rev. K, 2 - 113 Rev. G, 2 - 114 Rev. C, 2 - 115 Rev. D, 2 - 121 Rev. C, 2 - 120 Rev. D, 2 - 130 Rev. D, 2 - 201 Rev. P, 2 - 202 Rev. J, 2 - 300 Rev. G, 2 - 400 Rev. L, 2 - 401 Rev. G, 2 - 600 Rev. E, 2 - 620 Rev. E, 2 - 701 Rev. H, 2 - 702 Rev. H, 2 - 703 Rev. H, 2 - 704 Rev. H, 2 - 705 Rev. H, 2 - 706 Rev. H, 2 - 707 Rev. J, 2 - 708 Rev. H, 2 - 709 Rev. J, 2 - 710 Rev. H, 2 - 711 Rev. G, 2 - 713 Rev. G, 2 - 715 Rev. G, 2 - 717 Rev. G and 4330/P/E/3010 Rev. P.

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 Two Saved UDP Policies (November 2012) and the London Plan (March 2016).

Condition 3

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Reduction in energy use and renewable technology installation [Energy Strategy, May 2019 and its Appendices, including BRUKL Output Document (Retail); Overall Carbon Emission Reduction Report and Energy Centre Indicative Plant Layout Plan dated June 2019;

Accessibility [Design & Access Statement Addendum - November 2018, received 27/11/18]

Provision of bird boxes and bat boxes/bricks [Sustainability Statement]

Noise mitigation measures [Noise Assessment]

Dust Mitigation Measures [Air Quality Assessment]

Highway works [Transport Assessment, Volumes 1 to 4]

Foul and surface water drainage [Flood Risk Assessment in Accordance with NPPF & Drainage Strategy, Rev. B]

Tree works [Arboricultural Report]

Ground works [Preliminary Risk Assessment]

Archaeology Assessment and Mitigation [Archaeological Desk Based Assessment]

Assessment methodology and criteria [Daylight, Sunlight and Overshadowing Assessment]

Response to Planning Committee Queries Document received 23/1/19

Redwood Partnership Letter dated 28/1/19

Delivery and Servicing Plan received 19/11/18

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

Reason: To ensure that the development complies with the objectives of Policies 5.2, 5.12, 5.13, 5.15, 5.21, 6.10, 7.2, 7.8, 7.14, 7.15, 7.21 and 7.27 of the London Plan (March 2016) and Policies EC5, BE3, BE20, BE38, OE1, OE3, OE11 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

Condition 7

No above damp proof course level works shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

1. Details of Soft Landscaping, to include a possible 'rain garden' adjacent to the main store entrance, or justification as to why this is not feasible,
 - 1.a Planting plans (at not less than a scale of 1:100), to include details of a 2m deep area of defensible space outside of windows fronting the first floor podium amenity space,
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage (32 cycle spaces for the retail element and 165 spaces for the residential element including 4 short stay resident spaces close to building entrances)
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layouts, including 101 residential car parking spaces (including 14 disabled spaces) and 69 retail car parking spaces (including 6 disabled spaces) and including demonstration that 20% of all parking spaces are served by electrical charging points (active provision) and 20% of spaces can be made to be easily converted should the demand arise (passive provision),
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (including details of the designated children's play area, play equipment and furniture)
 - 2.h Landscape details on the boundary with the Vicarage should include planters containing small trees around the balustrade boundary of the garden, preventing access to it apart from essential maintenance, and all seating in the garden must face inwards.
 3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
 4. Schedule for Implementation
 4. Other
 - 4.a Existing and proposed functional services above and below ground
- Thereafter the development shall be carried out and maintained in full accordance with the approved details.

Reason: To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 3.6 and 5.17 (refuse storage) of the London Plan (March 2016).

Schedule 2: Conditions Imposed

1) The development hereby permitted shall begin before 21 August 2022.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

2 - 100 Rev. F, 2 - 101 Rev. EE, 2 - 102 Rev. U, 2 - 103 Rev. H,
2 - 104 Rev. R, 2 - 105 Rev. R, 2 - 106 Rev. S, 2 - 109 Rev. EE,
2 - 110 Rev. U, 2 - 111 Rev. G, 2 - 112 Rev. K, 2 - 113 Rev. G,
2 - 114 Rev. E, 2 - 121 Rev. C, 2 - 120 Rev. D, 2 - 130 Rev. D,
2 - 201 Rev. P, 2 - 202 Rev. J, 2 - 300 Rev. J, 2 - 400 Rev. N,
2 - 401 Rev. G, 2 - 600 Rev. E, 2 - 620 Rev. G, 2 - 701 Rev. H,
2 - 702 Rev. H, 2 - 703 Rev. H, 2 - 704 Rev. H, 2 - 705 Rev. H,
2 - 706 Rev. H, 2 - 707 Rev. J, 2 - 708 Rev. H, 2 - 709 Rev. J,
2 - 710 Rev. H, 2 - 711 Rev. G, 2 - 713 Rev. G, 2 - 715 Rev. G,
2 - 717 Rev. G and 4330/P/E/3010 Rev. P

and shall thereafter be retained/maintained for as long as the development remains in existence.

3) The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Reduction in energy use and renewable technology installation [Energy Strategy May 2019 and its Appendices including BRUKL Output Document (Retail); Overall Carbon Emission Reduction Report and Energy Centre Indicative Plant]

Accessibility [Design & Access Statement Addendum - November 2018, received 27/11/18]

Provision of bird boxes and bat boxes/bricks [Sustainability Statement]

Noise mitigation measures [Noise Assessment]

Dust Mitigation Measures [Air Quality Assessment]

Highway works [Transport Assessment August 2019, Supplementary Transport Statement October 2019, Amended Residential Travel Plan April 2020]

Foul and surface water drainage [Flood Risk Assessment in Accordance with NPPF & Drainage Strategy, Rev. B]

Tree works [Arboricultural Report]

Ground works [Preliminary Risk Assessment]

Archaeology Assessment and Mitigation [Archaeological Desk Based Assessment]

Assessment methodology and criteria [Daylight, Sunlight and Overshadowing Assessment]

Response to Planning Committee Queries Document received 23/1/19

Redwood Partnership Letter dated 28/1/19

Delivery and Servicing Plan received 19/11/18

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

4) No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor

levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

- 5) No development above damp proof course level shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

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

- 6) Prior to commencement of development, details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
 - 2.b No materials or plant shall be stored;
 - 2.c No buildings or temporary buildings shall be erected or stationed.
 - 2.d No materials or waste shall be burnt; and
 - 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
- 7) No above damp proof course level works shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Details of Soft Landscaping, to include a possible 'rain garden' adjacent to the main store entrance, or justification as to why this is not feasible,

- 1.a Planting plans (at not less than a scale of 1:100), to include details of a 2m deep area of defensible space outside of windows fronting the first floor podium amenity space,
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.a Refuse Storage,
 - 2.b Cycle Storage (32 cycle spaces for the retail element and 165 spaces for the residential element including 4 short stay resident spaces close to building entrances),
 - 2.c Means of enclosure/boundary treatments,
 - 2.d Car Parking Layouts, including 23 residential car parking spaces (including 4 disabled spaces) and 69 retail car parking spaces (including 6 disabled spaces) and including demonstration that 20% of all parking spaces are served by electrical charging points (active provision) and 20% of spaces can be made to be easily converted should the demand arise (passive provision),
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (including details of the designated children's play area, play equipment and furniture)
3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
4. Schedule for Implementation
5. Other
 - 5.a Existing and proposed functional services above and below ground.

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

- 8) Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the

effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

- 9) The side living room and bedroom window(s) on Units C02, C13, C24 and C35 on the first to fourth floors respectively facing St Mathews Church of England Primary School shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.
- 10) Details of side privacy screens on the balconies serving Units C02, C13, C24 and C35 on the first to fourth floors respectively facing St Mathews Church of England Primary School, Units C06, C17 and C28 on the first to third floors facing the internal courtyard and details of the boundary treatment of the first floor amenity areas shall be submitted to and approved by the Local Planning Authority prior to the development is brought into use.
- 11) The ground floor commercial premises hereby approved shall only be used for Class A1 retail purposes as defined within the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended).
- 12) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the phasing of the works, hours of work, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction traffic and construction materials deliveries. The plan shall be in accordance with the GLA Control of Dust and Emissions from Construction and Demolition SPG. It will ensure appropriate communication with, the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangement should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.
- 13) Notwithstanding the details in the submitted Delivery and Servicing Plan, prior to the occupation of development details of a Delivery and Servicing Plan which identifies efficiency and sustainability measures to be

undertaken once the development(s) is operational, to include revised servicing and delivery hours, shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate measures to minimise vehicle deliveries/servicing during am and pm peak hours.

- 14) Notwithstanding the details shown on Drawing No. 2 - 101 Rev. EE, revised details shall be submitted to and approved by the Local Planning Authority to show appropriate provision being made for cyclist showering and changing facilities.
- 15) The development hereby approved shall ensure that 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwellings, with all remaining units designed to the standards for Category 2 M4(2) dwellings, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.
- 16) The ground floor retail premises shall only be open to the public between the following hours:-

0600 to 2300 hours, Mondays to Saturdays and
1000 to 1800 hours on Sundays.
- 17) There shall be no loading or unloading of vehicles, including the collection of waste from the site outside of the hours of:-

0700 and 2300 hours, Mondays to Saturdays and
0900 to 1800 hours on Sundays, Public or Bank Holidays.
- 18) Prior to the occupation of the proposed development, a Car Park Management Plan for the new store and residential units shall be submitted to and approved in writing by the Local Planning Authority
- 19) Prior to the commencement of use of the new food store, a trolley trap(s) to prevent shopping trolleys leaving the site shall be implemented and thereafter retained for so long as the development remains in existence.
- 20) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI
- 21) Prior to the occupation of development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10 dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Measures shall be implemented prior to the occupation of the residential units and thereafter retained.

- 22) Prior to the commencement of the use, any plant, equipment, extraction/ventilation system and/or ducting at the development shall be mounted with proprietary antivibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.
- 23) Prior to the commencement of works above damp proof course level, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the ground floor plant room, basement car park, from noise sensitive dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the internal noise levels criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 24) The noise level in rooms at the development hereby approved shall meet the internal noise levels specified in BS8233:2014 for internal rooms and external amenity areas.
- 25) Prior to commencement on above ground works, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely living room and kitchen above bedroom of separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

- 26) Prior to the commencement of works above damp proof course level, a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details, plans and specifications of the low and zero carbon technology to be used to meet the CO2 reduction targets (as a minimum) identified in the general energy strategy (Watkins Payne, 4330-HighSt Yiewsley-Ener Strat-PlanningJC-AT-07-18). The assessment shall also include, where appropriate, location plans of the identified technology, heat networks and emission data (noise and/or pollutants) and roof plans (PVs).

The development must be completed in accordance with the approved assessment.

- 27) Prior to the commencement of works above damp proof course level, a low emission strategy (LES) shall be submitted to and approved in writing by the Local Planning Authority. The LES shall address:-

1) Demonstrate that delivery/servicing fleets are EURO VI (or equivalent through implemented retrofitting devices that will enable compliance with such Euro standards) and or zero emission (e.g. Electric)

2) Detail the provision of, and number of, electric vehicle charging units.

The Low Emission Strategy shall have targets for emission reduction and timescales, with pollution savings clearly quantified and a clear Delivery and Implementation Plan of Measures. At the end of each calendar year an implementation plan shall be submitted for approval in writing by the local planning authority, which on approval shall be fully implemented in accordance with the details and measures so approved. The measures in the agreed scheme shall be maintained throughout the life of the development.

- 28) Prior to the occupation of the development, a Bird Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards around an Aerodrome' attached *See para below for further information*

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

- 29) (i) Prior to the commencement of development, a scheme to deal with contamination shall be submitted to the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination, and approved by the LPA. All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning

Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(b) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

(ii) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

- 30) Prior to the commencement of works above damp proof course level, details of a refuse management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the store(s) will be managed to ensure that they are secure and provide details of the storage areas, design and any ventilation. The Plan shall also minimise the use of the High Street for collection of refuse.
- 31) Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority.

The scheme shall follow the strategy set out in Flood Risk Assessment in Accordance with NPPF & Drainage Strategy, Rev. A, produced by Ward & Cole dated July 2018.

The scheme shall clearly demonstrate how it, Manages Water and demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

- i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.15 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
- ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,
- iii. where identified in an area at risk of surface water flooding, include additional provision within calculations for surface water from off site
- iv. where it is intended to have above ground storage, overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, (safe access and egress must be demonstrated).

b) Capacity of Receptors

- i. Capacity demonstrated for Thames Water foul and surface water network, and provide confirmation of any upgrade work required having been implemented and receiving watercourse as appropriate.
- ii. Where infiltration techniques (soakaway) or a basement are proposed a site investigation must be provided to establish the level of groundwater on the site, and to demonstrate the suitability of infiltration techniques proposed on the site. (This should be undertaken at the appropriate time of year as groundwater levels fluctuate).
- iii. Where groundwater is found within the site and a basement is proposed suitable mitigation methods must be provided to ensure the risk to others is not increased.

c) Minimise water use.

- i. incorporate water saving measures and equipment.
- ii. provide details of how rain and grey water will be recycled and reused in the development.

d) Long Term Management and Maintenance of the drainage and flooding system.

- i. Provide a management and maintenance plan
- ii Include details of Inspection regimes, performance specification, (remediation and timescales for the resolving of issues where a PMC).
- iii Where overland flooding is proposed, the plan should include the appropriate actions to define those areas and actions required to ensure the safety of the users of the site should that be required.
- iv. Clear plans showing all of the drainage network above and below ground. The responsibility of different parties such as the landowner, PMC, sewers offered for adoption and that to be adopted by the Council Highways services.

e) From commencement on site

i. How temporary measures will be implemented to ensure no increase in flood risk from commencement on site including any clearance or demolition works.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

- 32) The development and car park areas shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.
- 33) Details of the glazing specification which demonstrate that the fit out of the food store will be designed to reduce potential overheating in accordance with the GLA cooling hierarchy and London Climate Change Adaption Strategy, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the fit out of that part of the development. The development shall be carried out in accordance with the details as approved.
- 34) Details derived using dynamic simulation software demonstrating that all dwellings comply with CIBSE TM 59 using the DSY1 design summer year weather file from CIBSE TM 49 to prevent overheating shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction of the relevant part of the development. The development shall be carried out in accordance with the details as approved.
- 35) Prior to occupation of the retail unit, details shall be submitted to the Local Planning Authority that demonstrate that all sanitary ware and taps installed in the nonresidential development hereby approved achieves a BREEAM rating of excellent for water consumption.

End of Schedule